

Regular Session, 2011

HOUSE BILL NO. 71

BY REPRESENTATIVE JANE SMITH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/VICTIMS: Provides relative to victim notification

1 AN ACT

2 To amend and reenact R.S. 46:1844(T)(1), relative to crime victim notification; to authorize
3 the use of an automated notification system for specific victim notification
4 requirements; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

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

7 §1844. Basic rights for victim and witness

8 * * *

9 T. Registration with the appropriate law enforcement or judicial agency.

10 (1)(a) In order for a victim or designated family member to be eligible to
11 receive notices ~~hereunder~~ and exercise the rights provided in this Chapter, the victim
12 or designated family member ~~must~~ shall complete a form promulgated by the
13 Louisiana Commission on Law Enforcement and Administration of Criminal Justice.
14 The form shall be completed by the victim or designated family member and shall
15 be filed with the law enforcement agency investigating the offense of which the
16 person is a victim, as defined in this Chapter.

17 (b) The completed victim notice and registration form filed with the law
18 enforcement agency investigating the offense of which the person is a victim shall
19 be included in the documents sent by the law enforcement agency to the district
20 attorney for prosecution.

Present law provides that in order for a victim or designated family member to be eligible to receive these notices, the victim or designated family member must complete a form promulgated by the LCLE.

Present law further provides that the form shall be filed with the law enforcement agency investigating the offense of which the person is a victim and shall be included in the documents sent by the law enforcement agency to the district attorney for prosecution. The district attorney shall include the completed form with any subsequent bill of information or indictment that is filed with the clerk of court, and upon conviction, the form shall be included in the documents sent by the clerk of court to the DPS&C, the law enforcement agency having custody of the defendant, or the division of probation and parole.

Proposed law retains present law and provides that for purposes of proving that a victim or a designated family member was notified, the law enforcement agency having custody of the defendant shall do either of the following:

- (1) Maintain and provide a victim notification log which shall document all attempts made by the law enforcement agency to notify the crime victim or the designated family member of the information specified in present law. The information contained in this log shall include but not be limited to the date and time of the call, the phone number called, and whether the officer was able to successfully notify the crime victim or the designated family member.
- (2) Provide the notification log generated by LAVNS, when available to and operational by the law enforcement agency.

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