

ACT No. 157

2024 Regular Session

HOUSE BILL NO. 734

BY REPRESENTATIVE VILLIO

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:

21 (1) When the obstruction of justice involves a criminal proceeding in which
22 a sentence of death or life imprisonment may be imposed, except as provided in

1 Paragraph (5) of this Subsection, the offender shall be fined not more than one
2 hundred thousand dollars, imprisoned for not more than forty years at hard labor, or
3 both.

4 * * *

5 (3) When the obstruction of justice involves any other criminal proceeding,
6 except as provided in ~~Paragraph (4)~~ Paragraphs (4) or (5) of this Subsection, the
7 offender shall be fined not more than ten thousand dollars, imprisoned for not more
8 than five years, with or without hard labor, or both.

9 * * *

10 (5) When the obstruction of justice is committed as described in Paragraph
11 (A)(5) of this Section and involves a criminal proceeding in which the sentence
12 imposed is a sentence of death, the offender shall be fined not more than five
13 thousand dollars, imprisoned for not more than three years, with or without hard
14 labor, or both.

15 C. For the purposes of this Section, "family member" shall have the same
16 meaning and definition as in R.S. 46:2132.

17 Section 2. R.S. 46:1844(Y) is hereby enacted to read as follows:

18 §1844. Basic rights for victim and witness

19 * * *

20 Y. Capital Cases.

21 (1) In cases where the sentence is the death penalty and the clemency process
22 has commenced, the victim's family shall have the right to not be contacted by any
23 of the following unless an appointment with the family has been requested,
24 approved, and arranged through a victim service coordinator appointed by either the
25 prosecuting agency or the Department of Public Safety and Corrections through its
26 Louisiana Victim Outreach Program:

- 27 (a) The offender.
- 28 (b) Any family member or friend of the offender.
- 29 (c) Any legal representative of the offender.

1 (d) Any person or group who actually or purports to represent the offender
2 or the interests of the offender.

3 (2) Upon conviction in cases where the sentence is the death penalty, the
4 victim's family shall be notified by the victim service coordinator of their right to not
5 be contacted by any person, group, or entity who actually or purports to represent the
6 offender or the interests of the offender in subsequent clemency procedures, unless
7 an appointment has been requested, approved, and arranged through the victim
8 service coordinator. The victim service coordinator shall provide a form to the
9 victim's family to request that the victim's family not be contacted in any manner by
10 any person, group, or entity who actually or purports to represent the offender or the
11 interests of the offender related to clemency procedures. The victim service
12 coordinator shall provide notice of this document by United States mail to each party
13 in the case.

14 (3) Whoever violates the provisions of this Subsection shall be punished in
15 accordance with R.S. 14:130.1(B)(5).

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____