

GREEN SHEET REDIGEST

HB 734

2024 Regular Session

Villio

CRIMINAL/VICTIMS: Provides relative to victim notification.

DIGEST

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, approved, and arranged through a victim service coordinator appointed by the La. Victim Outreach Program by the Crime Victims Services Bureau, Dept. of Public Safety and Corrections 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 offender or the interests of the offender.

Proposed law provides that upon conviction in cases where the sentence is the death penalty, the victim's family shall be notified by the Crime Victims Services Bureau of their right to not be contacted by any person, group, or entity who actually or purports to represent the offender or the interests of the offender in subsequent clemency procedures, unless an appointment has been requested, approved, and arranged through a victim service coordinator appointed by the La. Victim Outreach Program by the Crime Victims Services Bureau, Dept. of Public Safety and Corrections and the family.

Proposed law provides that the La. Victim Outreach Program by the Crime Victims Services Bureau, Dept. of Public Safety and Corrections 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 offender or the interests of the offender 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))

Summary of Amendments Adopted by House

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

1. Specify that any appointment made by certain individuals who seek to contact the victim's family has to be requested, approved, and arranged through a victim service coordinator appointed by the prosecuting agency and the victim's family.
2. Change the term "defendant" to "offender" throughout proposed law.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the engrossed bill

1. Change the appointing authority for the victim service coordinator from the prosecuting agency to the La. Victim Outreach Program by the Crime Victims Services Bureau, Dept. of Public Safety and Corrections.
2. Change the obligation in death penalty cases for notifying the victim's family of its right not to be contacted by certain persons from the prosecuting agency to the Crime Victims Services Bureau.
3. Change the responsibility for providing certain forms to the victim's family from the prosecuting agency to the Crime Victims Services Bureau.