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## DIGEST

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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.