

2024 Regular Session

SENATE BILL NO. 374

BY SENATOR CLOUD

PUBLIC SFTY/CORRECT DEPT. Provides relative to victim notification. (8/1/24)

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AN ACT

To amend and reenact Children's Code Art. 811.1(A)(3) and (11), relative to victim notification; to provide for the rights of victims of delinquent acts; to provide for victim notification upon the escape of a child from confinement by the district attorney and the Department of Public Safety and Corrections; to provide terms, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Art. 811.1(A)(3) and (11) are hereby amended and reenacted to read as follows:

Art. 811.1. Rights of the victim of ~~alleged~~ delinquent act

A. The juvenile court, district attorneys, and law enforcement agencies shall provide the following services to victims of alleged delinquent acts, providing the victim reported the act to law enforcement authorities within seventy-two hours of its occurrence or discovery, unless extenuating circumstances exist for later reporting:

\* \* \*

(3) The district attorney shall notify the victim or his legal representative

1 whenever he is notified that a child accused of a violent offense such as attempted  
 2 murder, rape, or a crime against another child, has escaped from lawful confinement  
 3 or has been released in accordance with Chapter 6 of this Title, and whenever a child  
 4 committed to the Department of Public Safety and Corrections has escaped or has  
 5 been released from **confinement, including from** a secure institution **or nonsecure**  
 6 **facility**. The district attorney shall also inform the victim that the sheriff shall  
 7 provide information relative to victim assistance.

8 \* \* \*

9 (11) **(a)** The victim or a member of the victim's family may file a victim  
 10 notice form as provided in R.S. 46:1842. Upon filing of a victim notice form by a  
 11 victim or a family member, it shall be the duty of the Department of Public Safety  
 12 and Corrections to notify the victim or family member **of the following:**

13 **(b)** ~~by certified mail of appeal~~ **An appeal** or release at the time of such  
 14 appeal, discharge, or parole of a delinquent named in that form **by certified mail**.

15 **(c) An escape or absconding by a delinquent from confinement, including**  
 16 **from a secure institution or nonsecure facility under the jurisdiction of the**  
 17 **Department of Public Safety and Corrections, immediately at the most current**  
 18 **address or phone number on file with the Department of Public Safety and**  
 19 **Corrections and via electronic mail or communication. Notification of the**  
 20 **escape shall be by the most reasonable and expedient means possible. If the**  
 21 **delinquent is recaptured, the Department of Public Safety and Corrections shall**  
 22 **send notice within forty-eight hours of regaining custody of the child. In no case**  
 23 **shall the state be held liable for damages for any failure to provide notice**  
 24 **pursuant to this Subsubparagraph. Notice by electronic mail communications**  
 25 **is complete upon transmission.**

26 **(d)** ~~Such~~ **The victim notice** form shall be included in the delinquent's  
 27 commitment documents to be delivered to the state training facility where such  
 28 delinquent has been confined or transferred.

29 \* \* \*

