

ACT No. 44

2024 Regular Session

HOUSE BILL NO. 212

BY REPRESENTATIVE BEAULLIEU

1 AN ACT

2 To enact R.S. 46:1844(Y), relative to victim notification in certain circumstances; to require
3 the Louisiana Department of Health to provide notice to certain parties when a
4 person committed to their custody is transferred or released from custody; to require
5 the office of the district attorney to provide notice to certain parties; to provide with
6 respect to electronic notice when a defendant escapes or absconds; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 46:1844(Y) is hereby enacted to read as follows:

10 §1844. Basic rights for victim and witness

11 * * *

12 Y. Notification when the defendant is found not competent to stand trial or
13 not guilty by reason of insanity.

14 (1) When the defendant has been adjudicated as not competent to stand trial
15 or has been found not guilty by reason of insanity and has been committed to the
16 custody of the Louisiana Department of Health pursuant to Title XXI of the Code of
17 Criminal Procedure, the Louisiana Department of Health shall notify the appropriate
18 court of criminal jurisdiction and the district attorney if any of the following occur:

19 (a) The defendant is transferred to another facility.

20 (b) The defendant is placed on conditional release, including any material
21 changes that are made to the conditions of his release.

22 (c) The defendant is released from custody.

23 (2)(a) Upon filing of a victim notice and registration form by a victim, a
24 family member of a victim, or a witness, the district attorney's office shall notify by
25 mail or electronic communications the victim or the victim's family and all persons

1 who have filed a victim registration and notification form within thirty days of the
2 receipt of notification.

3 (b) Notice by electronic communication shall be allowed only in instances
4 where the registered person has opted in to such form of notification during the
5 registration process and is complete upon transmission.

6 (3)(a) In the event of an escape or absconding of a defendant, including a
7 juvenile defendant, from any facility under the jurisdiction of the Louisiana
8 Department of Health or from a private mental institution where the defendant has
9 been committed, the Louisiana Department of Health or the private mental institution
10 shall immediately notify all of the following of the escape by the most reasonable
11 and expedient means possible:

12 (i) The appropriate court of criminal jurisdiction.

13 (ii) The district attorney.

14 (iii) The victim, family member of the victim, or witness, if known to the
15 department, at the most current address or phone number on file with the department.

16 (b) If the defendant is recaptured, the Louisiana Department of Health or the
17 private mental institution shall send notice within forty-eight hours of regaining
18 custody of the defendant.

19 (4) In no case shall the state be held liable for damages for any failure to
20 provide notice pursuant to this Section.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____