

2019 Regular Session

HOUSE BILL NO. 131

BY REPRESENTATIVE COUSSAN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/VICTIMS: Provides relative to interviewing crime victims and family members

1 AN ACT

2 To amend and reenact R.S. 46:1844(C)(3), relative to the rights of crime victims; to provide
3 relative to interviews by defense counsel or employees or agents of defense counsel;
4 to require written notification; to provide relative to the victim's right to refuse an
5 interview; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 46:1844(C)(3) is hereby amended and reenacted to read as follows:

8 §1844. Basic rights for victim and witness

9 * * *

10 C. Interviewing the victim and witness of a crime.

11 * * *

(3)(a)(i) Prior to requesting any interview with a victim or victim's family member, the attorney for the defendant or any employee or agent working for the attorney for the defendant, shall clearly and unambiguously notify the victim or victim's family member of his representation or work on behalf of the defendant, and shall advise the victim or the victim's family member of their right to refuse the interview.

18 (ii) The provisions of this Subparagraph shall not apply when the victim or
19 victim's family member initiates communication with the attorney for the defendant
20 or with any employee or agent working for the attorney for the defendant.

6 (c) Before any victim may be subpoenaed to testify on behalf of a defendant
7 at any pretrial hearing, the defendant shall show good cause at a contradictory
8 hearing with the district attorney why the subpoena should be issued.

9 (d) Willful disregard of the rights of victims and witnesses as enumerated in
10 this Paragraph may be punishable as contempt of court.

11 * * *

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 131 Engrossed

2019 Regular Session

Coussan

Abstract: Requires individuals working on behalf of the defendant to notify the victim or victim's family prior to requesting an interview.

Present law, regarding rights of crime victims, provides the victim or the victim's family with the right to refuse any requests for interviews with individuals working on behalf of the defendant. Additionally, the victim can be subpoenaed, however the defendant shall show good cause at a contradictory hearing with the district attorney as to why the subpoena should be issued.

Proposed law retains present law and requires any individual working on behalf of the defendant to clearly and unambiguously notify the victim or the victim's family of their representation or work on behalf of the defendant and of the right to refuse the interview. This notification must be submitted prior to requesting an interview with the victim or victim's family.

Proposed law further provides that this requirement does not apply when the victim or victim's family member initiates communication with the attorney for the defendant or with any employee or agent working for the attorney for the defendant.

(Amends R.S. 46:1844(C)(3))

Summary of Amendments Adopted by House

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

1. Remove the requirement that the proposed law notification given to the victim or victim's family member be in writing.
2. Provide that the required notification of the attorney's representation of the defendant and the required advisement of the right of the victim or victim's family member to refuse an interview does not apply when the victim initiates the communication.