

## Select Victims' Rights – Louisiana

### USING THIS RESOURCE

This resource is intended to provide a base of knowledge regarding crime victims' rights in Louisiana and promising practices to ensure compliance with and enforcement of those rights. To keep this *Guide* as user-friendly as possible in light of the breadth, complexity and evolving nature of law, the *Guide* does not include all laws. The *Guide* is intended for informational purposes only. It does not constitute legal advice, nor does it substitute for legal advice. For more in-depth information about the laws governing privacy, confidentiality and privilege in Louisiana, see the companion resource: *Law Enforcement-Based Victim Services in Louisiana: Privacy, Privilege and Confidentiality*.

The following icons are used throughout this resource to highlight key moments for the user.



= Promising Practices: As used in this *Guide*, the “promising practices” indicator highlights procedures, methods or techniques, grounded in victim-centered and trauma-informed research and experience, that afford victims meaningful rights in the justice system.



= Take Note: As used in this *Guide*, the “take note” indicator provides context for the law cited or discussed. For example, if a law has a particularly narrow application or does not explicitly prohibit an action the “take note” indicator is used to highlight or provide clarity around the law.

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<b>SELECT DEFINITIONS</b>	<b>Louisiana Statutes</b>
<p><b>Rights of Crime Victims and Witnesses Act Definitions.</b></p> <p>In this Chapter:</p> <p>(1) “Crime” means an act defined as a felony, misdemeanor, or delinquency under state law.</p> <p>(2) “Crime lab” means a laboratory that conducts a forensic analysis of physical evidence in criminal matters.</p> <p>(3) “Crime victim who is a minor” means a person under the age of eighteen against whom any of the following offenses have been committed:</p> <p>(a) Any homicide or any felony offense defined or enumerated in R.S. 14:2(B).</p> <p>(b) Any sex offense or human trafficking-related offense as defined or enumerated in R.S. 46:1844(W).</p> <p>(c) The offenses of vehicular negligent injuring and first degree vehicular negligent injuring.</p> <p>(4) “Critical stage” means any judicial proceeding at which there is a disposition of the charged offense or a lesser offense, or a sentence imposed pursuant thereto.</p> <p>(5) “Designated family member” means a family member or legal guardian of the victim who is a minor, a homicide victim, or a victim who is unable to exercise his rights pursuant to this Chapter due to a serious disability. The designated family member shall be selected by a majority of the victim’s family members, and shall be afforded all of the rights accruing to victims under this Chapter. A substitution of the designated family member may be made upon agreement by the majority of the victim’s family members. In specific cases, the court or the district attorney may allow more than one designated family member.</p> <p>(6) “Forensic medical examination” has the same meaning as provided in R.S. 15:622.</p>	<p>La. Rev. Stat. Ann. § 46:1842.</p>


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| <p>(7) “Healthcare provider” has the same meaning as provided in R.S. 40:1216.1.</p> <p>(8) “Inmate” means a person convicted of a felony.</p> <p>(9) “Judicial agency” means the district court and officers thereof, including the judge, the prosecutor, and the clerk of court, the Crime Victims Reparations Board, the Department of Public Safety and Corrections, and the division of probation and parole.</p> <p>(10) “Judicial proceeding” means any contradictory proceeding held in open court.</p> <p>(11) “Law enforcement agency” means the sheriff, constable, or police force as defined by law, and the Department of Public Safety and Corrections.</p> <p>(12) “Registration” means the completion of a form which is filed with the law enforcement agency investigating the offense of which the person is a victim, as specified in R.S. 46:1844(T), which shall include an address, email address, and telephone number at which the victim or designated family member may be notified. Such forms shall be promulgated by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice in accordance with R.S. 46:1844(R).</p> <p>(13) “Sexual assault advocate” has the same meaning as provided in R.S. 46:2186.</p> <p>(14) “Sexual assault collection kit” has the same meaning as provided in R.S. 15:624.</p> <p>(15) “Victim” means a person against whom any of the following offenses have been committed:</p> <ul style="list-style-type: none"> <li>(a) Any homicide, or any felony offense defined or enumerated in R.S. 14:2(B).</li> <li>(b) Any sex offense or human trafficking-related offense as defined or enumerated in R.S. 46:1844(W).</li> <li>(c) The offenses of vehicular negligent injuring and first degree vehicular negligent injuring.</li> <li>(d) Any offense against the person as defined in the Criminal Code committed against a family or household member as defined in R.S. 46:2132 or dating partner as defined in R.S. 46:2151(B).</li> </ul> |  |
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<p>(16) “Victim notice and registration form” means a form promulgated by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice in accordance with R.S. 46:1844(R) and distributed by a judicial or law enforcement agency on which a victim or witness or a family member of a victim or witness may indicate a request that he be afforded the rights prescribed in this Chapter or other criminal statutes relative to a crime of which he or a family member was a victim or witness.</p> <p>(17) “Victim of sexual assault” means any natural person who presents as a victim of sexual assault as defined in R.S. 46:2184, or the family member of such person if the victim is under eighteen years of age, incompetent, or deceased, provided that in no instance does the term include a family member identified as the perpetrator.</p> <p>(18) “Victim’s family” includes a spouse, parent, child, stepchild, sibling, or legal representative of the victim, except when that person is in custody for an offense, is the defendant, or has been identified as the perpetrator, regardless of whether the person is in custody.</p> <p>(19) “Witness” means any person who has been or is expected to testify for the prosecution, or who, by reason of having relevant information, is subject to call or likely to be called as a witness for the prosecution, whether or not any action or proceeding has yet been commenced.</p> <p> These definitions apply to Louisiana’s Rights of Crime Victims and Witnesses Act, La. Rev. Stat. Ann. §§ 46:1841 to 46:1846.</p>	
<p><b>Protection for Victims of Sexual Assault Act Definitions.</b></p> <p>For purposes of [the Protection of Victims of Sexual Assault Act], “sexual assault” means any nonconsensual sexual contact including but not limited to any act provided in R.S. 15:541(24) or obscenity (R.S. 14:106).</p>	<p>La. Rev. Stat. Ann. § 46:2184.</p>


<p> This definition applies to the Protection for Victims of Sexual Assault Act, La. Rev. Stat. Ann. §§ 46:2180 to 46:2188.</p>	
<p><b>Protection for Victims of Sexual Assault Act Definitions, Applications for Protective Orders.</b></p> <p>For purposes of this [La. Rev. Stat. Ann. § 46:2186], “sexual assault advocate” means a person who is engaged by any office, center, or institution referred to as a sexual assault or rape crisis center or similar program, and who has undergone at least forty hours of training and who is engaged in rendering advice, counseling, advocacy, or assistance to victims.</p> <p> This definition applies to the portion of the Protection for Victims of Sexual Assault Act that governs protective order applications, La. Rev. Stat. Ann. § 46:2186.</p>	<p>La. Rev. Stat. Ann. § 46:2186(C).</p>
<p><b>Protection from Family Violence Act, Community Shelter Representative/Employee-Victim Privilege Definitions.</b></p> <p>As used in this Section, the following terms shall have the following meanings:</p> <p>(1) “Community shelter” means a community shelter or other program established in accordance with R.S. 46:2124.</p> <p>(2) “Privileged communication” means a communication made to a representative or employee of a community shelter by a victim. It also means a communication not otherwise privileged made by a representative or employee of a community shelter to a victim in the course of rendering services authorized by R.S. 46:2124.</p> <p>(3) “Victim” means a victim or potential victim of an act of family or domestic violence and his or her children.</p>	<p>La. Rev. Stat. Ann. § 46:2124.1(A).</p>


 These definitions apply to the family violence center representative/employee-victim privilege, La. Rev. Stat. Ann. § 46:2124.1.	
<p><b>Protection from Family Violence Act, Domestic Abuse Assistance Definitions.</b></p> <p>As used in this Part:</p> <p>(1) “Adult” means any person eighteen years of age or older, or any person under the age of eighteen who has been emancipated by marriage or otherwise.</p> <p>(2) “Court” shall mean any court of competent jurisdiction in the state of Louisiana.</p> <p>(3) “Domestic abuse” includes but is not limited to physical or sexual abuse and any offense against the person, physical or non-physical, as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one family member, household member, or dating partner against another. “Domestic abuse” also includes abuse of adults as defined in R.S. 15:1503 when committed by an adult child or adult grandchild.</p> <p>(4) “Family members” means spouses, former spouses, parents and children, stepparents, stepchildren, foster parents, and foster children. “Household members” means any person presently or formerly living in the same residence with the defendant and who is involved or has been involved in a sexual or intimate relationship with the defendant and who is seeking protection under this Part. “Dating partner” means any person protected from violence under R.S. 46:2151 who is seeking protection under this Part. If a parent or grandparent is being abused by an adult child, adult foster child, or adult grandchild, the provisions of this Part shall apply to any proceeding brought in district court.</p> <p> These definitions apply to the Domestic Abuse Assistance portion of the Protection from Family Violence Act, La. Rev. Stat. Ann. §§ 46:2131 to 46:2143.</p>	<p>La. Rev. Stat. Ann. § 46:2132.</p>




