HLS 11RS-534 ORIGINAL

Regular Session, 2011

HOUSE BILL NO. 71

1

BY REPRESENTATIVE JANE SMITH

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

AN ACT

CRIMINAL/VICTIMS: Provides relative to victim notification

| 2 | To amend and reenact R.S. 46:1844(T)(1), relative to crime victim notification; to authorize |
|----|--|
| 3 | the use of an automated notification system for specific victim notification |
| 4 | requirements; and to provide for related matters. |
| 5 | Be it enacted by the Legislature of Louisiana: |
| 6 | Section 1. R.S. 46:1844(T)(1) is hereby amended and reenacted to read as follows: |
| 7 | §1844. Basic rights for victim and witness |
| 8 | * * * |
| 9 | T. Registration with the appropriate law enforcement or judicial agency. |
| 10 | (1)(a) In order for a victim or designated family member to be eligible to |
| 11 | receive notices hereunder and exercise the rights provided in this Chapter, the victim |
| 12 | or designated family member must shall complete a form promulgated by the |
| 13 | Louisiana Commission on Law Enforcement and Administration of Criminal Justice. |
| 14 | The form shall be completed by the victim or designated family member and shall |
| 15 | be filed with the law enforcement agency investigating the offense of which the |
| 16 | person is a victim, as defined in this Chapter. |
| 17 | (b) The completed victim notice and registration form filed with the law |
| 18 | enforcement agency investigating the offense of which the person is a victim shall |
| 19 | be included in the documents sent by the law enforcement agency to the district |
| 20 | attorney for prosecution. |

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

| 1 | (c) The district attorney <u>prosecuting the offense</u> shall include the completed |
|----|--|
| 2 | victim notice and registration form with any subsequent bill of information or |
| 3 | indictment that is filed with the clerk of court. |
| 4 | (d) Upon conviction, the victim notice and registration form shall be |
| 5 | included in the documents sent by the clerk of court to the Department of Public |
| 6 | Safety and Corrections, the law enforcement agency having custody of the |
| 7 | defendant, or the division of probation and parole. |
| 8 | (e) For purposes of proving that a victim or the designated family member |
| 9 | of the victim was notified, the law enforcement agency having custody of the |
| 10 | defendant shall do either of the following: |
| 11 | (i) Maintain and provide a victim notification log which shall document all |
| 12 | attempts made by the law enforcement agency to notify the crime victim or the |
| 13 | designated family member of the information specified in Paragraph (A)(3) of this |
| 14 | Section. The information contained in this log shall include but not be limited to the |
| 15 | date and time of the call, the phone number called, and whether the officer was able |
| 16 | to successfully notify the crime victim or the designated family member. |
| 17 | (ii) Provide the notification log generated by the Louisiana Automated |
| 18 | Victim Notification System (LAVNS), administered by the Louisiana Commission |
| 19 | on Law Enforcement and Administration of Criminal Justice, when available to and |
| 20 | operational by the law enforcement agency. |
| 21 | * * * |
| | |

2

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)]

Jane Smith HB No. 71

Abstract: Authorizes the use of an automated notification system for specific victim notification requirements.

Present law requires law enforcement agencies and judicial agencies to notify crime victims and their family members of certain information with regard to an incarcerated offender.

HLS 11RS-534
ORIGINAL
HB NO. 71

<u>Present law</u> provides that in order for a victim or designated family member to be eligible to receive these notices, the victim or designated family member must complete a form promulgated by the LCLE.

<u>Present law</u> further provides that the form shall be filed with the law enforcement agency investigating the offense of which the person is a victim and shall be included in the documents sent by the law enforcement agency to the district attorney for prosecution. The district attorney shall include the completed form with any subsequent bill of information or indictment that is filed with the clerk of court, and upon conviction, the form shall be included in the documents sent by the clerk of court to the DPS&C, the law enforcement agency having custody of the defendant, or the division of probation and parole.

<u>Proposed law</u> retains <u>present law</u> and provides that for purposes of proving that a victim or a designated family member was notified, the law enforcement agency having custody of the defendant shall do either of the following:

- (1) Maintain and provide a victim notification log which shall document all attempts made by the law enforcement agency to notify the crime victim or the designated family member of the information specified in <u>present law</u>. The information contained in this log shall include but not be limited to the date and time of the call, the phone number called, and whether the officer was able to successfully notify the crime victim or the designated family member.
- (2) Provide the notification log generated by LAVNS, when available to and operational by the law enforcement agency.

(Amends R.S. 46:1844(T)(1))