

2024 Regular Session

HOUSE BILL NO. 734

BY REPRESENTATIVE VILLIO

CRIMINAL/VICTIMS: Provides relative to victim notification

1 AN ACT

2 To amend and reenact R.S. 14:130.1(B)(1) and (3) and to enact R.S. 14:130.1(A)(5), (B)(5),

3 and (C) and R.S. 46:1844(Y), relative to victim notification; to provide relative to

4 the elements of the crime of obstruction of justice; to provide relative to the penalties

5 for the crime of obstruction of justice; to provide for a definition; to provide relative

6 to the contacting of a victim's family in a case where the death penalty has been

7 imposed; to provide for notification procedures; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:130.1(B)(1) and (3) are hereby amended and reenacted and R.S.  
10 14:130.1(A)(5), (B)(5), and (C) are hereby enacted to read as follows:

11 §130.1. Obstruction of justice

12 A. The crime of obstruction of justice is any of the following when

13 committed with the knowledge that such act has, reasonably may, or will affect an

14 actual or potential present, past, or future criminal proceeding as described in this

15 Section:

16 \* \* \*

17 (5) Contacting a family member of the victim in a manner that knowingly

18 and intentionally violates the provisions of R.S. 46:1844(Y).

19 B. Whoever commits the crime of obstruction of justice shall be subject to

20 the following penalties:



- 1           (c) Any legal representative of the offender.
- 2           (d) Any person or group who actually or purports to represent the offender
- 3           or the interests of the offender.
- 4           (2) Upon conviction in cases where the sentence is the death penalty, the
- 5           victim's family shall be notified by the prosecuting agency of their right to not be
- 6           contacted by any person, group, or entity who actually or purports to represent the
- 7           offender or the interests of the offender in subsequent clemency procedures, unless
- 8           an appointment has been requested, approved, and arranged through a victim service
- 9           coordinator appointed by the prosecuting agency and the family. The prosecuting
- 10          agency shall provide a form to the victim's family to request that the victim's family
- 11          not be contacted in any manner by any person, group, or entity who actually or
- 12          purports to represent the offender or the interests of the offender related to clemency
- 13          procedures. The prosecuting agency shall provide notice of this document by United
- 14          States mail to each party in the case.
- 15          (3) Whoever violates the provisions of this Subsection shall be punished in
- 16          accordance with R.S. 14:130.1(B)(5).

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 734 Engrossed                                      2024 Regular Session                                      Villio

**Abstract:** Provides relative to the contacting of a victim's family in certain circumstances.

Present law (R.S. 14:130.1) provides for the crime of obstruction of justice and provides for penalties.

Proposed law retains present law and provides that contacting a family member of the victim in a manner that knowingly and intentionally violates the provisions of proposed law (R.S. 46:1844(Y)) constitutes the crime of obstruction of justice.

Proposed law further provides that when the obstruction of justice is committed as described in proposed law and involves a criminal proceeding in which the sentence imposed is a sentence of death, the offender shall be fined not more than \$5,000, imprisoned for not more than three years, with or without hard labor, or both.

Proposed law provides that the term "family member" shall have the same meaning and definition as in present law (R.S. 46:2132).

Present law (R.S. 46:1844) provides for the basic rights for victim and witness.

Proposed law retains present law.

Proposed law provides that in cases where the sentence is the death penalty and the clemency process has commenced, the victim's family shall have the right to not be contacted by any of the following unless an appointment has been requested, approved, and arranged through a victim service coordinator appointed by the prosecuting agency and the family:

- (1) The offender.
- (2) Any family member or friend of the offender.
- (3) Any legal representative of the offender.
- (4) Any person or group who actually or purports to represent the offender or the interests of the offender.

Proposed law provides that upon conviction in cases where the sentence is the death penalty, the victim's family shall be notified by the prosecuting agency of their right to not be contacted by any person, group, or entity who actually or purports to represent the offender or the interests of the offender in subsequent clemency procedures, unless an appointment has been requested, approved, and arranged through a victim service coordinator appointed by the prosecuting agency and the family.

Proposed law provides that the prosecuting agency shall provide a form to the victim's family to request that the victim's family not be contacted in any manner by any person, group, or entity who actually or purports to represent the offender or the interests of the offender related to clemency procedures. Further provides that the prosecuting agency shall provide notice of this document by U.S. mail to each party in the case.

Proposed law provides that whoever violates the provisions of proposed law shall be punished in accordance with proposed law (R.S. 14:130.1(B)(5)).

(Amends R.S. 14:130.1(B)(1) and (3); Adds R.S. 14:130.1(A)(5), (B)(5), and (C) and R.S. 46:1844(Y))

#### Summary of Amendments Adopted by House

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

1. Specify that any appointment made by certain individuals who seek to contact the victim's family has to be requested, approved, and arranged through a victim service coordinator appointed by the prosecuting agency and the victim's family.
2. Change the term "defendant" to "offender" throughout proposed law.