<p><b>Sexual Assault Center Representative/Employee-Victim Privilege Definitions.</b></p> <p>For purposes of this Section:</p> <p>(1) “Privileged communication” means a communication made to a representative or employee of a sexual assault center by a victim. It also means a communication not otherwise privileged made by a representative or employee of a sexual assault center to a victim in the course of rendering services authorized by R.S. 46:2186.</p> <p>(2) “Sexual assault center” means a program established and accredited in accordance with the standards set by the Louisiana Foundation Against Sexual Assault.</p> <p>(3) “Victim” means a person against whom an act of attempted or perpetrated sexual assault was committed.</p> <p> These definitions apply to the sexual assault center representative/employee-victim privilege, La. Rev. Stat. Ann. § 46:2187.</p>	<p>La. Rev. Stat. Ann. § 46:2187(A).</p>
<p><b>Safe Harbor for Sexually Exploited Children Act Definitions.</b></p> <p>As used in this Chapter, the following terms and phrases shall have the following meaning, unless the context requires otherwise:</p> <p>(1) “Department” means the Department of Children and Family Services.</p> <p>(2) “Safe house” means a residential facility or a shelter care facility operated by an authorized agency, including a nonprofit agency, with experience in providing services to sexually exploited children and approved by the department to provide shelter for sexually exploited children.</p> <p>(3) “Sexually exploited child” means any person under the age of eighteen who has been subject to sexual exploitation because the person either:</p>	<p>La. Child. Code Ann. art. 725.1.</p>




<p>(a) Is a victim of trafficking of children for sexual purposes under R.S. 14:46.3.                  (b) Is a victim of child sex trafficking under 18 U.S.C. 1591.</p> <p> These definitions apply to the Safe Harbor for Sexually Exploited Children Act, La. Child. Code Ann. art. 725 to 725.6.</p>	
<p><b>Address Confidentiality Act Definitions.</b></p> <p>As used in this Part, the following terms shall have the meanings hereinafter ascribed to each, unless the context clearly indicates another meaning:</p> <p>(1) “Abuse” means causing or attempting to cause physical harm, placing another person in fear of physical harm, or causing another person to engage involuntarily in sexual activity by force, threat of force, or duress, when committed by any of the following:</p> <ul style="list-style-type: none"> <li>(a) A person against such person’s spouse.</li> <li>(b) A person against such person’s former spouse.</li> <li>(c) A person residing with the victim if such person and the victim are or were in a dating relationship.</li> <li>(d) A person who formerly resided with the victim if such person and the victim are or were in a dating relationship.</li> <li>(e) A person against a parent of such person’s child, whether or not such person and the victim have been married or resided together at any time.</li> <li>(f) A person against a person with whom such person is in a dating relationship.</li> <li>(g) A person against a person with whom such person formerly was in a dating relationship.</li> <li>(h) A person related to the victim by consanguinity or affinity.</li> </ul> <p>(2) “Dating relationship” means an intimate or sexual relationship.</p> <p>(3) “Physical address” means a residential street address, school address, or work address of a program participant.</p> <p>(4) “Program participant” means a person currently certified as a program participant under</p>	<p>La. Rev. Stat. Ann. § 44:51.</p>



<p>R.S. 44:52.</p> <p>(5) “Sexual assault” means any of the acts defined as crimes in R.S. 14:41, 42, 42.1, 43, 43.1, 43.2, 43.3, and 43.5.</p> <p>(6) “Stalking” means the acts defined as crimes in R.S. 14:40.2.</p> <p>(7) “Substitute address” means an address designated to a program participant by the secretary of state.</p> <p> These definitions apply to the Address Confidentiality Act, La. Rev. Stat. Ann. §§ 44:52 to 44:57.</p>	
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<p><b>SELECT CRIME VICTIMS' RIGHTS</b></p>	<p><b>Louisiana Constitutional Provisions and Statutes</b></p>
<p><b>Victims' Right to be Treated with Fairness, Dignity and Respect; Victims' Right to be Informed of Victims' Rights.</b></p> <p>Any person who is a victim of crime shall be treated with fairness, dignity, and respect, and shall be informed of the rights accorded under this Section.</p> <p> A promising practice is to have a policy and procedure determining who is responsible for providing victims written notice of their rights and when. If the timing of notice is not otherwise specified, consideration should be given to providing written notice at or promptly after the victims' initial contact with law enforcement. The notice should be provided in the primary language of the victim when possible, as well as in a form accessible to those with vision impairment.</p>	<p>La. Const. Ann., art. I, § 25.</p>
<p><b>Victims' Right to Notice and to be Present and Heard During All Critical Stages of Preconviction and Postconviction Proceedings.</b></p> <p>As defined by law, a victim of crime shall have the right to reasonable notice and to be present and heard during all critical stages of preconviction and postconviction proceedings[.]</p>	<p>La. Const. Ann., art. I, § 25.</p>
<p><b>Victims' Right to be Informed Upon the Release or Escape of the Accused or Offender.</b></p> <p>As defined by law, a victim of crime shall have the right . . . to be informed upon the release from custody or the escape of the accused or the offender[.]</p>	<p>La. Const. Ann., art. I, § 25.</p>




<p><b>Victims' Right to Confer with the Prosecution Prior to Final Disposition of Case.</b></p> <p>As defined by law, a victim of crime shall have the right . . . to confer with the prosecution prior to final disposition of the case[.]</p>	<p>La. Const. Ann., art. I, § 25.</p>
<p><b>Victims' Right to Refuse to be Interviewed by Defendant or Defendant's Representative.</b></p> <p>As defined by law, a victim of crime shall have the right . . . to refuse to be interviewed by the accused or a representative of the accused[.]</p>	<p>La. Const. Ann., art. I, § 25.</p>
<p><b>Victims' Right to Review and Comment Upon the Presentence Report Before Imposition of Sentence.</b></p> <p>As defined by law, a victim of crime shall have the right . . . to review and comment upon the presentence report prior to imposition of sentence[.]</p>	<p>La. Const. Ann., art. I, § 25.</p>
<p><b>Victims' Right to Seek Restitution.</b></p> <p>As defined by law, a victim of crime shall have the right . . . to seek restitution[.]</p> <p> A promising practice, when informing victims about restitution, is to notify victims that they should collect and neatly organize all documentation relating to their losses—including anticipated future expenses.</p>	<p>La. Const. Ann., art. I, § 25.</p>
<p><b>Victims' Right to Prompt Conclusion of Case.</b></p> <p>As defined by law, a victim of crime shall have the right . . . to a reasonably prompt conclusion</p>	<p>La. Const. Ann., art. I, § 25.</p>

<p>of the case.</p>	
<p><b>Legislature to Enact Laws to Implement Constitutional Victims' Rights; Evidentiary and Procedural Laws to be Interpreted Consistent with Constitutional Victims' Rights; Remedies to Enforce Rights to be Provided by Law.</b></p> <p>The legislature shall enact laws to implement this Section. The evidentiary and procedural laws of this state shall be interpreted in a manner consistent with this Section.</p> <p>Nothing in this Section shall be construed to inure to the benefit of an accused or to confer upon any person the right to appeal or seek supervisory review of any judicial decision made in a criminal proceeding. Nothing in this Section shall be the basis for an award of costs or attorney fees, for the appointment of counsel for a victim, or for any cause of action for compensation or damages against the state of Louisiana, a political subdivision, a public agency, or a court, or any officer, employee, or agent thereof. Remedies to enforce the rights enumerated in this Section shall be provided by law.</p>	<p>La. Const. Ann., art. I, § 25.</p>
<p><b>Rights of Crime Victims and Witnesses Act: Legislative Intent; Victims' Right to be Treated with Dignity, Respect, Courtesy and Sensitivity; Victims' Right to be Protected in a Manner No Less Vigorous than Defendants.</b></p> <p>In recognition of the civic and moral duty of victims and witnesses of crime to cooperate fully and voluntarily with law enforcement and prosecutorial agencies, and in further recognition of the continuing importance of such citizen cooperation to state and local law enforcement efforts and the general effectiveness and well-being of the criminal justice system of this state, the legislature declares its intent, in this Chapter, to ensure that all victims and witnesses of crime are treated with dignity, respect, courtesy, and sensitivity, and that the rights extended in this Chapter to victims and witnesses of crime are honored and protected by the law enforcement agencies, prosecutors, and judges in a manner no less vigorous than the protection afforded the criminal defendants.</p>	<p>La. Rev. Stat. Ann. § 46:1841.</p>

<p><b>Eligibility of Victims for Rights Under the Rights of Crime Victims and Witnesses Act: Reporting Requirement.</b></p> <p>Except as provided in R.S. 46:1845, a victim has the rights and is eligible for the services under this Chapter only if the victim reported the crime to law enforcement authorities within seventy-two hours of its occurrence or discovery, unless extenuating circumstances exist for later reporting.</p> <p> The rights extended to victims of sexual assault under La. Rev. Stat. Ann. § 46:1845 attach whether or not the victim seeks assistance from law enforcement. La. Rev. Stat. Ann. § 46:1845(A)(1).</p> <p> A promising practice is to ensure that law enforcement officers who work with victims of sexual offenses are aware that such victims are eligible for rights and services regardless of whether they seek assistance from law enforcement within seventy-two hours.</p>	<p>La. Rev. Stat. Ann. § 46:1843.</p>
<p><b>Law Enforcement’s Obligation to Ensure that Victims Receive Emergency, Social, and Medical Services as Soon as Possible; Distribution of Notice and Registration Form.</b></p> <p>The appropriate law enforcement agency shall ensure that crime victims and witnesses receive emergency, social, and medical services as soon as possible. The appropriate law enforcement agency shall also distribute to the victim or to the family of a homicide victim a victim notice and registration form promulgated by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, in conformity with Subsection R of this Section.</p> <p> La. Rev. Stat. Ann. § 46:1844(R) calls for the creation and maintenance of a victim notice and registration form. La. Rev. Stat. Ann. § 46:1844(T) requires that victims who wish to receive notice and exercise their rights complete the form and file it with the law</p>	<p>La. Rev. Stat. Ann. § 46:1844(A)(1).</p>

