

SENATE BILL NO. 402

BY SENATOR DUPLESSIS

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AN ACT

To amend and reenact R.S. 46:1844(K)(1)(b)(ii), relative to rights of crime victims; to provide relative to victim impact statements; to require a court to allow a victim impact statement to be directed toward the defendant; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:1844(K)(1)(b)(ii) is hereby amended and reenacted to read as follows:

§1844. Basic rights for victim and witness

* * *

K. Right of victim or designated family member to be present and heard at all critical stages of the proceedings.

(1) * * *

(b) The victim and victim's family members shall have the right to make a written and oral victim impact statement as follows:

* * *

(ii) The hearing at which an oral statement is provided to the court shall be subject to the limitations of relevance. In any case where the number of victim's family members exceeds three, the court may limit the in-court statements it receives from them to a fewer number of statements. The court may otherwise reasonably restrict the oral statement in order to maintain courtroom decorum. The defendant must be present for the victim impact statement **and the court shall not prohibit the**

1 statement from being directed toward the defendant, unless the statement
2 disturbs the order and decorum of the courtroom. Upon motion of the state, the
3 court may hear any such statement in camera.

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____