

## RÉSUMÉ DIGEST

ACT 448 (HB 160)

2023 Regular Session

Hilferty

Existing law provides for confidentiality of juvenile records and disclosure exceptions.

Existing law provides that the district attorney or court may, in accordance with existing law, release to the victim of a delinquent act constituting a crime of violence as defined in existing law or to the victim's legal representative or designated family member the following:

- (1) The results of adjudication and disposition hearings.
- (2) Notice of the taking into custody, release pursuant to existing law, release due to a rejection of charges by the district attorney, escape, or re-apprehension of the child accused of the crime of violence against the victim.
- (3) Advance notice of court proceedings relating to the delinquent act.
- (4) Certain information contained in the predisposition report to the court pursuant to existing law.

New law makes the release of this information from the district attorney or court to the victim, the victim's legal representative, or designated family member mandatory rather than permissive. Further provides that this disclosure shall occur at the request of the victim.

New law further amends existing law to provide for the mandatory release of the following information to the victim, the victim's legal representative, or designated family member:

- (1) The name of the judge presiding over the adjudication and disposition hearings.
- (2) The offense which forms the basis for adjudication.
- (3) The name of the accused.

New law provides that in a juvenile delinquency case involving a crime of violence as defined in existing law, the court shall release to the public the following:

- (1) The nonidentifying results of adjudication and disposition hearings.
- (2) The name of the judge presiding over the adjudication and disposition hearings.
- (3) The offense which forms the basis for adjudication.

New law further provides that this disclosure to the public shall occur upon written request provided to the court.

Existing law provides for the rights and list of services available to the victim of an alleged delinquent act.

Existing law provides that the court shall 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.

New law amends existing 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.

Existing law 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.

New law removes 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.

Existing law 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 existing law and shall not be further disclosed by him.

New law prohibits 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 existing law to raise the age threshold of the juvenile victim from 17 to 18 years of age.

Existing law 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.

New law amends the existing 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.

Existing law defines the term "victim" as a person against whom an offense that is a felony-grade delinquent act has been committed.

New law amends the existing law definition of "victim" to remove the felony-grade designation.

Existing law 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.

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

Existing law provides for both the presence and exclusion of witnesses at an adjudication hearing.

New law provides that new 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.

New 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.

Effective January 1, 2024.

(Amends Ch.C. Arts. 412(G), 811.1(A)(5) and (10)(intro. para.) and (F), and 811.3; Adds Ch.C. Art. 879(D) and (E); Repeals Ch.C. Art. 811.1(G))