<p>enforcement agency investigating the offense.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights through the registration process established in La. Rev. Stat. Ann. § 46:1844(T).</p> <p> A promising practice is to provide victims with the victim notice and registration form as soon as possible. Consideration should be given to providing written notice in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	
<p><b>Department of Public Safety and Corrections’ Obligation to Maintain Crime Victims Services Bureau; Bureau’s Publication and Information Obligations.</b></p> <p>The Department of Public Safety and Corrections shall maintain the Crime Victims Services Bureau presently in operation. The bureau shall publicize and provide a way for crime victims and their family members to be kept informed about the following:</p> <ul style="list-style-type: none"> <li>(a) Successful court appeals.</li> <li>(b) Committee on parole or pardon board hearings or other release hearings.</li> <li>(c) Information regarding dates of possible release from physical custody, escape, apprehension, or otherwise.</li> <li>(d) Beginning August 1, 2018, information regarding the process by which a victim may provide a reentry statement to request that the inmate be subject to certain proximity or contact restrictions as part of the inmate’s parole conditions, if the inmate appeared before the committee on parole and was granted parole by the committee, and information on the availability of assistance to the victim in completing the reentry statement.</li> </ul>	<p>La. Rev. Stat. Ann. § 46:1844(A)(2).</p>



<p>(e) Inquiries concerning the department’s policies and programs for inmates.</p>	
<p><b>Law Enforcement’s Victim Notification Obligations.</b></p> <p>All law enforcement agencies having custody of those accused or convicted of the offenses enumerated in R.S. 46:1842(9) shall, pursuant to Article I, Section 25 of the Constitution of Louisiana, notify crime victims or designated family members who have properly registered concerning an accused’s or a defendant’s arrest, release on recognizance, posting of bond, release pending charges being filed, release due to rejection of charges by the district attorney, escape, or re-apprehension.</p> <p> La. Rev. Stat. Ann. § 46:1844(R) calls for the creation and maintenance of a victim notice and registration form. La. Rev. Stat. Ann. § 46:1844(T) requires that victims who wish to receive notice and exercise their rights complete the form and file it with the law enforcement agency investigating the offense.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights through the registration process established in La. Rev. Stat. Ann. § 46:1844(T).</p> <p> A promising practice is to provide victims with the victim notice and registration form as soon as possible. Consideration should be given to providing written notice in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	<p>La. Rev. Stat. Ann. § 46:1844(A)(3).</p>

**Victims' Right to Advance Notice of Judicial Proceedings.**

If requested by registering with the appropriate law enforcement or judicial agency as outlined in Subsection T of this Section, the clerk of court shall provide reasonable notice to a victim, or a designated family member of judicial proceedings relating to their case. The notice required pursuant to this Subsection may be made by any method reasonably calculated to notify the victim or designated family member of the judicial proceeding in a timely manner.



La. Rev. Stat. Ann. § 46:1844(R) calls for the creation and maintenance of a victim notice and registration form. La. Rev. Stat. Ann. § 46:1844(T) requires that victims who wish to receive notice and exercise their rights complete the form and file it with the law enforcement agency investigating the offense.



A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights through the registration process established in La. Rev. Stat. Ann. § 46:1844(T).



A promising practice is to provide victims with the victim notice and registration form as soon as possible. Consideration should be given to providing written notice in the primary language of the victim, as well as in a form accessible to those with vision impairment.



A promising practice is to have a policy and procedure in place to establish what constitutes a “method reasonably calculated to notify the victim or designated family member of the judicial proceeding in a timely manner.”

La. Rev. Stat. Ann. § 46:1844(B).

**Victims' Interview-Related Rights.**

(1) The district attorney, prior to trial, shall make reasonable efforts to interview the victim or designated family member to determine the facts of the case and whether the victim or the family is requesting restitution.




(2) All law enforcement or judicial agencies shall provide a private setting for all interviewing of victims of crime. "Private setting" shall mean an enclosed room from which the occupants are not visible or otherwise identifiable and whose conversations cannot be heard from outside such room. Only those persons directly and immediately related to the interviewing of the victim, specifically the victim, a social worker, psychologist, or other professional, the victim advocate designated by the sheriff's office, or a representative from a not-for-profit victim service organization, including but not limited to rape crisis centers, domestic violence advocacy groups, and alcohol abuse or substance abuse groups providing emotional support to the victim, shall be present, unless the victim requests the exclusion of such person from the interview, and, when appropriate, the parent or parents of the victim.





(3) The victim and the victim's family may refuse any requests for interviews with the attorney for the defendant or any employee or agent working for the attorney for the defendant. If the victim is a minor, the parent or guardian of the victim may refuse to permit the minor to be interviewed by the attorney for the defendant or any employee or agent working for the attorney for the defendant. Before any victim may be subpoenaed to testify on behalf of a defendant at any pretrial hearing, the defendant shall show good cause at a contradictory hearing with the district attorney why the subpoena should be issued. Willful disregard of the rights of victims and witnesses as enumerated in this Paragraph may be punishable as contempt of court.






A promising practice, when informing victims about restitution, is to notify victims that they should collect and neatly organize all documentation relating to their losses—including anticipated future expenses.

La. Rev. Stat. Ann. § 46:1844(C).

<p> A promising practice is to have a policy and procedure in place regarding the maintenance and use of the “private setting” for victim interviews.</p> <p> A promising practice is to have a policy and procedure in place to inform victims of their right to refuse defense interviews.</p> <p> A promising practice when notifying victims that defendants who wish to subpoena them to testify at a pretrial hearing must first show good cause for doing so at a court hearing, is to let them know they have the right to seek the assistance of an attorney. This notice should include an explanation of the different roles of a prosecuting attorney vs. an attorney hired by the victim to represent their interests and assert their rights.</p>	
<p><b>Victims’ Consultation-Related Rights: Right to Retain Counsel; Right to Confer with the Prosecutor; Prosecutor’s Obligation to Obtain Victims’ View on Certain Matters.</b></p> <p>(1) The victim or the designated family member shall have the right to retain counsel to confer with law enforcement and judicial agencies regarding the disposition of the victim’s case. The prosecutor may confer with the counsel retained by the victim or designated family member in the prosecution of the case. “Case” herein shall mean a criminal matter in which formal charges have been filed by the district attorney’s office.</p> <p>(2) Upon written notification to the district attorney’s office received from the victim, or the designated family member, the district attorney’s office shall, within a reasonable period of time following such notification, contact the victim and schedule a conference with the victim or a designated family member in order to obtain their view, either orally or in writing, regarding:</p> <p>(a) The disposition of the criminal case by dismissal, plea, or trial.</p> <p>(b) The use of available sentencing alternatives such as incarceration, probation, community service, and the payment of restitution to the victim.</p>	<p>La. Rev. Stat. Ann. § 46:1844(D).</p>

<p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that they have the right to retain counsel to confer with law enforcement and judicial agencies on their behalf. Such notification should include an explanation of the different roles of a prosecuting attorney and a private attorney hired by the victim to represent the victim's interests and assert the victim's rights.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights.</p>	
<p><b>Victims' Right to Employer Intercession Services.</b></p> <p>The victim or witness who so requests shall be assisted by judicial and law enforcement agencies in informing employers that the need for victim and witness cooperation in the prosecution of the case may necessitate absence of the victim or witness from work.</p> <p> A promising practice is to have a policy and procedure in place to provide employers with this information.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights.</p>	<p>La. Rev. Stat. Ann. § 46:1844(E).</p>
<p><b>Victims' Right to Notification of Scheduling Changes.</b></p> <p>Each victim or witness who has been scheduled to attend a criminal justice proceeding shall be notified as soon as possible by the agency scheduling his or her appearance of any change in scheduling which shall affect his or her appearance.</p>	<p>La. Rev. Stat. Ann. § 46:1844(F).</p>

 A promising practice is to have a policy and procedure in place to establish what constitutes a “as soon as possible.”	
<p><b>Victims’ Rights to Secure Waiting Area and Designated Seating Area in the Courtroom.</b></p> <p>The court shall provide, whenever possible, a secure waiting area during court proceedings which does not require victims, witnesses, or victims’ families to be in close proximity to the defendants, or their families or friends, and shall provide a secure waiting area in cases involving violent crimes. Upon request of a victim, victim’s family, or witness, the court shall also provide, whenever possible, designated seating in a courtroom for victims, victims’ families, and witnesses separate from defendants, defendants’ families, or witnesses for defendants. The designated seating area should be positioned, whenever possible, in the courtroom in a way that does not require victims, victims’ families, and witnesses to be in close proximity to defendants, defendants’ families, or witnesses for defendants.</p>	<p>La. Rev. Stat. Ann. § 46:1844(G).</p>
<p><b>Victims’ Rights Regarding Presentence and Postsentence Reports.</b></p> <p>If properly registered with the clerk of court, the victim or designated family member shall have the right to review and comment on the presentence or postsentence reports relating to the crime against the victim. The trial court shall regulate when and how the presentence report is provided to the victim or designated family member. The Department of Public Safety and Corrections shall regulate how the postsentence report is provided to the victim or designated family member.</p> <p> La. Rev. Stat. Ann. § 46:1844(R) calls for the creation and maintenance of a victim notice and registration form. La. Rev. Stat. Ann. § 46:1844(T) requires that victims who wish to receive notice and exercise their rights complete the form and file it with the law enforcement agency investigating the offense.</p>	<p>La. Rev. Stat. Ann. § 46:1844(H).</p>

 A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights through the registration process established in La. Rev. Stat. Ann. § 46:1844(T).	
<p><b>Victims’ Right to be Protected by Rules and Laws Governing Evidence and Criminal Procedure.</b></p> <p>The victim shall be protected at all times by all rules and laws governing the criminal procedure and the admissibility of evidence applicable to criminal proceedings.</p>	<p>La. Rev. Stat. Ann. § 46:1844(I).</p>
<p><b>Victims’ Right to a Speedy Disposition and Prompt and Final Conclusion of the Case.</b></p> <p>The victim shall have the right to a speedy disposition and prompt and final conclusion of the case after conviction and sentencing. When ruling on a defense motion for continuance, the court shall consider the impact on the victim.</p>	<p>La. Rev. Stat. Ann. § 46:1844(J).</p>
<p><b>Victims’ Right to be Heard at All Critical Stages of the Proceedings.</b></p> <p>(1)(a) At all critical stages of the prosecution, if the victim or designated family member has registered with the appropriate law enforcement or judicial agency and is present, the court shall determine if the victim or designated family member wishes to make a victim impact statement. If the victim is not present, the court shall ascertain whether the victim or designated family member has requested notification and, if so, whether proper notice has been issued to the victim or designated family member, in accordance with Subsection B of this Section, by the clerk of court or by the district attorney’s office. If notice has been requested and proper notice has not been issued, the court shall continue the proceedings until proper notice is issued.</p> <p>(b) The victim and victim’s family members shall have the right to make a written and oral victim impact statement as follows:</p>	<p>La. Rev. Stat. Ann. § 46:1844(K).</p>

(i) Any written statement shall be made available to the state and the defendant and shall be made part of the record. The statement may be submitted by the district attorney upon request of the victim or designated family member. Upon request of the victim or designated family member, any such written statement may be sealed by the court after review by the parties.

