

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)

1 AN ACT

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

6 Be it enacted by the Legislature of Louisiana:

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

9 §1844. Basic rights for victim and witness

10 * * *

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

13 (1) * * *

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

16 * * *

17 (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.

9 * * *

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

DIGEST

SB 402 Engrossed

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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))