

Regular Session, 2012
HOUSE BILL NO. 215
BY REPRESENTATIVE SMITH

ACT No. 245

1 AN ACT

2 To amend and reenact R.S. 46:1846, relative to communication between offender and
3 victim; to amend provisions relative to prohibited communication between an
4 offender and a victim; to amend procedures by which an offender and victim may
5 communicate; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 46:1846 is hereby amended and reenacted to read as follows:

8 §1846. Communication between offender and victim prohibited; exceptions

9 A. A person who has been charged by bill of information or indictment with
10 any crime of violence as defined in R.S. 14:2, or any immediate family member of
11 such person, shall be prohibited from communicating, either by electronic
12 communication, in writing, or orally, with a victim of the offense, or any of his
13 immediate family members for which the person ~~charged~~ has been ~~convicted~~ charged
14 or for which disposition of the case is pending.

15 B. The provisions of Subsection A of this Section shall apply to
16 communication between the offender or his immediate family member and the
17 victim, or any of his immediate family members, unless ~~Paragraph (1) of this~~
18 ~~Subsection is satisfied and either Paragraph (2) or (3) the provisions of Paragraphs~~
19 (1) and (2) of this Subsection is are satisfied.

20 (1) The victim consents to the communication through the local prosecuting
21 agency.

22 ~~(2) The victim and offender have consented to participation in a restorative~~
23 ~~justice program administered through the Department of Public Safety and~~
24 ~~Corrections.~~

1 ~~(3)~~ The communication is made through the counsel of the offender,
2 counsel's staff or representative, or the offender himself if he is representing himself
3 at trial.

4 C. A person who has been sentenced for a crime of violence as defined in
5 R.S. 14:2, or any immediate family member of such person, shall be prohibited from
6 communicating, either by electronic communication, in writing, or orally, with a
7 victim of the offense, or any of his immediate family members, for which the person
8 has been sentenced unless the victim or his immediate family members initiate the
9 communication through the Department of Public Safety and Corrections, and it is
10 agreed that the victim and the offender participate in a formally defined restorative
11 justice program administered through the department.

12 ~~C.D.~~ For purposes of this Section, "immediate family member" means the
13 spouse, mother, father, aunt, uncle, sibling, or child of the offender, whether related
14 by blood, marriage, or adoption.

15 ~~D.E.~~ Whoever violates the provisions of this Section shall be fined not more
16 than five hundred dollars, imprisoned for not more than six months, or both.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.