(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. Upon motion of the state, the court may hear any such statement in camera.

(2) The statement of the victim or the victim's family may:

- (a) Identify the victim of the offense.
- (b) Itemize any economic loss that has been or may be reasonably suffered by the victim as a result of the offense.
- (c) Identify any physical injury suffered by the victim as a result of the offense, along with its seriousness and permanence.
- (d) Describe any change in the victim's personal welfare or familial relationships as a result of the offense.
- (e) Identify any request for medical or counseling services needed by the victim or the victim's family as a result of the offense.
- (f) Contain any other information related to the impact of the offense upon the victim or the victim's family that the trial court requires.
- (g) Contain any other information that the victim or victim's family wishes to share with the court regarding the overall effect of the crime upon the victim and the victim's family.

(3)(a) Prior to the sentencing hearing, the court shall provide the counsel for the defendant, the victim, and the attorney for the state with notice of the maximum and minimum sentence allowed by law. The court shall allow the victim, or designated family member, and the prosecutor the opportunity to review any presentence investigation reports that have been prepared relating to the victim's case. The review of the presentence report shall be conducted under the supervision of the court.



(b) At the sentencing hearing, the court shall afford the counsel for the defendant, the attorney for the state, and the victim or designated family member an opportunity to comment upon matters relating to the appropriate sentence. Before imposing sentence, the court shall verify that the victim or designated family member was notified of the sentencing hearing and address the victim or designated family member personally, if the victim or designated family member is present at the sentencing hearing, to determine if the victim or designated family member wishes to present a written and oral impact statement pursuant to this Chapter.




La. Rev. Stat. Ann. § 46:1844(R) calls for the creation and maintenance of a victim notice and registration form. La. Rev. Stat. Ann. § 46:1844(T) requires that victims who wish to receive notice and exercise their rights complete the form and file it with the law enforcement agency investigating the offense.









A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights through the registration process established in La. Rev. Stat. Ann. § 46:1844(T).





A promising practice is to be familiar with the acceptable formats for victim impact statements so that victims can be informed about all of their options. Depending on your jurisdiction’s law, victims may choose to: (1) read or speak their impact statement aloud at the sentencing proceeding, or have another person do it for them; (2) submit a written victim impact statement to the court in advance of sentencing; (3) provide an impact statement using technology to facilitate remote attendance; and/or (4) play or submit an impact statement that was created using audio and video technology.


<p><b>Victims' Right to the Expeditious Return of Property.</b></p> <p>All judicial and law enforcement agencies shall expeditiously return any stolen or other personal property to victims or victims' families when no longer needed as evidence, at no cost to victims or their families.</p> <p> A promising practice is to have a policy and procedure in place that clearly defines what "expeditiously" means in the context of the victim's right to return of property. Instructions should be ready and available to provide to victims, explaining how they may promptly obtain their property, and including the name of a person they may contact to check the status of the return.</p>	<p>La. Rev. Stat. Ann. § 46:1844(L).</p>
<p><b>Victims' Right to Restitution.</b></p> <p>(1) If the defendant is found guilty, the court or committee on parole shall require the defendant to pay restitution to the appropriate party in an amount and manner determined by the court. In addition, the court or committee on parole may require the defendant to perform community service work in an amount and according to a schedule determined by the court.</p> <p>(2) One of the conditions of work release shall be a requirement that an inmate pay from his earnings all restitution ordered by the court or the committee on parole. Even if no restitution has been ordered, the sheriff or director of the program shall have the right to require payment of restitution as a condition of work release.</p> <p>(3) A victim shall not be required to pay recording fees for the filing of a restitution order with the clerk of court. The defendant shall be responsible for all costs associated with this action.</p>	<p>La. Rev. Stat. Ann. § 46:1844(M).</p>

<p> Prior to trial, the district attorney must make reasonable efforts to interview the victim or designated family members to determine whether the victim or family is requesting restitution. La. Rev. Stat. Ann. § 46:1844(C)(1); La. Rev. Stat. Ann. § 46:1845(C)(1).</p> <p> Other state statutes also afford crime victims the right to restitution. <i>See, e.g.</i>, La. Rev. Stat. Ann. § 15:539.3; La. Code Crim. Proc. Ann. art. 883.2.</p> <p> A promising practice, when informing victims about restitution, is to notify victims that they should collect and neatly organize all documentation relating to their losses—including anticipated future expenses.</p>	
<p><b>Duties of the Department of Public Safety and Corrections.</b></p> <p>(1) In cases where the sentence is the death penalty, the victim’s family shall have the right to be notified by the Department of Public Safety and Corrections of the time, date, and place of the execution, and a minimum of two representatives of the victim’s family shall have the right to be present.</p> <p>(2) Upon filing of a victim notice and registration form by a victim or a family member, or a witness, it shall be the duty of the Department of Public Safety and Corrections, corrections services, at the time of the appeal, discharge, or parole of an inmate including a juvenile inmate, to notify the victim, family member, or witness, by certified mail of such appeal or release. Such form shall be included in the prisoner’s commitment documents to be delivered to the warden of any state correctional facility where such prisoner has been committed or transferred.</p> <p>(3) In the event of an escape or absconding by an inmate including a juvenile inmate, from any facility under the jurisdiction of the Department of Public Safety and Corrections, corrections services, it shall be the duty of the department to immediately notify the victim, family member of the victim, or witness, at the most current address or phone number on</p>	<p>La. Rev. Stat. Ann. § 46:1844(N).</p>

<p>file with the department, of the escape by the most reasonable and expedient means possible. If the inmate is recaptured, the department shall send notice within forty-eight hours of regaining custody of the inmate. In no case shall the state be held liable for damages for any failure to provide notice pursuant to this Section.</p> <p>(4) When an inmate in physical custody is within three months of his earliest projected release date, a registered victim may contact the Crime Victims Services Bureau of the Department of Public Safety and Corrections, corrections services, to request a current photograph of the inmate. The department shall take all reasonable steps to provide a photograph to the registered victim at least ten days prior to the inmate's actual release.</p> <p> Additional notice requirements and responsibilities of the Department of Public Safety and Corrections are contained in La. Rev. Stat. Ann. § 15:549.</p> <p> La. Rev. Stat. Ann. § 46:1844(R) calls for the creation and maintenance of a victim notice and registration form. La. Rev. Stat. Ann. § 46:1844(T) requires that victims who wish to receive notice and exercise their rights complete the form and file it with the law enforcement agency investigating the offense.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights through the registration process established in La. Rev. Stat. Ann. § 46:1844(T).</p>	
<p><b>Victims' Right to Notification of Pardon or Parole; Right to Submit a Reentry Statement.</b></p> <p>(1) The Board of Pardons or the committee on parole, respectively, shall notify the victim or the victim's family and all persons who file a victim registration and notification form and the appropriate district attorney that a hearing has been set for the person convicted of the crime. The victim or victim's family shall have the right to make written and oral</p>	<p>La. Rev. Stat. Ann. § 46:1844(O).</p>

<p>statements as to the impact of the crime at any hearing before the board or committee and to rebut any statements or evidence introduced by the inmate or defendant. The victim or the victim’s family, a victim advocacy group, and the district attorney or his representative may also appear before the board or committee in person or by means of telephone communication from the office of the local district attorney.</p> <p>(2) Beginning August 1, 2018, when an inmate in physical custody is within three months of his earliest projected release date, a registered victim may contact the Crime Victim Services Bureau to submit a reentry statement to the committee on parole requesting that the inmate be subject to certain proximity or contact restrictions, as part of the inmate’s parole conditions, that the victim believes are necessary for the victim’s protection. The committee on parole may consider the victim’s reentry statement only for the purpose of determining the inmate’s parole conditions and not for the purpose of determining whether to order the release of the inmate on parole. A victim’s reentry statement is not binding on the committee on parole, but shall be considered in concert with other relevant information when setting parole conditions. The provisions of this Paragraph apply only to those persons who are to appear at a hearing before the committee on parole to determine whether the person should be granted parole.</p> <p> La. Rev. Stat. Ann. § 46:1844(R) calls for the creation and maintenance of a victim notice and registration form. La. Rev. Stat. Ann. § 46:1844(T) requires that victims who wish to receive notice and exercise their rights complete the form and file it with the law enforcement agency investigating the offense.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights through the registration process established in La. Rev. Stat. Ann. § 46:1844(T).</p>	
<p><b>Law Enforcement’s Notification Obligations Concerning Missing Children.</b></p>	<p>La. Rev. Stat. Ann. § 46:1844(P).</p>

