

SENATE BILL NO. 69

BY SENATOR CONNICK AND REPRESENTATIVE MARINO

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AN ACT

To amend and reenact R.S. 46:1842(3)(c), and (15)(c) and (d), 1843, and 1844(H), (K)(1)(a), and (T)(1) and (3), and to enact R.S. 46:1842(3)(d) through (h) and (15)(e) through (h), relative to crime victim protections; to provide relative to broadening rights for victims of crimes and designated family members; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:1842(3)(c), and (15)(c) and (d), 1843, and 1844(H), (K)(1)(a), and (T)(1) and (3) are hereby amended and reenacted and R.S. 46:1842(3)(d) through (h) and (15)(e) through (h) are hereby enacted to read as follows:

§1842. Definitions

In this Chapter:

\* \* \*

(3) "Crime victim who is a minor" means a person under the age of eighteen against whom any of the following offenses have been committed:

\* \* \*

(c) The offenses of vehicular negligent injuring **(R.S. 14:39.1)** and first degree vehicular negligent injuring **(R.S. 14:39.2)**.

**(d) Any offense against the person as defined in R.S. 14:29 through R.S. 14:63.3.**

**(e) Any offense committed against a family or household member as defined in R.S. 46:2132 or dating partner as defined in R.S. 46:2151.**

**(f) The offense of violation of protective orders (R.S. 14:79).**

**(g) The offenses of voyeurism (R.S. 14:283.1), Peeping Tom (R.S. 14:284), and unlawful communications (R.S. 14:285).**

**(h) Any other offense which is a felony committed against any natural**

1 person.

2 \* \* \*

3 (15) "Victim" means a person against whom any of the following offenses  
4 have been committed:

5 \* \* \*

6 (c) The offenses of vehicular negligent injuring (R.S. 14:39.1) and first  
7 degree vehicular negligent injuring (R.S. 14:39.2).

8 (d) Any offense against the person as defined in ~~the Criminal Code~~  
9 ~~committed against a family or household member as defined in R.S. 46:2132(4) or~~  
10 ~~dating partner as defined in R.S. 46:2151(B)~~ R.S. 14:29 through R.S. 14:63.3.

11 (e) Any offense committed against a family or household member as  
12 defined in R.S. 46:2132 or dating partner as defined in R.S. 46:2151.

13 (f) The offense of violation of protective orders (R.S. 14:79).

14 (g) The offenses of voyeurism (R.S. 14:283.1), Peeping Tom (R.S. 14:284),  
15 and unlawful communications (R.S. 14:285).

16 (h) Any other offense which is a felony committed against any natural  
17 person.

18 \* \* \*

19 §1843. Eligibility of victims

20 Except as provided in R.S. ~~46:1845~~, a A victim has the rights and is eligible  
21 for the services under this Chapter regardless of when the victim reported the  
22 crime to law enforcement authorities. ~~only if the victim reported the crime to law~~  
23 ~~enforcement authorities within seventy-two hours of its occurrence or discovery,~~  
24 ~~unless extenuating circumstances exist for later reporting.~~

25 §1844. Basic rights for victim and witness

26 \* \* \*

27 H. Presentence or postsentence reports. ~~If properly registered with the clerk~~  
28 ~~of court, the~~ The victim or designated family member shall have the right to review  
29 and comment on the presentence or postsentence reports relating to the crime against  
30 the victim. The trial court shall regulate when and how the presentence report is

1 provided to the victim or designated family member. The Department of Public  
 2 Safety and Corrections shall regulate how the postsentence report is provided to the  
 3 victim or designated family member.

4 \* \* \*

5 K. Right of victim or designated family member to be present and heard at  
 6 all critical stages of the proceedings.

7 (1)(a) At all critical stages of the prosecution, if the victim or designated  
 8 family member ~~has registered with the appropriate law enforcement or judicial~~  
 9 ~~agency and~~ is present, the court shall determine if the victim or designated family  
 10 member wishes to make a victim impact statement. If the victim is not present, the  
 11 court shall ascertain whether the victim or designated family member has requested  
 12 notification and, if so, whether proper notice has been issued to the victim or  
 13 designated family member, in accordance with Subsection B of this Section, by the  
 14 clerk of court or by the district attorney's office. If notice has been requested and  
 15 proper notice has not been issued, the court shall continue the proceedings until  
 16 proper notice is issued.

17 \* \* \*

18 T. Registration with the appropriate law enforcement or judicial agency.

19 (1) In order for a victim or designated family member to be eligible to receive  
 20 notices hereunder ~~and exercise the rights provided in this Chapter~~, the victim or  
 21 designated family member **must may** complete a form promulgated by the Louisiana  
 22 Commission on Law Enforcement and Administration of Criminal Justice. The form  
 23 shall be completed by the victim or designated family member and shall be filed with  
 24 the law enforcement agency investigating the offense of which the person is a victim,  
 25 as defined in this Chapter. The completed victim notice and registration form shall  
 26 be included in the documents sent by the law enforcement agency to the district  
 27 attorney for prosecution. The district attorney shall include the completed victim  
 28 notice and registration form with any subsequent bill of information or indictment  
 29 that is filed with the clerk of court. Upon conviction, the victim notice and  
 30 registration form shall be included in the documents sent by the clerk of court to the

1 Department of Public Safety and Corrections, the law enforcement agency having  
2 custody of the defendant, or the division of probation and parole.

3 \* \* \*

4 (3) The victim and designated family member shall have the right to register  
5 with the appropriate agency at any time and exercise prospectively the rights  
6 guaranteed by this Chapter. **However, a victim or designated family member who**  
7 **does not register with the appropriate agency shall nevertheless be permitted**  
8 **to exercise the rights guaranteed by this Chapter insofar as possible.**

9 \* \* \*

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_