

2024 Regular Session

HOUSE BILL NO. 212

BY REPRESENTATIVE BEAULLIEU

CRIMINAL/VICTIMS: Provides relative to notification procedures in certain circumstances

1 AN ACT

2 To amend and reenact R.S. 15:572(A) and to enact R.S. 46:1844(Y), relative to victim

3 notification in certain circumstances; to require notification by the governor's office

4 to certain parties prior to issuing a commutation or pardon; to provide time periods

5 for providing notices; to require the Louisiana Department of Health to provide

6 notice to certain parties when a person committed to their custody is transferred or

7 released from custody; to require the office of the district attorney to provide notice

8 to certain parties; to provide with respect to electronic notice when a defendant

9 escapes or absconds; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 15:572(A) is hereby amended and reenacted to read as follows:

12 §572. Powers of governor to grant reprieves and pardons; automatic pardon for first
13 offender; payment of court costs required

14 A.(1) The governor may grant reprieves to persons convicted of offenses
15 against the state and, upon recommendation of the Board of Pardons as hereinafter
16 provided for by this Part, may commute sentences, pardon those convicted of
17 offenses against the state, and remit fines and forfeitures imposed for such offenses.

18 Notwithstanding any provision of law to the contrary, the governor shall not grant
19 any pardon to any person unless that person has paid all of the court costs which

1 were imposed in connection with the conviction of the crime for which the pardon
2 is to be issued.

3 (2) At least thirty days before taking action on the Board of Pardons'
4 favorable recommendation for commutation or pardon of a criminal sentence, the
5 governor shall notify all of the following before commuting or pardoning a criminal
6 sentence:

7 (a) The victim, family member of the victim, or the spouse or next of kin of
8 a deceased victim.

9 (b) The appropriate court of criminal jurisdiction.

10 (c) The district attorney of the parish in which the applicant was convicted.

11 * * *

12 Section 2. R.S. 46:1844(Y) is hereby enacted to read as follows:

13 §1844. Basic rights for victim and witness

14 * * *

15 Y. Notification when the defendant is found not competent to stand trial or
16 not guilty by reason of insanity.

17 (1) When the defendant has been adjudicated as not competent to stand trial
18 or has been found not guilty by reason of insanity and has been committed to the
19 custody of the Louisiana Department of Health pursuant to Title XXI of the Code of
20 Criminal Procedure, the Louisiana Department of Health shall notify the appropriate
21 court of criminal jurisdiction and the district attorney if any of the following occur:

22 (a) The defendant is transferred to another facility.

23 (b) The defendant is placed on conditional release, including any material
24 changes that are made to the conditions of his release.

25 (c) The defendant is released from custody.

26 (2)(a) Upon filing of a victim notice and registration form by a victim, a
27 family member of a victim, or a witness, the district attorney's office shall notify by
28 mail or electronic communications the victim or the victim's family and all persons

1 who have filed a victim registration and notification form within thirty days of the
2 receipt of notification.

3 (b) Notice by electronic communication shall be allowed only in instances
4 where the registered person has opted in to such form of notification during the
5 registration process and is complete upon transmission.

6 (3)(a) In the event of an escape or absconding of a defendant, including a
7 juvenile defendant, from any facility under the jurisdiction of the Louisiana
8 Department of Health or from a private mental institution where the defendant has
9 been committed, the Louisiana Department of Health or the private mental institution
10 shall immediately notify all of the following of the escape by the most reasonable
11 and expedient means possible:

12 (i) The appropriate court of criminal jurisdiction.

13 (ii) The district attorney.

14 (iii) The victim, family member of the victim, or witness, if known, at the
15 most current address or phone number on file with the department and by electronic
16 mail or communication.

17 (b) If the defendant is recaptured, the Louisiana Department of Health or the
18 private mental institution shall send notice within forty-eight hours of regaining
19 custody of the defendant. In no case shall the state be held liable for damages for
20 any failure to provide notice pursuant to this Section.

21 (c) Notice by electronic mail communications is complete upon
22 transmission.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 212 Original

2024 Regular Session

Beaulieu

Abstract: Requires notice to victims, families, and other parties prior to issuance of a pardon or in other circumstances.

Present law provides for the authority of the governor to grant pardons and reprieves.

Proposed law retains those provisions of present law.

Proposed law requires that at least 30 days prior to taking action on a recommendation of the Board of Pardons, the governor shall notify the following before issuing the pardon or commuting the sentence:

- (1) The victim, family member of the victim, or the spouse or next of kin of a deceased victim.
- (2) The appropriate court of criminal jurisdiction.
- (3) The district attorney of the parish in which the applicant was convicted.

Proposed law requires LDH to notify the district attorney and criminal court (regarding a defendant adjudicated not competent to stand trial or not guilty by reason of insanity and committed to LDH) when:

- (1) The defendant is transferred to another facility.
- (2) The defendant is released from custody or placed on conditional release.

Proposed law further requires the district attorney to notify the victim or victim's family if they have requested notification.

Proposed law requires LDH to notify the district attorney, victim, and criminal court if the person escapes.

Proposed law requires LDH notify the same people in 48 hours if the defendant is recaptured.

(Amends R.S. 15:572(A); Adds R.S. 46:1844(Y))