

2024 Regular Session

SENATE BILL NO. 402

BY SENATOR DUPLESSIS

CRIMINAL PROCEDURE. Provides that victims be allowed to directly address a defendant when providing a victim impact statement. (8/1/24)

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AN ACT

To amend and reenact R.S. 46:1844(K)(1)(b)(ii), relative to rights of crime victims; to provide relative to victim impact statements; to require a court to allow a victim impact statement to be directed toward the defendant; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:1844(K)(1)(b)(ii) is hereby amended and reenacted to read as follows:

§1844. Basic rights for victim and witness

\* \* \*

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

(1) \* \* \*

(b) The victim and victim's family members shall have the right to make a written and oral victim impact statement as follows:

\* \* \*

(ii) The hearing at which an oral statement is provided to the court shall be

1 subject to the limitations of relevance. In any case where the number of victim's  
 2 family members exceeds three, the court may limit the in-court statements it receives  
 3 from them to a fewer number of statements. The court may otherwise reasonably  
 4 restrict the oral statement in order to maintain courtroom decorum. The defendant  
 5 must be present for the victim impact statement **and the court shall not prohibit the**  
 6 **statement from being directed toward the defendant, unless the statement**  
 7 **disturbs the order and decorum of the courtroom.** Upon motion of the state, the  
 8 court may hear any such statement in camera.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Jonathon Wagner.

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	DIGEST	
SB 402 Original	2024 Regular Session	Duplessis

Present law provides that certain persons may present a written and oral victim impact statement to the court.

Proposed law retains present law and provides that the court must allow a person presenting a victim impact statement to direct the statement toward the defendant, unless doing so disturbs the order and decorum of the courtroom.

Effective August 1, 2024.

(Amends R.S. 46:1844(K)(1)(b)(ii))