## SLS 24RS-7

## ORIGINAL

2024 Regular Session

SENATE BILL NO. 374

BY SENATOR CLOUD

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

1	AN ACT
2	To amend and reenact Children's Code Art. 811.1(A)(3) and (11), relative to victim
3	notification; to provide for the rights of victims of delinquent acts; to provide for
4	victim notification upon the escape of a child from confinement by the district
5	attorney and the Department of Public Safety and Corrections; to provide terms,
6	conditions, and procedures; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. Children's Code Art. 811.1(A)(3) and (11) are hereby amended and
9	reenacted to read as follows:
10	Art. 811.1. Rights of the victim of alleged delinquent act
11	A. The juvenile court, district attorneys, and law enforcement agencies shall
12	provide the following services to victims of alleged delinquent acts, providing the
13	victim reported the act to law enforcement authorities within seventy-two hours of
14	its occurrence or discovery, unless extenuating circumstances exist for later
15	reporting:
16	* * *
17	(3) The district attorney shall notify the victim or his legal representative

Page 1 of 3 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

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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 <b>confinement, including from</b> a secure institution <b>or nonsecure</b>
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.

\* \* \*

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ridge.

SB 374 Original

## DIGEST 2024 Regular Session

Cloud

Present law provides for rights of victims of alleged delinquent acts.

<u>Present law</u> provides that the juvenile court, district attorney, and law enforcement agencies shall provide certain services to victims of alleged delinquent acts, provided the victim reported the act to law enforcement authorities within 72 hours of its occurrence or discovery, unless extenuating circumstances exist.

Present law includes the following rights of victims:

- (1) Notification by the district attorney that a child accused of certain violent offenses has escaped from lawful confinement or has been released from custody as provided by <u>present law</u> and whenever a child committed to the DPS&C has escaped or has been released from a secure institution.
- (2) Notification by DPS&C of an appeal, discharge, parole of a delinquent provided the victim or his family has filed a victim notice form.

<u>Proposed law</u> retains <u>present law</u> but includes notification by the district attorney if a child committed to DPS&C has escaped or has been released from a nonsecure facility under the jurisdiction of DPS&C.

<u>Proposed law</u> requires DPS&C to notify a victim or family member who has a victim form filed with DPS&C of an escape of a delinquent from confinement of any secure or nonsecure facility under the jurisdiction of DPS&C immediately at the most current address or phone number on file and via electronic mail or communication.

Effective August 1, 2024.

(Amends Ch. C. Art. 811.1(A)(3) and (11)