<p>All law enforcement agencies shall expeditiously investigate all reports of missing children and shall inform the family members of such children of the status of the investigation.</p>	
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<p><b>Victim Assistance Education and Training for Law Enforcement.</b></p> <p>Victim assistance education and training shall be offered to persons taking courses at law enforcement training facilities.</p>	<p>La. Rev. Stat. Ann. § 46:1844(Q).</p>
<p><b>Louisiana Commission on Law Enforcement and Administration of Criminal Justice's Responsibility for Preparing Victim Notice and Registration Forms.</b></p> <p>(1) The Louisiana Commission on Law Enforcement and Administration of Criminal Justice shall cause to be promulgated uniform victim notice and registration forms which outline and explain the rights and services established by this Chapter. This information shall be updated as necessary. The costs of developing the victim notice and registration form shall be funded by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice.</p> <p>(2) To the extent that funding is available for such purposes, the Louisiana Commission on Law Enforcement and Administration of Criminal Justice shall develop and provide, by August 1, 2018, a system by which an agency may choose to complete and submit the uniform victim notice and registration form electronically and by which a victim may choose to receive all notices electronically.</p> <p> La. Rev. Stat. Ann. § 46:1844(A)(1) requires that law enforcement distribute this notice and registration form to victims and the family of homicide victims.</p>	<p>La. Rev. Stat. Ann. § 46:1844(R).</p>
<p><b>Failure to Comply with Victims' Rights Does Not Invalidate Sentence, Plea, Conviction or Other Final Disposition.</b></p> <p>No sentence, plea, conviction, or other final disposition shall be invalidated because of failure to comply with the provisions of this Section.</p>	<p>La. Rev. Stat. Ann. § 46:1844(S).</p>

**Victims' Responsibility for Registering with Appropriate Law Enforcement or Judicial Agency; All Information in Forms to be Kept Confidential; Victims Retain Right to Register at Any Time.**

La. Rev. Stat. Ann. § 46:1844(T).

(1) In order for a victim or designated family member to be eligible to receive notices hereunder and exercise the rights provided in this Chapter, the victim or designated family member must complete a form promulgated by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice. The form shall be completed by the victim or designated family member and shall be filed with the law enforcement agency investigating the offense of which the person is a victim, as defined in this Chapter. The completed victim notice and registration form 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 victim notice and registration form with any subsequent bill of information or indictment that is filed with the clerk of court. Upon conviction, the victim notice and registration form shall be included in the documents sent by the clerk of court to the Department of Public Safety and Corrections, the law enforcement agency having custody of the defendant, or the division of probation and parole.




(2) All victim notice and registration forms, and the information contained therein, shall be kept confidential by all law enforcement and judicial agencies having possession. The information shall be used only for the purposes required by this Chapter, and shall be released only upon court order after contradictory hearing.

(3) The victim and designated family member shall have the right to register with the appropriate agency at any time and exercise prospectively the rights guaranteed by this Chapter.



La. Rev. Stat. Ann. § 46:1844(R) calls for the creation and maintenance of a victim notice and registration form. La. Rev. Stat. Ann. § 46:1844(A)(1) requires that law enforcement distribute this notice and registration form to victims and the family of homicide victims. La. Rev. Stat. Ann. § 46:1844(T) requires that victims who wish to receive notice and exercise their rights complete the form and file it with the law enforcement



<p>agency investigating the offense.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights through the registration process established in La. Rev. Stat. Ann. § 46:1844(T).</p> <p> A promising practice is to remind victims of the need to keep their contact information in the notification system current.</p> <p> A promising practice is to inform victims, at the earliest possible opportunity, that they have the right to register with the notification system at any time.</p>	
<p><b>Victims’ Rights Laws Do Not Create a Cause of Action.</b></p> <p>Nothing in this Section shall be construed as creating a cause of action by or on behalf of any person for an award of costs or attorney fees, for the appointment of counsel for a victim, or for any cause of action for compensation or damages against the state of Louisiana, a political subdivision, a public agency, or a court, or any officer, employee, or agent thereof. Nothing in this Chapter precludes filing for a writ of mandamus as provided in the Code of Civil Procedure to compel the performance of a ministerial duty required by law.</p>	<p>La. Rev. Stat. Ann. § 46:1844(U).</p>
<p><b>Crime Victim’s Assistance Hotline.</b></p> <p>In furtherance of the purposes of this Section, a statewide crime victim’s assistance hotline may be established. The Crime Victims Reparations Board along with the Louisiana Commission on Law Enforcement and Administration of Criminal Justice shall jointly operate the hotline and periodically review the criteria and implementation procedures of said hotline.</p>	<p>La. Rev. Stat. Ann. § 46:1844(V).</p>

**Confidentiality of Certain Information About Child-Victims, Sex Offense Victims, Human Trafficking Victims, and Domestic Violence Victims.**

La. Rev. Stat. Ann. § 46:1844(W).

(1)(a) In order to protect the identity and provide for the safety and welfare of crime victims who are minors under the age of eighteen years and of victims of sex offenses or human trafficking-related offenses, notwithstanding any provision of law to the contrary, all public officials and officers and 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 Children and Family Services or any division thereof, shall not publicly disclose the name, address, contact information, or identity of crime victims who at the time of the commission of the offense are minors under eighteen years of age or of victims of sex offenses or human trafficking-related offenses, regardless of the date of commission of the offense. The confidentiality of the identity of the victim who at the time of the commission of the offense is a minor under eighteen years of age or the victim of a sex offense or human trafficking-related offense may be waived by the victim. The public disclosure of the name of the juvenile crime victim by any public official or officer or public agency is not prohibited by this Subsection when the crime resulted in the death of the victim.

(b) In order to protect the identity and provide for the safety and welfare of crime victims who are minors under the age of eighteen years and of victims of sex offenses or human trafficking-related offenses, notwithstanding any provision of law to the contrary, an attorney for any party shall be prohibited from publicly disclosing, except during trial, the name, address, contact information, or identity of crime victims who at the time of the commission of the offense are under eighteen years of age or are victims of sex offenses or human trafficking-related offenses, regardless of the date of commission of the offense. An attorney may lawfully utilize initials, abbreviations, or other forms of indefinite descriptions on documents used in the performance of their duties to prevent the public disclosure of the name, address, contact information, or identity of such crime victims. If the name, address, contact information, or identity of such a crime victim must be disclosed in a motion or pleading, that motion or pleading shall be filed with the court requesting that it be kept under seal. Failure to comply with the provisions of this Subparagraph shall be punishable as contempt of court.

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

(2) For purposes of this Section:

(a) "Human trafficking-related offense" shall include the perpetration or attempted perpetration of R.S. 14:46.2 or 46.3 or any other crime involving commercial sexual exploitation including R.S. 14:81.1, 81.3, 82, 82.1, 82.2, 83, 83.1, 83.2, 83.3, 83.4, 84, 85, 86, 89.2, 104, 105, and 282.

(b) "Sex offense" shall include the perpetration or attempted perpetration of stalking (R.S. 14:40.2), misdemeanor carnal knowledge of a juvenile (R.S. 14:80.1), obscenity (R.S. 14:106), or any offense listed in R.S. 15:541(24).

(3) Notwithstanding any other provision of law to the contrary, all public officials, officers, and 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 Children and Family Services or any division thereof, charged with the responsibility of knowing the name, address, contact information, and identity of crime victims who are minors or of crime victims of a sex offense or a human trafficking-related offense as a necessary part of their duties shall have full and complete access to this information regarding a crime victim who is a minor or a victim of a sex offense or a human trafficking-related offense. Either prior to or at the time of a request for information, the public official or officer or public agency shall take measures to prevent the public disclosure of the name, address, contact information, or identity of such a crime victim who is a minor or a victim of a sex offense or human trafficking-related offense, which may include the use of initials, abbreviations, or any other form of concealing the identity of the victim on all public documents.


(4) The provisions of this Subsection shall not apply to the requirement of promptly informing a defendant or his attorney of the name of the victim of a sexual crime during pretrial discovery.

(5)(a) In order to provide for the safety and welfare of victims of crimes against family members, household members, or dating partners, notwithstanding any provision of law to the contrary, all public officials and officers and 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 Children and Family Services or any division thereof, shall not publicly disclose the address or contact information of victims of crimes against family members, household members, or dating partners. The confidentiality of the address and contact information of the victim of a crime against a family member, household member, or dating partner may be waived by the victim.

(b) In order to provide for the safety and welfare of victims of crimes against family members, household members, or dating partners, notwithstanding any provision of law to the contrary, an attorney for any party shall be prohibited from publicly disclosing, except during trial, the address and contact information of victims of crimes against family members, household members, or dating partners. If the address and contact information of such a crime victim must be disclosed in a motion or pleading, that motion or pleading shall be filed with the court requesting that it be kept under seal. Failure to comply with the provisions of this Subparagraph shall be punishable as contempt of court.

(c) Notwithstanding any other provision of law to the contrary, all public officials, officers, and 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 Children and Family Services or any division thereof, charged with the responsibility of knowing the address and contact information of victims of crimes against family members, household members, or dating partners as a necessary part of their duties shall have full and complete access to this information regarding a victim of a crime against a family member, household member, or dating partner. Either prior to or at the time of a request for information, the public official or officer or public agency shall take measures to prevent the public disclosure of the address and contact information of a victim of a crime against a family member, household member, or dating partner.

(d) For the purposes of this Section, "family member" and "household member" shall have the same definitions as in R.S. 46:2132 and "dating partner" shall have the same definition as in R.S. 46:2151.

