

ACT No. 140

2022 Regular Session

HOUSE BILL NO. 265

BY REPRESENTATIVE VILLIO

1 AN ACT

2 To amend and reenact R.S. 15:574.2(D)(9) and R.S. 46:1844(B), (N)(2) and (3), and (O)(1),
3 relative to victim's rights; to provide for additional means of notification; to provide
4 for notice; to provide for appearances before the Board of Pardons and the committee
5 on parole; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:574.2(D)(9) is hereby amended and reenacted to read as follows:

8 §574.2. Committee on parole, Board of Pardons; membership; qualifications;
9 vacancies; compensation; domicile; venue; meetings; quorum; panels;
10 powers and duties; transfer of property to committee; representation of
11 applicants before the committee; prohibitions

12 * * *

13 D. In accordance with the provisions of this Part, the committee on parole
14 shall have the following powers and duties:

15 * * *

16 (9)(a) To notify the victim, or the spouse or next of kin of a deceased victim,
17 when the offender is scheduled for a parole hearing. The notification shall be in
18 writing and sent by mail or electronic communications no less than sixty days prior
19 to the hearing date. The notice shall advise the victim, or the spouse or next of kin
20 of a deceased victim, ~~of~~ how to obtain information about their rights with regard to
21 the hearing. The notice is not required when the victim, or the spouse or next of kin
22 of a deceased victim, advises the committee in writing that such notification is not

1 desired. The victim, or the spouse or next of kin of a deceased victim, shall be
 2 allowed to testify at the hearing. The victim, or the spouse or next of kin of a
 3 deceased victim, shall be allowed to testify directly, or in rebuttal to testimony or
 4 evidence offered by or on behalf of the offender, or both.

5 ~~(b) To notify the victim, or the spouse or next of kin of a deceased victim of~~
 6 ~~those offenders eligible for release pursuant to Paragraph (C)(4) of this Section. The~~
 7 ~~notification shall meet all requirements set forth in Subparagraph (a) of this~~
 8 ~~Paragraph except that it shall give notice of the offender's administrative parole~~
 9 ~~eligibility date and be sent no less than ninety days prior to the offender's~~
 10 ~~administrative parole eligibility date. If the offender's charge or amended charge on~~
 11 ~~the bill of information was a crime of violence as defined in R.S. 14:2(B) or a sex~~
 12 ~~offense as defined in R.S. 15:541, the victim, or the spouse or next of kin of a~~
 13 ~~deceased victim, shall have thirty days from the date of notification to object to the~~
 14 ~~offender's release on administrative parole and may request that the committee on~~
 15 ~~parole conduct a hearing. Notice by electronic communications is allowed only in~~
 16 ~~instances where the victim has opted-in to such form of notification during the~~
 17 ~~registration process and is complete upon transmission.~~

18 * * *

19 Section 2. R.S. 46:1844(B), (N)(2) and (3), and (O)(1), are hereby amended and
 20 reenacted to read as follows:

21 §1844. Basic rights for victim and witness

22 * * *

23 B. Advance notification to victim, or designated family member concerning
 24 judicial proceedings or probation hearing; right to be present. If requested by
 25 registering with the appropriate law enforcement or judicial agency as outlined in
 26 Subsection T of this Section, the clerk of court shall provide reasonable notice to a
 27 victim, or a designated family member of judicial proceedings or a probation hearing
 28 relating to their case. The notice required pursuant to this Subsection may be made

1 by any method reasonably calculated to notify the victim or designated family
2 member of the judicial proceeding in a timely manner.

3 * * *

4 N.

5 * * *

6 (2)(a) Upon filing of a victim notice and registration form by a victim or a
7 family member, or a witness, it shall be the duty of the Department of Public Safety
8 and Corrections, corrections services, at the time of the appeal, discharge, or parole
9 of an inmate including a juvenile inmate, to notify ~~the victim, family member, or~~
10 ~~witness, all registered persons~~ by certified mail or electronic communications of such
11 appeal or release. Such form shall be included in the prisoner's commitment
12 documents to be delivered to the warden of any state correctional facility where such
13 prisoner has been committed or transferred.

14 (b) When an inmate who has been convicted of a crime of violence as
15 defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541 is eligible for
16 release pursuant to R.S. 15:571.3, the Department of Public Safety and Corrections
17 shall notify the victim or the victim's family, all persons who have filed a victim
18 registration and notification form, the appropriate law enforcement agency, and the
19 appropriate district attorney no later than sixty days prior to the inmate's release.

20 (c) Notice by electronic communications is allowed only in instances where
21 the victim has opted-in to such form of notification during the registration process
22 and is complete upon transmission.

23 (3)(a) In the event of an escape or absconding by an inmate including a
24 juvenile inmate, from any facility under the jurisdiction of the Department of Public
25 Safety and Corrections, corrections services, it shall be the duty of the department
26 to immediately notify the victim, family member of the victim, or witness, at the
27 most current address or phone number on file with the department; and via electronic
28 mail or communication, of the escape by the most reasonable and expedient means
29 possible. If the inmate is recaptured, the department shall send notice within forty-

1 eight hours of regaining custody of the inmate. In no case shall the state be held
2 liable for damages for any failure to provide notice pursuant to this Section.

3 (b) Notice by electronic mail communications is complete upon transmission.

4 * * *

5 O. Notification of pardon or parole. (1) The Board of Pardons or the
6 committee on parole, respectively, shall notify the victim or the victim's family and
7 all persons who file a victim registration and notification form and the appropriate
8 district attorney that a hearing has been set for the person convicted of the crime.
9 The victim or victim's family shall have the right to make written and oral statements
10 as to the impact of the crime at any hearing before the board or committee and to
11 rebut any statements or evidence introduced by the inmate or defendant. The victim
12 or the victim's family, a victim advocacy group, and the district attorney or his
13 representative may also appear before the board or committee in person or by means
14 of teleconference or telephone communication ~~from the office of the local district~~
15 attorney.

16 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____