

2024 Regular Session

HOUSE BILL NO. 734

BY REPRESENTATIVE VILLIO

CRIMINAL/VICTIMS: Provides relative to victim notification

1 AN ACT

2 To amend and reenact R.S. 14:130.1(B)(1) and (3) and to enact R.S. 14:130.1(A)(5), (B)(5),
3 and (C) and R.S. 46:1844(Y), relative to victim notification; to provide relative to
4 the elements of the crime of obstruction of justice; to provide relative to the penalties
5 for the crime of obstruction of justice; to provide for a definition; to provide relative
6 to the contacting of a victim's family in a case where the death penalty has been
7 imposed; to provide for notification procedures; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:130.1(B)(1) and (3) are hereby amended and reenacted and R.S.
10 14:130.1(A)(5), (B)(5), and (C) are hereby enacted to read as follows:

11 §130.1. Obstruction of justice

12 A. The crime of obstruction of justice is any of the following when
13 committed with the knowledge that such act has, reasonably may, or will affect an
14 actual or potential present, past, or future criminal proceeding as described in this
15 Section:

16 * * *

17 (5) Contacting a family member of the victim in a manner that knowingly
18 and intentionally violates the provisions of R.S. 46:1844(Y).

19 B. Whoever commits the crime of obstruction of justice shall be subject to
20 the following penalties:

1 (1) When the obstruction of justice involves a criminal proceeding in which
2 a sentence of death or life imprisonment may be imposed, except as provided in
3 Paragraph (5) of this Subsection, the offender shall be fined not more than one
4 hundred thousand dollars, imprisoned for not more than forty years at hard labor, or
5 both.

6 * * *

7 (3) When the obstruction of justice involves any other criminal proceeding,
8 except as provided in ~~Paragraph (4)~~ Paragraphs (4) or (5) of this Subsection, the
9 offender shall be fined not more than ten thousand dollars, imprisoned for not more
10 than five years, with or without hard labor, or both.

11 * * *

12 (5) When the obstruction of justice is committed as described in Paragraph
13 (A)(5) of this Section and involves a criminal proceeding in which the sentence
14 imposed is a sentence of death, the offender shall be fined not more than five
15 thousand dollars, imprisoned for not more than three years, with or without hard
16 labor, or both.

17 C. For the purposes of this Section, "family member" shall have the same
18 meaning and definition as in R.S. 46:2132.

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

20 §1844. Basic rights for victim and witness

21 * * *

22 Y. Capital Cases.

23 (1) In cases where the sentence is the death penalty and the clemency process
24 has commenced, the victim's family shall have the right to not be contacted by any
25 of the following unless an appointment has been requested with a victim service
26 coordinator appointed by the prosecuting agency and the family:

- 27 (a) The offender.
- 28 (b) Any family member or friend of the offender.
- 29 (c) Any legal representative of the offender.

1 (d) Any person or group who actually or purports to represent the defendant
2 or the interests of the defendant.

3 (2) Upon conviction in cases where the sentence is the death penalty, the
4 victim's family shall be notified by the prosecuting agency of their right to not be
5 contacted by any person, group, or entity who actually or purports to represent the
6 defendant or the interests of the defendant in subsequent clemency procedures,
7 unless an appointment has been requested with a victim service coordinator
8 appointed by the prosecuting agency and the family. The prosecuting agency shall
9 provide a form to the victim's family to request that the victim's family not be
10 contacted in any manner by any person, group, or entity who actually or purports to
11 represent the defendant or the interests of the defendant related to clemency
12 procedures. The prosecuting agency shall provide notice of this document by United
13 States mail to each party in the case.

14 (3) Whoever violates the provisions of this Subsection shall be punished in
15 accordance with R.S. 14:130.1(B)(5).

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 734 Original

2024 Regular Session

Villio

Abstract: Provides relative to the contacting of a victim's family in certain circumstances.

Present law (R.S. 14:130.1) provides for the crime of obstruction of justice and provides for penalties.

Proposed law retains present law and provides that contacting a family member of the victim in a manner that knowingly and intentionally violates the provisions of proposed law (R.S. 46:1844(Y)) constitutes the crime of obstruction of justice.

Proposed law further provides that when the obstruction of justice is committed as described in proposed law and involves a criminal proceeding in which the sentence imposed is a sentence of death, the offender shall be fined not more than \$5,000, imprisoned for not more than three years, with or without hard labor, or both.

Proposed law provides that the term "family member" shall have the same meaning and definition as in present law (R.S. 46:2132).

Present law (R.S. 46:1844) provides for the basic rights for victim and witness.

Proposed law retains present law.

Proposed law provides that in cases where the sentence is the death penalty and the clemency process has commenced, the victim's family shall have the right to not be contacted by any of the following unless an appointment has been requested with a victim service coordinator appointed by the prosecuting agency and the family:

- (1) The offender.
- (2) Any family member or friend of the offender.
- (3) Any legal representative of the offender.
- (4) Any person or group who actually or purports to represent the defendant or the interests of the defendant.

Proposed law provides that upon conviction in cases where the sentence is the death penalty, the victim's family shall be notified by the prosecuting agency of their right to not be contacted by any person, group, or entity who actually or purports to represent the defendant or the interests of the defendant in subsequent clemency procedures, unless an appointment has been requested with a victim service coordinator appointed by the prosecuting agency and the family.

Proposed law provides that the prosecuting agency shall provide a form to the victim's family to request that the victim's family not be contacted in any manner by any person, group, or entity who actually or purports to represent the defendant or the interests of the defendant related to clemency procedures. Further provides that the prosecuting agency shall provide notice of this document by U.S. mail to each party in the case.

Proposed law provides that whoever violates the provisions of proposed law shall be punished in accordance with proposed law (R.S. 14:130.1(B)(5)).

(Amends R.S. 14:130.1(B)(1) and (3); Adds R.S. 14:130.1(A)(5), (B)(5), and (C) and R.S. 46:1844(Y))