<p> To ensure compliance with this law, a promising practice is to have policies and procedures in place to ensure that victims' locating and identifying information is redacted or otherwise concealed when law enforcement compiles or reports victim information.</p>	
<p><b>Additional Rights for Victims of Sexual Assaults; Notification of Rights.</b></p> <p>A. (1) The rights provided to victims of sexual assault contained in this Section attach whether a victim seeks the assistance of either a law enforcement official or a healthcare provider. A victim of sexual assault retains all the rights of these provisions regardless of whether the victim receives a forensic medical examination or whether a sexual assault collection kit is administered.</p> <p>(2) Notwithstanding any other provision of law to the contrary, nothing in this Section shall be construed to negate or impair any provision of law relative to the mandatory reporting of crimes against children under the age of eighteen years or to negate or impair the investigation or prosecution of any crime against children under the age of eighteen.</p> <p>B. A victim of sexual assault has the right to be notified of and to request the presence of a sexual assault advocate during the administration of a forensic medical examination or a scheduled interview by a law enforcement official if a sexual assault advocate is reasonably available. Nothing in this Section shall be construed to prohibit the conducting of a forensic medical examination or an interview by a law enforcement official in the absence of a sexual assault advocate.</p> <p>C. (1) The district attorney, prior to trial, shall make reasonable efforts to interview the victim or designated family member to determine the facts of the case and whether the victim or the family is requesting restitution.</p> <p>(2) All law enforcement and judicial agencies shall provide a private setting for conducting all interviews of a victim of sexual assault. "Private setting" shall mean an enclosed room from which the occupants are not visible or otherwise identifiable and whose conversations cannot be heard from outside the room. Only those persons directly and immediately related to the interviewing of the victim, specifically the victim, a social worker, psychologist, or other professional, a victim advocate designated by the sheriff's office or a representative</p>	<p>La. Rev. Stat. Ann. § 46:1845.</p>

from a not-for-profit victim service organization including but not limited to rape crisis centers, sexual assault centers, domestic violence advocacy groups, and alcohol abuse or substance abuse groups providing emotional support to the victim, shall be present unless the victim requests the exclusion of such person from the interview, and when appropriate, the parent or parents of the victim.

(3) The victim of sexual assault and the victim's family may refuse any requests for interviews with the attorney for the defendant or any employee or agent working for the attorney for the defendant. If the victim of sexual assault is a minor, the parent or guardian of the victim may refuse to permit the minor to be interviewed by the attorney for the defendant or any employee or agent working for the attorney for the defendant. Before any victim of sexual assault may be subpoenaed to testify on behalf of a defendant at any pretrial hearing, the defendant shall show good cause at a contradictory hearing with the district attorney why the subpoena should be issued. Willful disregard of the rights of victims and witnesses as provided in this Paragraph may be punishable as contempt of court.




D. The failure to comply with the provisions of this Section shall not affect the admissibility of any evidence in a civil or criminal proceeding, nor shall any sentence, plea, conviction, or other final disposition be invalidated due to the failure to comply with the provisions of this Section. Nothing in this Section shall be construed as creating a cause of action by or on behalf of any person for an award of costs or attorney fees, for the appointment of counsel for a victim, or for any cause of action for compensation or damages against the state of Louisiana, a political subdivision, a public agency, or a court, or any officer, employee, or agent thereof. Nothing in this Section precludes filing for a writ of mandamus as provided in the Code of Civil Procedure to compel the performance of a ministerial duty required by law.





La. Rev. Stat. Ann. § 40:1216.1 provides rights to sex offense victims seeking hospital treatment and details certain hospital reporting obligations and procedural responsibilities.



A promising practice is to ensure that law enforcement officers who work with victims of sexual offenses are aware that these victims retain their rights regardless of whether they

<p>seek the assistance of law enforcement officials or receive a forensic medical examination or submit to a sexual assault collection kit.</p> <p> A promising practice, when informing victims about restitution, is to notify victims that they should collect and neatly organize all documentation relating to their losses—including anticipated future expenses.</p> <p> A promising practice is to have a policy and procedure in place regarding the maintenance and use of the “private setting” for victim interviews.</p> <p> A promising practice is to have a policy and procedure in place to inform victims of their right to refuse defense interviews.</p>	
<p><b>Certain Child-Victims Cannot be Compelled to Submit to Medical, Psychological or Psychiatric Examinations Absent a Hearing and Findings by the Court; Defendant Cannot Compel the Victim’s Attendance at the Hearing.</b></p> <p>If the defendant is charged with a violation of R.S. 14:93 or any provision of Subpart C of Part II, Subpart B of Part IV, or Subpart A(1) or A(4) of Part V of Chapter 1 of Title 14 of the Louisiana Revised Statutes of 1950, and the victim was under the age of eighteen at the time of the offense, the defendant shall not be entitled to compel the victim to submit to a medical, psychological, or psychiatric examination, unless the court finds, after a contradictory hearing with the state, that such an examination is necessary and appropriate and will not cause the victim undue emotional stress and is not being sought for the purpose of harassing or intimidating the victim. At such a hearing the defendant shall not be entitled to compel the attendance of the victim.</p>	<p>La. Rev. Stat. Ann. § 15:241(A).</p>

<p><b>Law Enforcement Officers, Prosecutors and Other Governmental Officials May Not Request or Require Victims of a Sex Offense to Submit to Polygraph Examinations or Similar Devices to Measure Truthfulness as a Condition of Proceeding with the Investigation of the Offense.</b></p> <p>No law enforcement officer, prosecutor, or other governmental official shall request or require any victim, regardless of age, of an alleged sex offense as defined in R.S. 15:541 to submit to a polygraph examination or other device used to measure the truthfulness of the victim as a condition of proceeding with the investigation of the offense.</p> <p> “The refusal of a victim of an alleged sex offense to submit to an examination described in Subsection B of this Section shall not prevent the investigation, charging, or prosecution of the offense.” La. Rev. Stat. Ann. § 15:241(C).</p> <p> A promising practice is to ensure that law enforcement officers who work with victims of sexual offenses are aware that victims cannot be subjected to truth-telling examinations or devices as a condition to proceed with an investigation.</p>	<p>La. Rev. Stat. Ann. § 15:241(B).</p>
<p><b>Testimony Via Closed Circuit Television for Child-Victims and Victims with Developmental Disabilities.</b></p> <p>A. On its own motion or on the motion of the attorney for any party, a court may order that the testimony of a protected person who may have been a witness to or victim of a crime be taken in a room other than the courtroom and be simultaneously televised by closed circuit television to the court and jury, when the court makes a specific finding of necessity based upon both of the following:</p> <p>(1) Expert testimony that the protected person would be likely to suffer serious emotional distress if forced to give testimony in open court.</p> <p>(2) Expert testimony that, without such simultaneous televised testimony, the protected person cannot reasonably communicate his testimony to the court or jury.</p>	<p>La. Rev. Stat. Ann. § 15:283.</p>



<p>B. The court shall ensure that the protected person cannot see or hear the accused unless such viewing or hearing is requested for purposes of identification. However, the court shall ensure that the accused is afforded the ability to consult with his attorney during the testimony of the protected person.</p> <p>C. The only persons who may be present in the room with the protected person are the person or persons operating the audio-video equipment, the presiding judge, the attorneys for the state, the attorneys for the defendant, and any person, other than a relative of the protected person, whose presence is determined by the court to be necessary to the welfare and well-being of the protected person during his testimony. The persons operating the equipment shall be confined to an adjacent room or behind a screen or mirror that permits them to see and hear the protected person during his testimony but does not permit the protected person to see or hear them.</p> <p>D. Only the attorneys, or the presiding judge as authorized by law, may question the protected person.</p> <p>E. For the purposes of this Section, “protected person” means a person who is the victim of a crime or a witness in a criminal prosecution who is either of the following:          (1) Under the age of seventeen years.          (2) Has a developmental disability as defined in R.S. 28:451.2(12).</p>	
<p><b>Victims’ Use of Facility Dogs in the Courtroom.</b></p> <p>A. The court shall allow a witness who is either under eighteen years of age or who has a developmental disability as defined in R.S. 28:451.2 to have a facility dog, if available, accompany them while testifying in court.</p> <p>B. The court may allow any witness who does not meet the criteria provided for in Subsection A of this Section to have a facility dog, if available, accompany them while testifying in court.</p>	<p>La. Rev. Stat. Ann. § 15:284.</p>

<p>C. A party seeking the use of a facility dog must file a notice with the court that includes the certification of the dog, the name of the person or entity who certified the dog, and evidence that the dog is insured.</p> <p>D. To ensure that the presence of a facility dog does not influence the jury or is not a reflection on the truthfulness of any testimony that is offered by the victim or witness, the court shall instruct the jury on the role of the facility dog and that the facility dog is a trained animal.</p> <p>E. For the purposes of this Section, “facility dog” means a dog that is certified and a graduate of an assistance dog organization that is accredited by Assistance Dogs International or a similar internationally recognized organization whose main purpose is to grant accreditation to assistance dog organizations based on standards of excellence in all areas of assistance dog acquisition, training, and placement. A “facility dog” is one that is specially trained to provide emotional support to witnesses testifying in judicial proceedings without causing a distraction during the proceedings.</p>	
<p><b>Statement Via Visual Recording by Child-Victims, Victims with Developmental Disabilities and Other Vulnerable Victims</b></p> <p>A. (1) A court with original criminal jurisdiction or juvenile jurisdiction may require that a statement of a protected person be recorded on videotape by any of the following:</p> <p>(a) Motion of the court or motion of the district attorney, a parish welfare unit or agency, the Department of Children and Family Services, or a child advocacy center operating in the judicial district.</p> <p>(b) Adoption of a local court rule that authorizes the videotaping of any protected person without the necessity of the issuance of an order by the court in any individual case.</p> <p>(c) Execution of a written protocol between the court and law enforcement agencies, a parish welfare unit or agency, the Department of Children and Family Services, or a child advocacy center operating in the judicial district that authorizes the videotaping of any protected person without the necessity of the issuance of an order by the court in any individual case.</p>	<p>La. Rev. Stat. Ann. § 15:440.1.</p>


(2) Further, the coroner may, in conjunction with the district attorney and appropriate hospital personnel and pursuant to their duties in R.S. 40:2109.1 and 2113.4, provide for the videotaping of protected persons who are rape victims or who have been otherwise physically or sexually abused.


