

2017 Regular Session

HOUSE BILL NO. 116

BY REPRESENTATIVE DWIGHT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/VICTIMS: Provides relative to the registration and rights of crime victims

1 AN ACT

2 To amend and reenact R.S. 46:1844(A)(2)(b) and (d), (M)(1) and (2), (O), and (R) and to
3 enact R.S. 46:1844(A)(2)(e), relative to rights of crime victims; to provide relative
4 to the registration of crime victims; to provide relative to the development of a
5 system that allows for electronic registration and notification; to authorize a
6 registered victim to submit a reentry statement recommending certain parole
7 conditions for the inmate; to require the Crime Victims Services Bureau to provide
8 the victim with information relative to the reentry statement; and to provide for
9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 46:1844(A)(2)(b) and (d), (M)(1) and (2), (O), and (R) are hereby
12 amended and reenacted and R.S. 46:1844(A)(2)(e) is hereby enacted to read as follows:

13 §1844. Basic rights for victim and witness

14 A. Services and information concerning services available to victims and
15 witnesses of a crime.

16 * * *

17 (2) The Department of Public Safety and Corrections shall maintain the
18 Crime Victims Services Bureau presently in operation. The bureau shall publicize
19 and provide a way for crime victims and their family members to be kept informed
20 about the following:

21 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 (b) ~~Parole board~~ Committee on parole or pardon board hearings or other
2 release hearings.

3 * * *

4 (d) Beginning August 1, 2018, information regarding the process by which
5 a victim may provide a reentry statement to request that the inmate be subject to
6 certain proximity or contact restrictions as part of the inmate's parole conditions, if
7 the inmate appeared before the committee on parole and was granted parole by the
8 committee, and information on the availability of assistance to the victim in
9 completing the reentry statement.

10 (e) Inquiries concerning the department's policies and programs for inmates.

11 * * *

12 M. Victims' right to seek restitution.

13 (1) If the defendant is found guilty, the court or committee on parole ~~board~~
14 shall require the defendant to pay restitution to the appropriate party in an amount
15 and manner determined by the court. In addition, the court or committee on parole
16 ~~board~~ may require the defendant to perform community service work in an amount
17 and according to a schedule determined by the court.

18 (2) One of the conditions of work release shall be a requirement that an
19 inmate pay from his earnings all restitution ordered by the court or the committee on
20 ~~parole board~~. Even if no restitution has been ordered, the sheriff or director of the
21 program shall have the right to require payment of restitution as a condition of work
22 release.

23 * * *

24 O. Notification of pardon or parole.

25 (1) The Board of Pardons or the ~~Board of Parole~~ committee on parole,
26 respectively, shall notify the victim or the victim's family and the appropriate district
27 attorney that a hearing has been set for the person convicted of the crime against the
28 victim. The victim or victim's family shall have the right to make written and oral
29 statements as to the impact of the crime at any hearing before ~~either~~ the board or

1 committee and to rebut any statements or evidence introduced by the inmate or
2 defendant. The victim or the victim's family, a victim advocacy group, and the
3 district attorney or his representative may also appear before ~~either~~ the board or
4 committee in person or by means of telephone communication from the office of the
5 local district attorney.

6 (2) Beginning August 1, 2018, when an inmate in physical custody is within
7 three months of his earliest projected release date, a registered victim may contact
8 the Crime Victim Services Bureau to submit a reentry statement to the committee on
9 parole requesting that the inmate be subject to certain proximity or contact
10 restrictions, as part of the inmate's parole conditions, that the victim believes are
11 necessary for the victim's protection. The committee on parole may consider the
12 victim's reentry statement only for the purpose of determining the inmate's parole
13 conditions and not for the purpose of determining whether to order the release of the
14 inmate on parole. A victim's reentry statement is not binding on the committee on
15 parole, but shall be considered in concert with other relevant information when
16 setting parole conditions. The provisions of this Paragraph apply only to those
17 persons who are to appear at a hearing before the committee on parole to determine
18 whether the person should be granted parole.

19 * * *

20 R. Preparation of victim notice and registration forms.

21 (1) The Louisiana Commission on Law Enforcement and Administration of
22 Criminal Justice shall cause to be promulgated uniform victim notice and registration
23 forms which outline and explain the rights and services established by this Chapter.
24 This information shall be updated as necessary. The costs of developing the victim
25 notice and registration form shall be funded by the Louisiana Commission on Law
26 Enforcement and Administration of Criminal Justice.

27 (2) To the extent that funding is available for such purposes, the Louisiana
28 Commission on Law Enforcement and Administration of Criminal Justice shall
29 develop and provide, by August 1, 2018, a system by which an agency may choose

restrictions, as part of the inmate's parole conditions, that the victim believes are necessary for the victim's protection. Provides that the victim's reentry statement is not binding on the committee on parole, but requires the committee on parole to consider the victim's reentry statement, along with other relevant information, only for the purpose of determining the inmate's parole conditions.

Proposed law requires, to the extent that funding is available for such purposes, the La. Commission on Law Enforcement and Administration of Criminal Justice to develop and provide, by Aug. 1, 2018, a system by which an agency may choose to complete and submit the uniform victim notice and registration form electronically and the victim may choose to receive all notices electronically.

(Amends R.S. 46:1844(A)(2)(b) and (d), (M)(1) and (2), (O), and (R); Adds R.S. 46:1844(A)(2)(e))

Summary of Amendments Adopted by House

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

1. Provide that the victim's reentry statement and request that the inmate be subject to certain proximity or contact restriction does not apply to an inmate who is being released by diminution of sentence for good behavior or "good time".
2. Provide that the victim's reentry statement is not binding on the committee on parole, but shall be considered in concert with other relevant information when setting parole conditions.
3. Clarify that the system to be developed by the La. Commission on Law Enforcement and Administration of Criminal Justice will allow for an agency to electronically submit the uniform victim notice and registration form and allow the victim to receive all notices electronically.

The House Floor Amendments to the engrossed bill:

1. Clarify that the victim's reentry statement and request that the inmate be subject to certain proximity or contact restrictions applies only to those persons who are to appear at a hearing before the committee on parole to determine whether the person should be granted parole.