

## HOUSE SUMMARY OF SENATE AMENDMENTS

HB 734

2024 Regular Session

Villio

CRIMINAL/VICTIMS: Provides relative to victim notification

### Synopsis of Senate Amendments

1. Makes technical changes.
2. Relative to the right of a victim's family to not be contacted in death penalty cases and when the clemency process has commenced, specifies that an appointment with the family has to be requested, approved, and arranged through a victim service coordinator appointed by either the prosecuting agency or the DPS&C through the La. Victim Outreach Program.
3. In death penalty cases, changes the responsibility of notifying the victim's family of its right not to be contacted by certain persons from the prosecuting agency to the victim service coordinator.
4. Removes proposed law language relative to the appointment of the victim service coordinator by the prosecution agency and the family.
5. Changes the responsibility for providing certain forms to the victim's family from the prosecuting agency to the victim service coordinator.
6. Changes the responsibility for providing notice to each party in a death penalty case from the prosecuting agency to the victim service coordinator.

### Digest of Bill as Finally Passed by Senate

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 with the family has been requested, approved, and arranged through a victim service coordinator appointed by either the prosecuting agency or the DPS&C through its La. Victim Outreach Program:

- (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 victim service coordinator 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 the victim service coordinator.

Proposed law provides that the victim service coordinator 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 victim service coordinator 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))