

Regular Session, 2010

SENATE BILL NO. 376

BY SENATORS MORRELL, CROWE AND DORSEY

CRIMINAL PROCEDURE. Provides for confidentiality of minors who are crime victims.
(8/15/10)

1 AN ACT

2 To amend and reenact R.S. 46:1844(W)(1)(b) and to enact R.S. 46:1844(W)(1)(c), relative
3 to criminal procedure; to provide for confidentiality of minors who are crime
4 victims; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 46:1844(W)(1)(b) is hereby amended and reenacted and R.S.
7 46:1844(W)(1)(c) is hereby enacted to read as follows:

8 §1844. Basic rights for victim and witness

9 * * *

10 W. Confidentiality of crime victims who are minors and victims of sex
11 offenses.

12 (1)(a)

13 * * *

14 **(b) In order to protect the identity and provide for the safety and welfare**
15 **of crime victims who are minors under the age of eighteen years and of victims**
16 **of sex offenses, notwithstanding any provision of law to the contrary, all**
17 **attorneys shall not publicly disclose the name, address, or identity of crime**

1 victims who at the time of the commission of the offense are minors under
 2 eighteen years of age or of victims of sex offenses, regardless of the date of
 3 commission of the offense. An attorney may lawfully utilize initials,
 4 abbreviations, or other forms of indefinite descriptions on documents used in
 5 the performance of their duties to prevent the public disclosure of the name,
 6 address, or identity of such crime victims. If the name, address, or identity of
 7 such a crime victim must be disclosed in a motion or pleading, that motion or
 8 pleading shall be filed with the court under seal. Failure to comply with this
 9 Subsection shall be punished as contempt of court.

10 (b) ~~(c)~~ Notwithstanding the provisions of Subparagraph (a) of this Paragraph,
 11 all information regarding juvenile crime victims that is required by a child abduction
 12 alert system which assists law enforcement in the successful resolution of child
 13 abduction cases, such as the AMBER Alert network, shall be made available to such
 14 alert system as quickly as possible.

15 * * *

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

DIGEST

Morrell (SB 376)

Present law provides for protection of the identity and provides for the safety and welfare of crime victims who are minors under the age of eighteen years and victims of sex offenses, and prohibits all public officials, officers, public agencies, including but not limited to all law enforcement agencies, sheriffs, district attorneys, judicial officers, clerks of court, the Crime Victims Reparations Board, and the Department of Social Services from disclosing the name, address, or identity of such crime victims.

Proposed law retains present law and provides that persons violating the provisions of this Subsection shall be punished for the offense of contempt of court.

Effective August 15, 2010.

(Amends R.S. 46:1844(W)(1)(b); adds R.S. 46:1844(W)(1)(c))