

ACT No. 448

2023 Regular Session

HOUSE BILL NO. 160

BY REPRESENTATIVE HILFERTY

1 AN ACT

2 To amend and reenact Children's Code Articles 412(G), 811.1(A)(5) and (10)(introductory
3 paragraph) and (F), and 811.3, to enact Children's Code Article 879(D) and (E), and
4 to repeal Children's Code Article 811.1(G), relative to juvenile crime victims; to
5 provide with respect to the rights of victims; to provide relative to definitions; to
6 amend provisions relative to the confidentiality of delinquency proceedings; to
7 provide relative to the exclusion of witnesses; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Children's Code Articles 412(G), 811.1(A)(5) and (10)(introductory
10 paragraph) and (F), and 811.3 are hereby amended and reenacted and Children's Code
11 Articles 879(D) and (E) are hereby enacted to read as follows:

12 Art. 412. Confidentiality of records; disclosure exceptions; sanctions

13 * * *

14 G.(1) In accordance with Articles 811.1 and 811.3, the district attorney or
15 court ~~may~~ shall, upon request, release to the victim of a delinquent act constituting
16 a crime of violence as defined in R.S. 14:2(B), or to the victim's legal representative
17 or designated family member:

18 ~~(†)~~ (a) The results of adjudication and disposition hearings.

1 ~~(2)~~ (b) Notice of the taking into custody, release pursuant to Chapter 6 of
2 Title VIII of this Code, release due to a rejection of charges by the district attorney,
3 escape, or re-apprehension of the child accused of the crime of violence against the
4 victim.

5 ~~(3)~~ (c) Advance notice of court proceedings relating to the delinquent act.

6 ~~(4)~~ (d) Certain information contained in the predisposition report to the court
7 pursuant to Article 890, limited to those items described in Subparagraph (2) of that
8 Article.

9 (e) The name of the judge presiding over the adjudication and disposition
10 hearings.

11 (f) The offense which forms the basis for adjudication.

12 (g) The name of the accused.

13 (2) In a juvenile delinquency case involving a crime of violence as defined
14 in R.S. 14:2(B), the court shall, upon written request, release to the public the
15 following:

16 (a) The nonidentifying results of adjudication and disposition hearings.

17 (b) The name of the judge presiding over the adjudication and disposition
18 hearings.

19 (c) The offense which forms the basis for adjudication.

20 * * *

21 Art. 811.1. Rights of the victim of alleged delinquent act

22 A. The juvenile court, district attorneys, and law enforcement agencies shall
23 provide the following services to victims of alleged delinquent acts, providing the
24 victim reported the act to law enforcement authorities within seventy-two hours of
25 its occurrence or discovery, unless extenuating circumstances exist for later
26 reporting:

27 * * *

28 (5) The court should provide, whenever possible, a secure waiting area
29 during court proceedings that does not require victims and their legal representatives
30 to be in close proximity to accused children and their families and friends. The

1 juvenile court shall provide a secure waiting area in cases involving violent crime.
 2 The victim, or the designated member of the victim's family in a case involving
 3 homicide or injury to a minor, shall have the right to be present at all court
 4 proceedings and, whenever practical, be allowed to observe the proceedings by
 5 simultaneous transmission through audiovisual equipment, if such technology is
 6 available in the courtroom.

7 * * *

8 (10) ~~If requested,~~ The district attorney shall, whenever practical, consult the
 9 ~~victim of a violent felony-grade offense and~~ or the designated member of the victim's
 10 family in the case of homicide or injury to a minor ~~shall be consulted by the~~
 11 ~~prosecutor~~ in order to obtain their view regarding:

12 * * *

13 ~~F. Any information about the status of the case in juvenile court which is~~
 14 ~~received by the victim or his legal representative shall remain subject to the~~
 15 ~~confidentiality restrictions of Article 412 and shall not be further disclosed by him.~~

16 ~~G.~~(1) In order to protect the identity and provide for the safety and welfare
 17 of juvenile crime victims under the age of ~~seventeen~~ eighteen years, all public
 18 officials and officers and public agencies, including but not limited to all law
 19 enforcement agencies, sheriffs, district attorneys, judicial officers, clerks of court,
 20 and the Department of Children and Family Services or any division thereof, shall
 21 not publicly disclose the name, address, or identity of a juvenile victim of crime who
 22 at the time of the commission of the offense is under ~~seventeen~~ eighteen years of age.
 23 The public disclosure of the name of the juvenile crime victim by any public official
 24 or officer or public agency is not prohibited by this Subparagraph when the crime
 25 resulted in the death of the victim.

26 (2) Notwithstanding any other provision of law to the contrary, all public
 27 officials, officers, and public agencies, including but not limited to all law
 28 enforcement agencies, sheriffs, district attorneys, judicial officers, clerks of court,
 29 and the Department of Children and Family Services or any division thereof, charged
 30 with the responsibility of knowing the name, address and identity of juvenile crime

1 victims as a necessary part of their duties shall have full and complete access to this
 2 information regarding a juvenile crime victim and they may lawfully utilize initials,
 3 abbreviations, or other forms of indefinite descriptions on all public documents used
 4 in the performance of their duties to whatever extent they deem necessary, to prevent
 5 the public disclosure of the name, address, or identity of a juvenile victim of crime
 6 under the age of ~~seventeen~~ eighteen years.

7 * * *

8 Art. 811.3. Definitions

9 In this Chapter:

10 (1) "Juvenile crime victim" means a person, under the age of ~~seventeen~~
 11 eighteen, against whom ~~an offense against the person that is a felony~~ a delinquent act
 12 has been committed.

13 (2) "Victim" means a person against whom an offense that is a ~~felony-grade~~
 14 delinquent act has been committed.

15 (3) "Victim's family" means ~~a spouse, parent, child, stepchild, sibling, the~~
 16 spouse, child, stepchild, sibling, parent, grandparent, guardian, legal custodian, or
 17 legal representative of the victim, except when the person is in custody for an offense
 18 or is the defendant.

19 * * *

20 Art. 879. Presence at adjudication hearing; exclusion of witnesses

21 * * *

22 D. This Article does not authorize exclusion of any of the following
 23 witnesses:

24 (1) A party who is a natural person.

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

27 (3) A person whose presence is shown by a party to be essential to the
 28 presentation of his cause such as an expert.

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

1 E. A court may impose appropriate sanctions for violations of its exclusion
2 order including contempt, or when such sanctions are insufficient, disqualification
3 of the witness.

4 Section 2. Children's Code Article 811.1(G) is hereby repealed in its entirety.

5 Section 3. This Act shall become effective on January 1, 2024.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____