(3) Such videotape shall be available for introduction as evidence in a juvenile proceeding or adult criminal proceeding.


B. For purposes of this Part, "videotape" means the visual recording on a magnetic tape, film, videotape, compact disc, digital versatile disc, digital video disc, or by other electronic means together with the associated oral record.

C. For purposes of this Part "protected person" means any person who is a victim of a crime or a witness in a criminal proceeding and who is any of the following:




- (1) Under the age of seventeen years.
- (2) Has a developmental disability as defined in R.S. 28:451.2(12).
- (3) An adult as defined in R.S. 15:1503 who is eligible for protective services pursuant to the Adult Protective Services Act.

 Such videotapes are admissible in evidence as an exception to the hearsay rule. La. Rev. Stat. Ann. § 15:440.3.

 La. Rev. Stat. Ann. § 15:440.4 sets forth the method for recording such videotapes. La. Rev. Stat. Ann. § 15:440.5 governs the admissibility of the videotapes.

 Videotapes made under this provision are confidential. La. Rev. Stat. Ann. § 15:440.4. The court must order them destroyed after five years have elapsed from the date the judgement was entered. *Id.* If there is an appeal pending, the tapes may not be destroyed until there is a final judgment on appeal. *Id.*

<p><b>Mandatory Restitution for Victims of Trafficking and Prostitution-Related Crimes.</b></p> <p>A. A person convicted of a violation of R.S. 14:46.2 (human trafficking), R.S. 14:46.3 (trafficking of children for sexual purposes), R.S. 14:81.1 (pornography involving juveniles), R.S. 14:81.3 (computer-aided solicitation of a minor), R.S. 14:82.1 (prostitution; persons under eighteen; additional offenses), R.S. 14:83 (soliciting for prostitutes), R.S. 14:83.1 (inciting prostitution), R.S. 14:83.2 (promoting prostitution), R.S. 14:84 (pandering), R.S. 14:86 (enticing persons into prostitution), R.S. 14:104 (keeping a disorderly place), R.S. 14:105 (letting a disorderly place), and R.S. 14:282 (operation of places of prostitution) shall be ordered to pay mandatory restitution to the victim, with the proceeds from property forfeited under R.S. 15:539.1 applied first to payment of restitution, after the costs of the public sale or auction, court costs, and fees related to seizure and storage have been satisfied. Restitution under this Section shall include any of the following:</p> <ol style="list-style-type: none"> <li>(1) Costs of medical and psychological treatment.</li> <li>(2) Costs of necessary transportation and temporary housing.</li> <li>(3) The greater of the value of the victim’s labor as guaranteed under the minimum wage and overtime provisions of the federal Fair Labor Standards Act or the gross income or value to the defendant of the victim’s labor or services engaged in by the victim while in the human trafficking situation. In the case of sex trafficking, the victim shall be entitled to restitution for the income he would have earned, had he not been victimized, as guaranteed under the minimum wage and overtime provisions of the federal Fair Labor Standards Act.</li> <li>(4) Return of property, cost of damage to property, or full value of property if destroyed or damaged beyond repair.</li> <li>(5) Expenses incurred by the victim and any household members or other family members in relocating away from the defendant or the defendant’s associates, including but not limited to deposits for utilities and telephone service, deposits for rental housing, temporary lodging and food expenses, clothing, and personal items. Expenses incurred pursuant to this Section shall be verified by law enforcement to be necessary for the personal safety of the victim or household or family members, or by a mental health treatment provider to be necessary for the emotional well-being of the victim.</li> </ol>	<p>La. Rev. Stat. Ann. § 15:539.3.</p>
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<p>B. For purposes of this Section, the return of the victim to the victim’s home country or other absence of the victim from the jurisdiction shall not prevent the victim from receiving restitution.</p> <p> Prior to trial, the district attorney must make reasonable efforts to interview the victim or designated family members to determine whether the victim or family is requesting restitution. La. Rev. Stat. Ann. § 46:1844(C)(1); La. Rev. Stat. Ann. § 46:1845(C)(1).</p> <p> Other state statutes also afford crime victims the right to restitution. <i>See, e.g.</i>, La. Rev. Stat. Ann. § 46:1844(M); La. Code Crim. Proc. Ann. art. 883.2.</p> <p> A promising practice, when informing victims about restitution, is to notify victims that they should collect and neatly organize all documentation relating to their losses—including anticipated future expenses.</p>	
<p><b>Victim’s Right to Restitution.</b></p> <p>A. In all cases in which the court finds an actual pecuniary loss to a victim, or in any case where the court finds that costs have been incurred by the victim in connection with a criminal prosecution, the trial court shall order the defendant to provide restitution to the victim as a part of any sentence that the court shall impose.</p> <p>B. Additionally, if the defendant agrees as a term of a plea agreement, the court shall order the defendant to provide restitution to other victims of the defendant’s criminal conduct, although those persons are not the victim of the criminal charge to which the defendant pleads. Such restitution to other persons may be ordered pursuant to Article 895 or 895.1 of this Code or any other provision of law permitting or requiring restitution to victims.</p> <p>C. The court shall order that all restitution payments be made by the defendant to the victim through the court’s designated intermediary, and in no case shall the court order the</p>	<p>La. Code Crim. Proc. Ann. art. 883.2.</p>

defendant to deliver or send a restitution payment directly to a victim, unless the victim consents.

<Text of par. D effective until August 1, 2021.>

D. Notwithstanding any other provision of law to the contrary, if the defendant is found to be indigent and therefore unable to make restitution in full at the time of conviction, the court may order a periodic payment plan consistent with the person's financial ability.

<Text of par. D effective August 1, 2021.>

D. Notwithstanding any other provision of law to the contrary, if the defendant is found to be indigent and therefore unable to make restitution in full at the time of conviction, the court may order a periodic payment plan pursuant to the provisions of Article 875.1.





Prior to trial, the district attorney must make reasonable efforts to interview the victim or designated family members to determine whether the victim or family is requesting restitution. La. Rev. Stat. Ann. § 46:1844(C)(1); La. Rev. Stat. Ann. § 46:1845(C)(1).





Other state statutes also afford crime victims the right to restitution. *See, e.g.*, La. Rev. Stat. Ann. § 46:1844(M); La. Rev. Stat. Ann. § 15:539.3; La. Code Crim. Proc. Ann. art. 883.2.



A promising practice, when informing victims about restitution, is to notify victims that they should collect and neatly organize all documentation relating to their losses—including anticipated future expenses.

<p><b>Protection from Family Violence Act, Family Violence Shelters: Community Shelter Representative/Employee-Victim Privilege.</b></p> <p>B. Except as provided in Subsection D, no person shall be required to disclose, by way of testimony or otherwise, a privileged communication or to produce, under subpoena, any records, documentary evidence, opinions, or decisions relating to such privileged communication:</p> <p>(1) In connection with any civil or criminal case or proceeding.  (2) By way of any discovery procedure.</p> <p>C. The records relating to a privileged communication kept by a community shelter or other agency or department shall not be public records. Such records may be used for the compilation of statistical data if the identity of the victim or the contents of any privileged communication are not disclosed.</p> <p>D. The prosecuting attorney or any person who is a party in a civil proceeding or who has been arrested or charged with a criminal offense may petition the court for an in-camera inspection of the records of a privileged communication concerning such person. The petition shall allege facts showing that such records would provide admissible evidence favorable to the person and, in criminal proceedings, are relevant to the issue of guilt or punishment and shall be verified. If the court determines that the person is entitled to all or any part of such records, it may order production and disclosure as it deems appropriate.</p> <p> La. Rev. Stat. Ann. § 46:2124.1(A) and La. Rev. Stat. Ann. § 46:2121.1. define the terms used in this privilege. The text of these definitions is contained above in the section “Select Definitions.”</p> <p> For more information about the purpose of the Family Violence Shelter section of the Family Violence Act and related legislative findings, <i>see</i> La. Rev. Stat. Ann. § 46:2121.</p>	<p>La. Rev. Stat. Ann. § 46:2124.1(B)-(D).</p>
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<p><b>Protection from Family Violence Act, Domestic Abuse Assistance: Assistance from Clerk of Court and Domestic Abuse Advocate.</b></p> <p>A. The clerk of court shall make forms available for making application for protective orders under this Part, provide clerical assistance to the petitioner when necessary, advise indigent applicants of the availability of filing in forma pauperis, provide the necessary forms, as supplied by the judicial administrator’s office, Louisiana Supreme Court, and provide the services of a notary, where available, for completion of the affidavit required in R.S. 46:2134(D).</p> <p>B. Domestic abuse advocates may provide clerical assistance to petitioners in making an application for a protective order in accordance with this Part.</p> <p>C. For purposes of this Section, “domestic abuse advocate” means an employee or representative of a community based shelter providing services to victims of family violence or domestic abuse.</p> <p> For more information about the purpose of the Domestic Abuse Assistance section of the Family Violence Act and related legislative findings, <i>see</i> La. Rev. Stat. Ann. § 46:2131.</p> <p> The type of assistance provided for in this statute may also be given to victims of stalking by “[a] person who is engaged in any office, center, or institution referred to as a rape crisis center or battered women’s shelter, who has undergone at least forty hours of training and who is engaged in rendering advice, counseling, or assistance to victims.” La. Rev. Stat. Ann. § 46:2174.</p>	<p>La. Rev. Stat. Ann. § 46:2138.</p>
<p><b>Protection from Family Violence Act, Domestic Abuse Assistance: Law Enforcement Officers’ Duties.</b></p> <p>A. If a law enforcement officer has reason to believe that a family or household member or</p>	<p>La. Rev. Stat. Ann. § 46:2140.</p>



dating partner has been abused and the abusing party is in violation of a temporary restraining order, a preliminary or permanent injunction, or a protective order issued pursuant to R.S. 9:361 et seq., R.S. 9:372, R.S. 46:2131 et seq., R.S. 46:2151, R.S. 46:2171 et seq., Children’s Code Article 1564 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Articles 30, 327.1, 335.1, 335.2, and 871.1, the officer shall immediately arrest the abusing party.



