

2022 Regular Session

HOUSE BILL NO. 313

BY REPRESENTATIVES PRESSLY, BRYANT, WILFORD CARTER, FISHER,
FREEMAN, GAINES, GAROFALO, HUGHES, TRAVIS JOHNSON,
LARVADAIN, LYONS, AND WILLARD

1 AN ACT

2 To amend and reenact R.S. 46:1843, 1844(H), (K)(1)(a), (T), and (W)(1)(a), and 1845(B),
3 to enact R.S. 46:1844(X), and to repeal R.S. 46:1845(C) and (D), relative to the
4 rights of victims of criminal offenses; to provide relative to the reporting of a crime;
5 to provide relative to the requirement to register with certain offices and agencies;
6 to provide for access to certain reports; to provide relative to the duties of the district
7 attorney, law enforcement, and judicial agencies with respect to victims of sexual
8 assault; to provide for the rights of sexual assault victims; to provide relative to the
9 admissibility of certain evidence; to provide relative to penalties and causes of action
10 under certain circumstances; to provide for a contingent effective date; and to
11 provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 46:1843, 1844(H), (K)(1)(a), (T), and (W)(1)(a), and 1845(B) are
14 hereby amended and reenacted and R.S. 46:1844(X) is hereby enacted to read as follows:

15 §1843. Eligibility of victims

16 ~~Except as provided in R.S. 46:1845, a~~ A victim has the rights and is eligible
17 for the services under this Chapter ~~only if the victim reported the crime to law~~
18 ~~enforcement authorities within seventy-two hours of its occurrence or discovery,~~
19 ~~unless extenuating circumstances exist for later reporting~~ regardless of when the
20 victim reported the crime to law enforcement authorities.

21 §1844. Basic rights for victim and witness

22 * * *

23 H. Presentence or postsentence reports. ~~If properly registered with the clerk~~
24 ~~of court, the~~ The victim or designated family member shall have the right to review

1 and comment on the presentence or postsentence reports relating to the crime against
2 the victim. The trial court shall regulate when and how the presentence report is
3 provided to the victim or designated family member. The Department of Public
4 Safety and Corrections shall regulate how the postsentence report is provided to the
5 victim or designated family member.

6 * * *

7 K. Right of victim or designated family member to be present and heard at
8 all critical stages of the proceedings.

9 (1)(a) At all critical stages of the prosecution, if the victim or designated
10 family member ~~has registered with the appropriate law enforcement or judicial~~
11 ~~agency and~~ is present, the court shall determine if the victim or designated family
12 member wishes to make a victim impact statement. If the victim is not present, the
13 court shall ascertain whether the victim or designated family member has requested
14 notification and, if so, whether proper notice has been issued to the victim or
15 designated family member, in accordance with Subsection B of this Section, by the
16 clerk of court or by the district attorney's office. If notice has been requested and
17 proper notice has not been issued, the court shall continue the proceedings until
18 proper notice is issued.

19 * * *

20 T. Registration with the appropriate law enforcement or judicial agency.

21 (1) In order for a victim or designated family member to be eligible to
22 receive notices hereunder ~~and exercise the rights provided in this Chapter~~, the victim
23 or designated family member ~~must~~ may complete a form promulgated by the
24 Louisiana Commission on Law Enforcement and Administration of Criminal Justice.
25 The form shall be completed by the victim or designated family member and shall
26 be filed with the law enforcement agency investigating the offense of which the
27 person is a victim, as defined in this Chapter. The completed victim notice and
28 registration form shall be included in the documents sent by the law enforcement
29 agency to the district attorney for prosecution. The district attorney shall include the
30 completed victim notice and registration form with any subsequent bill of
31 information or indictment that is filed with the clerk of court. Upon conviction, the

1 victim notice and registration form shall be included in the documents sent by the
2 clerk of court to the Department of Public Safety and Corrections, the law
3 enforcement agency having custody of the defendant, or the division of probation
4 and parole.

5 (2) All victim notice and registration forms, and the information contained
6 therein, shall be kept confidential by all law enforcement and judicial agencies
7 having possession. The information shall be used only for the purposes required by
8 this Chapter, and shall be released only upon court order after contradictory hearing.

9 (3) The victim and designated family member shall have the right to register
10 with the appropriate agency at any time and exercise prospectively the rights
11 guaranteed by this Chapter. However, a victim or designated family member who
12 does not register with the appropriate agency shall nevertheless be permitted to
13 exercise the rights guaranteed by this Chapter.

14 * * *

15 W. Confidentiality of crime victims who are minors, victims of sex offenses,
16 and victims of human trafficking-related offenses.

17 (1)(a) In order to protect the identity and provide for the safety and welfare
18 of crime victims who are minors under the age of eighteen years and of victims of
19 sex offenses or human trafficking-related offenses, notwithstanding any provision
20 of law to the contrary, all public officials and officers and public agencies, including
21 but not limited to all law enforcement agencies, sheriffs, district attorneys, judicial
22 officers, clerks of court, the Crime Victims Reparations Board, and the Department
23 of Children and Family Services or any division thereof, shall not publicly disclose
24 the name, address, contact information, or identity of crime victims who at the time
25 of the commission of the offense are minors under eighteen years of age or of
26 victims of sex offenses or human trafficking-related offenses, regardless of the date
27 of commission of the offense. The confidentiality of the identity of the victim who
28 at the time of the commission of the offense is a minor under eighteen years of age
29 or the victim of a sex offense or human trafficking-related offense may be waived
30 by the victim. The public disclosure of the name of the juvenile crime victim by any
31 public official or officer or public agency is not prohibited by this Subsection when

1 the crime resulted in the death of the victim. Nothing in this Subsection shall be
2 construed to require the redaction of a victim's name when the named victim is the
3 one requesting such documents, reports, or any other records.

4 * * *

5 X. All victims of violent crime shall have the right to access and obtain a
6 copy of their initial police report at no cost to them.

7 §1845. Additional rights for victims of sexual assaults; notification of rights

8 * * *

9 B. A victim of sexual assault shall have the right to a forensic medical exam
10 as provided in R.S. 40:1216.1. A victim of sexual assault ~~has the right to~~ shall be
11 notified of ~~and the ability~~ to request the presence of a sexual assault advocate during
12 the administration of a forensic medical examination or a scheduled interview by a
13 law enforcement official if a sexual assault advocate is reasonably available.
14 Nothing in this Section shall be construed to prohibit the conducting of a forensic
15 medical examination or an interview by a law enforcement official in the absence of
16 a sexual assault advocate. All victims of sexual assault shall have the right to access
17 and obtain a copy of their forensic medical examination report at no cost to them
18 pursuant to R.S. 40:1216.1(G).

19 * * *

20 Section 2. R.S. 46:1845(C) and (D) are hereby repealed in their entirety.

21 Section 3. This Act shall take effect and become operative if and when the Act
22 which originated as Senate Bill No. 147 of this 2022 Regular Session of the Legislature is
enacted and becomes effective.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____