

Regular Session, 2010

HOUSE BILL NO. 986

BY REPRESENTATIVE ABRAMSON

CRIMINAL/PROCEDURE: Provides relative to the rights of minor victims and victims of sex offenses

1 AN ACT

2 To amend and reenact R.S. 46:1844(W)(1), relative to rights of victims; to provide relative
3 to rights of minor victims and victims of sex offenses; to provide for protection of
4 identities; to provide for penalties for violating the rights of minor victims and
5 victims of sex offenses; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

8 §1844. Basic rights for victim and witness

9 * * *

10 W. Confidentiality of crime victims who are minors and victims of sex
11 offenses.

12 (1)(a) In order to protect the identity and provide for the safety and welfare
13 of crime victims who are minors under the age of eighteen years and of victims of
14 sex offenses, notwithstanding any provision of law to the contrary, all public officials
15 and officers and public agencies, including but not limited to all law enforcement
16 agencies, sheriffs, district attorneys, judicial officers, clerks of court, the Crime
17 Victims Reparations Board, and the Department of Social Services or any division
18 thereof, shall not publicly disclose the name, address, or identity of crime victims
19 who at the time of the commission of the offense are minors under eighteen years of
20 age or of victims of sex offenses, regardless of the date of commission of the offense.

1 The confidentiality of the identity of the victim who at the time of the commission
2 of the offense is a minor under eighteen years of age or the victim of a sex offense
3 may be waived by the victim. The public disclosure of the name of the juvenile
4 crime victim by any public official or officer or public agency is not prohibited by
5 this Subsection when the crime resulted in the death of the victim.

6 (b) In order to protect the identity and provide for the safety and welfare of
7 crime victims who are under the age of eighteen years and of victims of sex offenses,
8 notwithstanding any provision of law to the contrary, an attorney for any party shall
9 be prohibited from publicly disclosing the name, address, or identity of crime victims
10 who at the time of the commission of the offense are under eighteen years of age or
11 are victims of sex offenses, regardless of the date of commission of the offense. An
12 attorney may lawfully utilize initials, abbreviations, or other forms of indefinite
13 descriptions on documents used in the performance of his duties to prevent the public
14 disclosure of the name, address, or identity of such crime victims. If the name,
15 address, or identity of such a crime victim must be disclosed in a motion or pleading,
16 that motion or pleading shall be filed with the court requesting that it be kept under
17 seal. Failure to comply with the provisions of this Subparagraph shall be punishable
18 as contempt of court.

19 ~~(b)~~(c) Notwithstanding the provisions of ~~Subparagraph~~ Subparagraphs (a)
20 and (b) of this Paragraph, all information regarding juvenile crime victims that is
21 required by a child abduction alert system which assists law enforcement in the
22 successful resolution of child abduction cases, such as the AMBER Alert network,
23 shall be made available to such alert system as quickly as possible.

24 * * *

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)]

Abramson

HB No. 986

Abstract: Prevents attorneys from disclosing the identities of minor victims and victims of sex offenses.

Present law provides that all public officials and officers and public agencies shall not publicly disclose the identity of minor crime victims or victims of sex offenses.

Proposed law retains present law and provides that attorneys shall not publicly disclose the identity of minor crime victims or victims of sex offenses, but may lawfully utilize initials, abbreviations, or other forms of indefinite descriptions to prevent the public disclosure of the identity of such victims.

Proposed law further provides that if the identity of such a victim must be disclosed in a motion or pleading, that motion or pleading shall be filed with the court under seal.

Proposed law provides penalties for violating the rights of these victims.

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