

2022 Regular Session

HOUSE BILL NO. 265

BY REPRESENTATIVE VILLIO

CRIMINAL/VICTIMS: Provides relative to victim notification

1 AN ACT

2 To amend and reenact R.S. 15:574.2(D)(9) and R.S. 46:1844(B), (N)(2) and (3), and (O)(1),
3 relative to victim's rights; to provide for additional means of notification; to provide
4 for notice; to provide for appearances before the Board of Pardons and the committee
5 on parole; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:574.2(D)(9) is hereby amended and reenacted to read as follows:

8 §574.2. Committee on parole, Board of Pardons; membership; qualifications;
9 vacancies; compensation; domicile; venue; meetings; quorum; panels;
10 powers and duties; transfer of property to committee; representation of
11 applicants before the committee; prohibitions

12 * * *

13 D. In accordance with the provisions of this Part, the committee on parole
14 shall have the following powers and duties:

15 * * *

16 (9)(a) To notify the victim, or the spouse or next of kin of a deceased victim,
17 when the offender is scheduled for a parole hearing. The notification shall be in
18 writing and sent by mail or electronic communications no less than sixty days prior
19 to the hearing date. The notice shall advise the victim, or the spouse or next of kin
20 of a deceased victim, ~~of~~ how to obtain information about their rights with regard to

1 the hearing. The notice is not required when the victim, or the spouse or next of kin
2 of a deceased victim, advises the committee in writing that such notification is not
3 desired. The victim, or the spouse or next of kin of a deceased victim, shall be
4 allowed to testify at the hearing. The victim, or the spouse or next of kin of a
5 deceased victim, shall be allowed to testify directly, or in rebuttal to testimony or
6 evidence offered by or on behalf of the offender, or both.

7 ~~(b) To notify the victim, or the spouse or next of kin of a deceased victim of~~
8 ~~those offenders eligible for release pursuant to Paragraph (C)(4) of this Section. The~~
9 ~~notification shall meet all requirements set forth in Subparagraph (a) of this~~
10 ~~Paragraph except that it shall give notice of the offender's administrative parole~~
11 ~~eligibility date and be sent no less than ninety days prior to the offender's~~
12 ~~administrative parole eligibility date. If the offender's charge or amended charge on~~
13 ~~the bill of information was a crime of violence as defined in R.S. 14:2(B) or a sex~~
14 ~~offense as defined in R.S. 15:541, the victim, or the spouse or next of kin of a~~
15 ~~deceased victim, shall have thirty days from the date of notification to object to the~~
16 ~~offender's release on administrative parole and may request that the committee on~~
17 ~~parole conduct a hearing. Notice by electronic communications is allowed only in~~
18 ~~instances where the victim has opted-in to such form of notification during the~~
19 ~~registration process and is complete upon transmission.~~

20 * * *

21 Section 2. R.S. 46:1844(B), (N)(2) and (3), and (O)(1), are hereby amended and
22 reenacted to read as follows:

23 §1844. Basic rights for victim and witness

24 * * *

25 B. Advance notification to victim, or designated family member concerning
26 judicial proceedings or probation hearing; right to be present. If requested by
27 registering with the appropriate law enforcement or judicial agency as outlined in
28 Subsection T of this Section, the clerk of court shall provide reasonable notice to a
29 victim, or a designated family member of judicial proceedings or a probation hearing

1 relating to their case. The notice required pursuant to this Subsection may be made
2 by any method reasonably calculated to notify the victim or designated family
3 member of the judicial proceeding in a timely manner.

4 * * *

5 N.

6 * * *

7 (2)(a) Upon filing of a victim notice and registration form by a victim or a
8 family member, or a witness, it shall be the duty of the Department of Public Safety
9 and Corrections, corrections services, at the time of the appeal, discharge, or parole
10 of an inmate including a juvenile inmate, to notify ~~the victim, family member, or~~
11 ~~witness, all registered persons~~ by certified mail or electronic communications of such
12 appeal or release. Such form shall be included in the prisoner's commitment
13 documents to be delivered to the warden of any state correctional facility where such
14 prisoner has been committed or transferred.

15 (b) When an inmate who has been convicted of a crime of violence as
16 defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541 is eligible for
17 release pursuant to R.S. 15:571.3, the Department of Public Safety and Corrections
18 shall notify the victim or the victim's family, all persons who have filed a victim
19 registration and notification form, the appropriate law enforcement agency, and the
20 appropriate district attorney no later than sixty days prior to the inmate's release.

21 (c) Notice by electronic communications is allowed only in instances where
22 the victim has opted-in to such form of notification during the registration process
23 and is complete upon transmission.

24 (3)(a) In the event of an escape or absconding by an inmate including a
25 juvenile inmate, from any facility under the jurisdiction of the Department of Public
26 Safety and Corrections, corrections services, it shall be the duty of the department
27 to immediately notify the victim, family member of the victim, or witness, at the
28 most current address or phone number on file with the department; and via electronic
29 mail or communication, of the escape by the most reasonable and expedient means

1 possible. If the inmate is recaptured, the department shall send notice within forty-
2 eight hours of regaining custody of the inmate. In no case shall the state be held
3 liable for damages for any failure to provide notice pursuant to this Section.

