

Regular Session, 2010

HOUSE BILL NO. 132

BY REPRESENTATIVE WHITE AND SENATOR MARTINY

CRIMINAL/VICTIMS: Provides with respect to communication between offenders and victims

1 AN ACT

2 To amend and reenact R.S. 46:1846, relative to the rights of crime victims; to provide for
3 restrictions regarding communication between offenders and crime victims; to
4 provide for exceptions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 46:1846 is hereby amended and reenacted to read as follows:

7 §1846. Communication between offender and victim prohibited

8 A. A person who has been charged by bill of information or indictment with
9 any crime of violence as defined in R.S. 14:2, or any immediate family member of
10 such person, shall be prohibited from ~~communicating~~ initiating communication,
11 either by electronic communication, in writing, or orally, with a victim of the
12 offense, or any of his immediate family members for which the person charged has
13 been convicted or for which disposition of the case is pending.

14 B. The provisions of Subsection A of this Section shall not apply to
15 ~~communication between the offender or his immediate family member and the~~
16 ~~victim, or any of his immediate family members, unless Paragraph (1) of this~~
17 ~~Subsection is satisfied and either Paragraph or (2) or (3) of this Subsection is~~
18 ~~satisfied.~~ in either of the following circumstances:

19 (1) The victim consents to the communication through the local prosecuting
20 agency.

1 ~~(2) The victim and offender have consented to participation in a restorative~~
2 ~~justice program administered through the Department of Public Safety and~~
3 ~~Corrections.~~

4 ~~(3)~~(2) The communication is made through the counsel of the offender or the
5 offender himself if he is representing himself at trial.

6 C. The Department of Public Safety and Corrections shall adopt regulations
7 governing communication between offenders and victims pursuant to the provisions
8 of this Section.

9 ~~C.D.~~ For purposes of this Section, "immediate family member" means the
10 spouse, mother, father, aunt, uncle, sibling, or child of the offender, whether related
11 by blood, marriage, or adoption.

12 ~~D.E.~~ Whoever violates the provisions of this Section shall be fined not more
13 than five hundred dollars, imprisoned for not more than six months, or both.

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)]

White

HB No. 132

Abstract: Allows offenders to respond by mail to victims of the offense who initiate communication with the offender.

Present law provides that an offender shall be prohibited from communicating with a victim of the offense unless:

- (1) The victim consents to the communication through the local prosecuting agency.
- (2) The victim and offender have consented to participation in a restorative justice program.
- (3) The communication is made through the counsel of the offender or the offender himself if he is representing himself at trial.

Proposed law amends present law to allow offenders to respond to victims of the offense who initiate communication with the offender.

Proposed law deletes present law exception regarding restorative justice programs and retains the following exceptions:

- (1) The victim consents to the communication through the local prosecuting agency.

- (2) The communication is made through the counsel of the offender or the offender himself.

Proposed law requires DPS&C to adopt regulations governing offender-victim communications.

(Amends R.S. 46:1846)