2018 Regular Session

HOUSE BILL NO. 307

BY REPRESENTATIVE THOMAS AND SENATOR BARROW

1	AN ACT
2	To amend and reenact R.S. $46:1844(W)(1)(a)$ and (b) and (3), to enact R.S. $44:3(J)$ and R.S.
3	46:1844(W)(5), and to repeal R.S. 44:3(A)(4)(d), relative to privacy of crime
4	victims; to prohibit the disclosure of contact information; to provide relative to the
5	duties of certain public officials; to provide for definitions; and to provide for related
6	matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 44:3(J) is hereby enacted to read as follows:
9	§3. Records of prosecutive, investigative, and law enforcement agencies and
10	communications districts
11	* * *
12	J.(1) Nothing in this Chapter shall be construed to require the disclosure of
13	information which would reveal the name, address, contact information, or identity
14	of a victim of a sex offense or a human trafficking-related offense as those terms are
15	defined in R.S. 46:1844.
16	(2) Nothing in this Chapter shall be construed to require the disclosure of
17	information which would reveal the name, address, contact information, or identity
18	of a crime victim who at the time of the commission of the offense is a minor under
19	eighteen years of age.
20	(3) Nothing in this Chapter shall be construed to require the disclosure of
21	information which would reveal the address or contact information of a victim of a
22	crime against a family member, household member, or dating partner. "Family

Page 1 of 5

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	member" and "household member" shall have the same definitions as in R.S.
2	46:2132 and "dating partner" shall have the same definition as in R.S. 46:2151.
3	Section 2. R.S. 46:1844(W)(1)(a) and (b) and (3) are hereby amended and reenacted
4	and R.S. 46:1844(W)(5) is hereby enacted to read as follows:
5	§1844. Basic rights for victim and witness
6	* * *
7	W. Confidentiality of crime victims who are minors, victims of sex offenses,
8	and victims of human trafficking-related offenses.
9	(1)(a) In order to protect the identity and provide for the safety and welfare
10	of crime victims who are minors under the age of eighteen years and of victims of
11	sex offenses or human trafficking-related offenses, notwithstanding any provision
12	of law to the contrary, all public officials and officers and public agencies, including
13	but not limited to all law enforcement agencies, sheriffs, district attorneys, judicial
14	officers, clerks of court, the Crime Victims Reparations Board, and the Department
15	of Children and Family Services or any division thereof, shall not publicly disclose
16	the name, address, contact information, or identity of crime victims who at the time
17	of the commission of the offense are minors under eighteen years of age or of
18	victims of sex offenses or human trafficking-related offenses, regardless of the date
19	of commission of the offense. The confidentiality of the identity of the victim who
20	at the time of the commission of the offense is a minor under eighteen years of age
21	or the victim of a sex offense or human trafficking-related offense may be waived
22	by the victim. The public disclosure of the name of the juvenile crime victim by any
23	public official or officer or public agency is not prohibited by this Subsection when
24	the crime resulted in the death of the victim.
25	(b) In order to protect the identity and provide for the safety and welfare of
26	crime victims who are minors under the age of eighteen years and of victims of sex
27	offenses or human trafficking-related offenses, notwithstanding any provision of law
28	to the contrary, an attorney for any party shall be prohibited from publicly disclosing,

1 except during trial, the name, address, contact information, or identity of crime 2 victims who at the time of the commission of the offense are under eighteen years 3 of age or are victims of sex offenses or human trafficking-related offenses, regardless 4 of the date of commission of the offense. An attorney may lawfully utilize initials, 5 abbreviations, or other forms of indefinite descriptions on documents used in the 6 performance of their duties to prevent the public disclosure of the name, address, 7 contact information, or identity of such crime victims. If the name, address, contact 8 information, or identity of such a crime victim must be disclosed in a motion or 9 pleading, that motion or pleading shall be filed with the court requesting that it be 10 kept under seal. Failure to comply with the provisions of this Subparagraph shall be 11 punishable as contempt of court.

*

*

12

28

13 (3) Notwithstanding any other provision of law to the contrary, all public 14 officials, officers, and public agencies, including but not limited to all law 15 enforcement agencies, sheriffs, district attorneys, judicial officers, clerks of court, 16 the Crime Victims Reparations Board, and the Department of Children and Family 17 Services or any division thereof, charged with the responsibility of knowing the 18 name, address, contact information, and identity of crime victims who are minors or 19 of crime victims of a sex offense or a human trafficking-related offense as a 20 necessary part of their duties shall have full and complete access to this information 21 regarding a crime victim who is a minor or a victim of a sex offense or a human 22 trafficking-related offense. Either prior to or at the time of a request for information, 23 the public official or officer or public agency shall take measures to prevent the 24 public disclosure of the name, address, contact information, or identity of such a 25 crime victim who is a minor or a victim of a sex offense or human trafficking-related 26 offense, which may include the use of initials, abbreviations, or any other form of 27 concealing the identity of the victim on all public documents.

*

Page 3 of 5

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

ENROLLED

1	(5)(a) In order to provide for the safety and welfare of victims of crimes
2	against family members, household members, or dating partners, notwithstanding
3	any provision of law to the contrary, all public officials and officers and public
4	agencies, including but not limited to all law enforcement agencies, sheriffs, district
5	attorneys, judicial officers, clerks of court, the Crime Victims Reparations Board,
6	and the Department of Children and Family Services or any division thereof, shall
7	not publicly disclose the address or contact information of victims of crimes against
8	family members, household members, or dating partners. The confidentiality of the
9	address and contact information of the victim of a crime against a family member,
10	household member, or dating partner may be waived by the victim.
11	(b) In order to provide for the safety and welfare of victims of crimes against
12	family members, household members, or dating partners, notwithstanding any
13	provision of law to the contrary, an attorney for any party shall be prohibited from
14	publicly disclosing, except during trial, the address and contact information of
15	victims of crimes against family members, household members, or dating partners.
16	If the address and contact information of such a crime victim must be disclosed in
17	a motion or pleading, that motion or pleading shall be filed with the court requesting
18	that it be kept under seal. Failure to comply with the provisions of this Subparagraph
19	shall be punishable as contempt of court.
20	(c) Notwithstanding any other provision of law to the contrary, all public
21	officials, officers, and public agencies, including but not limited to all law
22	enforcement agencies, sheriffs, district attorneys, judicial officers, clerks of court,
23	the Crime Victims Reparations Board, and the Department of Children and Family
24	Services or any division thereof, charged with the responsibility of knowing the
25	address and contact information of victims of crimes against family members,
26	household members, or dating partners as a necessary part of their duties shall have
27	full and complete access to this information regarding a victim of a crime against a
28	family member, household member, or dating partner. Either prior to or at the time
29	of a request for information, the public official or officer or public agency shall take

Page 4 of 5

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	measures to prevent the public disclosure of the address and contact information of
2	a victim of a crime against a family member, household member, or dating partner.
3	(d) For the purposes of this Section, "family member" and "household
4	member" shall have the same definitions as in R.S. 46:2132 and "dating partner"
5	shall have the same definition as in R.S. 46:2151.
6	Section 3. R.S. 44:3(A)(4)(d) is hereby repealed in its entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____