4 (b) Notice by electronic mail communications is complete upon transmission.

5 * * *

6 O. Notification of pardon or parole. (1) The Board of Pardons or the
7 committee on parole, respectively, shall notify the victim or the victim's family and
8 all persons who file a victim registration and notification form and the appropriate
9 district attorney that a hearing has been set for the person convicted of the crime.
10 The victim or victim's family shall have the right to make written and oral statements
11 as to the impact of the crime at any hearing before the board or committee and to
12 rebut any statements or evidence introduced by the inmate or defendant. The victim
13 or the victim's family, a victim advocacy group, and the district attorney or his
14 representative may also appear before the board or committee in person or by means
15 of teleconference or telephone communication ~~from the office of the local district~~
16 ~~attorney.~~

17 * * *

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 265 Reengrossed

2022 Regular Session

Villio

Abstract: Provides relative to additional methods of victim notification.

Present law provides for the powers and duties of the committee on parole.

Present law provides that one of the powers and duties of the committee on parole is to notify the victim, or the spouse or next of kin of a deceased victim, when the offender is scheduled for a parole hearing. Provides that the notification shall be in writing and sent no less than 60 days prior to the hearing date and that the notice shall advise the victim, or the spouse or next of kin of a deceased victim, of their rights with regard to the hearing.

Proposed law amends present law and provides that the notification shall be in writing and sent by mail or electronic communications no less than 60 days prior to the hearing date. Provides that the notice shall advise the victim, or the spouse or next of kin of a deceased victim how to obtain information about their rights with regard to the hearing.

Present law provides that one of the powers and duties of the committee on parole is to notify the victim, or the spouse or next of kin of a deceased victim of those offenders eligible for release pursuant to present law. Provides that the notification shall meet all requirements set forth in present law except that it shall give notice of the offender's administrative parole eligibility date and be sent no less than 90 days prior to the offender's administrative parole eligibility date. Provides that if the offender's charge or amended charge on the bill of information was a crime of violence as defined in present law or a sex offense as defined in present law, the victim, or the spouse or next of kin of a deceased victim, shall have 30 days from the date of notification to object to the offender's release on administrative parole and may request that the committee on parole conduct a hearing.

Proposed law amends present law to provide that notice by electronic communications is allowed only in instances where the victim has opted-in to such form of notification during the registration process and is complete upon transmission.

Present law provides for advance notification by the clerk of court to a victim, or designated family member concerning judicial proceedings and the right to be present.

Proposed law retains present law and adds notification for a probation hearing.

Present law provides for the duties of the DPS&C.

Present law provides that one of the powers and duties of the DPS&C, at the time of the appeal, discharge, or parole of an inmate including a juvenile inmate, is to notify the victim, family member, or witness, by certified mail of such appeal or release upon filing of a victim notice and registration form by a victim or a family member, or a witness.

Proposed law amends present law to provide that one of the powers and duties of the DPS&C, at the time of the appeal, discharge, or parole of an inmate including a juvenile inmate, is to notify all registered persons by mail or electronic communications of such appeal or release.

Proposed law provides that the DPS&C shall notify the victim or the victim's family, all persons who have filed a victim registration and notification form, the appropriate law enforcement agency, and the appropriate district attorney no later than 60 days prior to release of an inmate who has been convicted of a crime of violence or a sex offense as provided in present law.

Proposed law provides that notice by electronic communications is allowed only in instances where the victim has opted-in to such form of notification during the registration process and is complete upon transmission.

Present law provides that in the event of an escape or absconding by an inmate including a juvenile inmate, from any facility under the jurisdiction of the DPS&C, corrections services, it shall be the duty of the department to immediately notify the victim, family member of the victim, or witness, at the most current address or phone number on file with the department, of the escape by the most reasonable and expedient means possible.

Proposed law amends present law to provide that the DPS&C shall have the duty to immediately notify the victim, family member of the victim, or witness, at the most current address or phone number on file with the department, and via electronic communication, of the escape by the most reasonable and expedient means possible.

Proposed law provides that notice by electronic communications is complete upon transmission.

Present law provides that a victim or victim's family shall have the right to make written and oral statements as to the impact of the crime at any hearing before the Bd. of Pardons or

committee on parole and to rebut any statements or evidence introduced by the inmate or defendant. Provides that the victim or the victim's family, a victim advocacy group, and the district attorney or his representative may also appear before the board or committee in person or by means of telephone communication from the office of the local district attorney.

Proposed law amends present law to provide that the victim or the victim's family, a victim advocacy group, and the district attorney or his representative may also appear before the board or committee in person or by means of teleconference or telephone communication.

(Amends R.S. 15:574.2(D)(9) and R.S. 46:1844(B), (N)(2) and (3), and (O)(1))

Summary of Amendments Adopted by House

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

1. Require the clerk of court to provide reasonable notice to the victim when a probation hearing has been set.
2. Require the DPS&C to notify the victim or the victim's family, all persons who have filed a victim registration and notification form, the appropriate law enforcement agency, and the appropriate district attorney no later than 60 days prior to release of an inmate who has been convicted of a crime of violence or a sex offense.
3. Change the method of communication used to notify a victim.
4. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Specify that reasonable notice of a probation hearing be provided by the clerk of court.