DIGEST

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HB 160 Reengrossed   2023 Regular Session   Hilferty

Abstract: Provides relative to the rights of victims of alleged delinquent acts.

Present law (Ch.C. Art. 811.1) provides for the rights and list of services available to the victim of an alleged delinquent act.

Proposed law retains present law.

Present law (Ch.C. Art. 811.1(A)(5)) provides that the court should provide, whenever possible, a secure waiting area during court proceedings that does not require victims and their legal representatives to be in close proximity to accused children and their families and friends. Provides that the juvenile court shall provide a secure waiting area in cases involving violent crime.

Proposed law amends present law to add that the victim or the designated member of the victim's family in a case involving homicide or injury to a minor has the right to be present at all court proceedings and, whenever practical, shall be allowed to observe the proceedings by simultaneous transmission through audiovisual equipment, if such technology is available in the courtroom.

Present law (Ch.C. Art. 811.1(A)(10)) provides for consultation between the prosecutor and the victim of a violent felony-grade offense as well as the designated member of the victim's family for the purpose of obtaining their view on both the disposition as well the use of available disposition alternatives for a case that involves homicide or injury to a minor.

Proposed law amends present law to remove the designation that the victim be a victim of a felony-grade offense and provides that the district attorney, whenever practical, shall consult either the victim or a designated member of the victim's family in a case that involves homicide or injury to a minor.

Present law (Ch.C. Art. 811.1(F)) provides that any information about the status of the case in juvenile court which is received by the victim or his legal representative shall remain subject to the confidentiality restrictions of present law (Ch.C. Art. 412) and shall not be further disclosed by him.

Proposed law changes present law to prohibit public officials, officers, and agencies from disclosing the name, address, or identity of a juvenile victim of crime who at the time of the commission of the offense is under 17 years of age. Further amends present law to raise the age threshold of the juvenile victim from 17 to 18 years of age.

Present law (Ch.C. Art. 811.3(1)) defines the term "juvenile crime victim" as a person, under the age of 17, against whom an offense against the person that is a felony has been committed.

Proposed law amends the present law definition of "juvenile crime victim" to change the age threshold to under the age of 18 and to change the type of offense from an offense against the person that is a felony to a delinquent act.

Present law (Ch.C. Art. 811.3(2)) defines the term"victim" as a person against whom an offense that is a felony-grade delinquent act has been committed.

Proposed law amends the present law definition of "victim" to remove the felony-grade designation.

Present law (Ch.C. Art. 811.3(3)) defines the term "victim's family" as a spouse, parent, child, stepchild, sibling, or legal representative of the victim, except when the person is in custody for an offense or is the defendant.

Proposed law amends the definition of "victim's family" to include the victim's grandparent, guardian, or legal custodian.

Present law (Ch.C. Art. 879) provides for both the presence and exclusion of witnesses at an adjudication hearing.

Proposed law retains present law.

Present law (Ch.C. Art. 879(B)(2)) provides that the court shall allow the victim, the victim's spouse, children, siblings, parents, grandparents, guardians, and legal custodians to be present at the adjudication hearing in all juvenile delinquency proceedings involving the violation of first degree murder (R.S. 14:30), second degree murder (R.S. 14:30.1), aggravated or first degree rape (R.S. 14:42), aggravated kidnapping (R.S. 14:44), armed robbery (R.S. 14:64), negligent homicide (R.S. 14:32), or vehicular homicide (R.S. 14:32.1).

Proposed law amends present law to provide that any information regarding proceedings subject to present law, including identifying information, shall not be prohibited from disclosure to the public, notwithstanding any other provision of present law to the contrary, including but not limited to Ch.C. Art. 412.

Proposed law provides that proposed law does not authorize exclusion of any of the following witnesses:

(1)   A party who is a natural person.

(2)   A single officer or single employee of a party which is not a natural person designated as its representative or case agent by its attorney.

(3)   A person whose presence is shown by a party to be essential to the presentation of his cause

such as an expert.

(4)   The victim of the offense or the family of the victim.

Proposed law provides that a court may impose appropriate sanctions for violations of its exclusion order including contempt, or when such sanctions are insufficient, disqualification of the witness.

(Amends Ch.C. Arts. 811.1(A)(5), (10)(intro. para.), and (F), 811.3, and 879(B)(2); Adds Ch.C. Art. 879(D) and (E); Repeals Ch.C. Art. 811.1(G))

Summary of Amendments Adopted by House

    The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1.   Restructure language pertaining to the rights of the victim or the designated member of the victim's family in a case involving homicide or injury of a minor.

    The House Floor Amendments to the engrossed bill:

1.   Make technical changes.