B. If a law enforcement officer has reason to believe that a family or household member or dating partner has been abused, and the abusing party is not in violation of a restraining order, a preliminary or permanent injunction, or a protective order, the officer shall immediately use all reasonable means to prevent further abuse, including:


- (1) Arresting the abusive party with a warrant or without a warrant pursuant to Code of Criminal Procedure Article 213, if probable cause exists to believe that a felony has been committed by that person, whether or not the offense occurred in the officer’s presence.
- (2) Arresting the abusive party in case of any misdemeanor crime which endangers the physical safety of the abused person whether or not the offense occurred in the presence of the officer. If there is no cause to believe there is impending danger, arresting the abusive party is at the officer’s discretion.
- (3) Assisting the abused person in obtaining medical treatment necessitated by the battery; arranging for, or providing, or assisting in the procurement of transportation for the abused person to a place of shelter or safety.
- (4) Notifying the abused person of his right to initiate criminal or civil proceedings; the availability of the protective order, R.S. 46:2136; and the availability of community assistance for domestic violence victims.




C. (1) When a law enforcement officer receives conflicting accounts of domestic abuse or dating violence, the officer shall evaluate each account separately to determine if one party was the predominant aggressor.





- (2) In determining if one party is the predominant aggressor, the law enforcement officer may consider any other relevant factors, but shall consider the following factors based upon his or her observation:
  - (a) Evidence from complainants and other witnesses.
  - (b) The extent of personal injuries received by each person.





<p>(c) Whether a person acted in self-defense.</p> <p>(d) An imminent threat of future injury to any of the parties.</p> <p>(e) Prior complaints of domestic abuse or dating violence, if that history can be reasonably ascertained by the officer.</p> <p>(f) The future welfare of any minors who are present at the scene.</p> <p>(g) The existence of a temporary restraining order, a preliminary or permanent injunction, or a protective order issued pursuant to R.S. 9:361 et seq., R.S. 9:372, R.S. 46:2131 et seq., R.S. 46:2151, R.S. 46:2171 et seq., Children’s Code Article 1564 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Articles 30, 327.1, 335.1, 335.2, and 871.1. The officer shall presume that the predominant aggressor is the person against whom the order was issued.</p> <p>(3)(a) If the officer determines that one person was the predominant aggressor in a felony offense, the officer shall arrest that person. The arrest shall be subject to the laws governing arrest, including the need for probable cause as otherwise provided by law.</p> <p>(b) If the officer determines that one person was the predominant aggressor in a misdemeanor offense, the officer shall arrest the predominant aggressor if there is reason to believe that there is impending danger or if the predominant aggressor is in violation of a temporary restraining order, a preliminary or permanent injunction, or a protective order issued pursuant to R.S. 9:361 et seq., R.S. 9:372, R.S. 46:2131 et seq., R.S. 46:2151, R.S. 46:2171 et seq., Children’s Code Article 1564 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Articles 30, 327.1, 335.1, 335.2, and 871.1. If there is no threat of impending danger or no violation of a temporary restraining order, a preliminary or permanent injunction, or a protective order, the officer may arrest the predominant aggressor at the officer’s discretion, whether or not the offense occurred in the presence of the officer. An arrest pursuant to the provisions of this Subparagraph shall be subject to the laws governing arrest, including the need for probable cause as otherwise provided by law. The exceptions provided for in this Section shall apply.</p> <p>(4) As used in this Subsection:</p> <p>(a) “Dating violence” has the meaning as defined in R.S. 46:2151(C).</p> <p>(b) “Domestic abuse” has the meaning as defined in R.S. 46:2132(3).</p>	
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<p> For more information about the purpose of the Domestic Abuse Assistance section of the Family Violence Act and underlying legislative findings, <i>see</i> La. Rev. Stat. Ann. § 46:2131.</p>	
<p><b>Protection from Family Violence Act, Domestic Abuse Assistance: Law Enforcement’s Reporting Obligations.</b></p> <p>Whenever a law enforcement officer investigates an allegation of domestic abuse, whether or not an arrest is made, the officer shall make a written report of the alleged incident, including a statement of the complainant, and the disposition of the case.</p> <p> For more information about the purpose of the Domestic Abuse Assistance section of the Family Violence Act and underlying legislative findings, <i>see</i> La. Rev. Stat. Ann. § 46:2131.</p>	<p>La. Rev. Stat. Ann. § 46:2141.</p>
<p><b>Protection from Dating Violence Act: Victims of Dating Violence Eligible for Services, Benefits and Assistance under the Protection from Family Violence Act.</b></p> <p>A. A victim of a dating partner, as defined in Subsection B of this Section, shall be eligible to receive all services, benefits, and other forms of assistance provided by Chapter 28 of this Title.<sup>1</sup></p> <p>B. For purposes of this Section, “dating partner” means any person who is involved or has been involved in a sexual or intimate relationship with the offender characterized by the expectation of affectionate involvement independent of financial considerations, regardless of whether the person presently lives or formerly lived in the same residence with the offender. “Dating partner” shall not include a casual relationship or ordinary association between persons in a business or social context.</p> <p>C. For purposes of this Section, “dating violence” includes but is not limited to physical or sexual abuse and any offense against the person as defined in the Criminal Code of</p>	<p>La. Rev. Stat. Ann. § 46:2151.</p>

<p>Louisiana, except negligent injury and defamation, committed by one dating partner against the other.</p> <p><sup>1</sup> R.S. 46:2121 et seq.</p> <p> Pursuant to this statute, the benefits and protections of the Protection from Family Violence Act, La. Rev. Stat. Ann. §§ 46:2121 to 46:2148, apply to victims of dating violence.</p>	
<p><b>Human Trafficking Victims Act: Assistance from Law Enforcement and Others.</b></p> <p>A. Classification of victims of human trafficking. As soon as practicable after the initial encounter with a person who reasonably appears to a law enforcement agency, a district attorney's office, or the office of the attorney general to be a victim of human trafficking, such agency or office shall:</p> <p>(1) Notify the Crime Victims Services Bureau of the Department of Public Safety and Corrections that such person may be eligible for services under this Chapter.</p> <p>(2) Make a preliminary assessment of whether such victim or possible victim of human trafficking appears to meet the criteria for certification as a victim of a severe form of trafficking as defined in the federal Trafficking Victims Protection Act (22 U.S.C. 7101 et seq.) or appears to be otherwise eligible for any federal, state, or local benefits and services.</p> <p>(a) If it is determined that the victim or possible victim appears to meet such criteria, then the agency or office shall report the finding to the victim and shall refer the child victim to appropriate services available, including legal services providers.</p> <p>(b) If the victim or possible victim is under the age of eighteen or is an adult in need of protective services pursuant to the provisions of the Adult Protective Services Act, the agency or office shall also notify the appropriate protective service agency.</p> <p>B. Law enforcement assistance with respect to immigration.</p> <p>(1) After the agency or office makes a preliminary assessment pursuant to Paragraph (A)(2) of this Section that a victim or possible victim of human trafficking appears to meet the</p>	<p>La. Rev. Stat. Ann. § 46:2162.</p>



<p>criteria for certification as a victim of a severe form of trafficking as defined in the federal Trafficking Victims Protection Act, and upon the request of such victim, the agency or office shall provide the victim or possible victim of human trafficking with a completed and executed United States Citizenship and Immigration Services (USCIS) Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Human Trafficking in Persons, or a USCIS Form I-918, Supplement B, U Nonimmigrant Status Certification, or both. These forms shall be completed by the certifying officer in accordance with the forms' instructions and applicable rules and regulations.</p> <p>(2) The victim or possible victim of human trafficking may choose which form to have the certifying officer complete.</p> <p> For more information about the development and implementation of service plans for victims of human trafficking, <i>see</i> La. Rev. Stat. Ann. §§ 46:2161 (child-victims) and 46:2161.1 (adult-victims).</p>	
<p><b>Protection from Stalking Act: Victims of Stalking Eligible for Services, Benefits and Assistance under the Protection from Family Violence Act.</b></p> <p>A victim of stalking by a perpetrator who is a stranger to or acquaintance of the victim shall be eligible to receive all services, benefits, and other forms of assistance provided by Chapter 28 of this Title, provided the services, benefits, and other forms of assistance are applicable based on the status of the relationship between the victim and perpetrator.</p> <p> For the purposes of this provision, “stalking’ means any act that would constitute the crime of stalking under R.S. 14:40.2 or cyberstalking under R.S. 14:40.3.” La. Rev. Stat. Ann. § 46:2172.</p> <p> Pursuant to this statute, the benefits and protections of the Protection from Family Violence Act, La. Rev. Stat. Ann. §§ 46:2121 to 46:2148, applies to victims of stalking.</p>	<p>La. Rev. Stat. Ann. § 46:2173.</p>

<p> For more information about the purpose of the Protection from Stalking Act and related legislative findings, <i>see</i> La. Rev. Stat. Ann. § 46:2171.</p> <p> Victims of stalking may receive clerical assistance when making an application for a protective order from “[a] person who is engaged in any office, center, or institution referred to as a rape crisis center or battered women’s shelter, who has undergone at least forty hours of training and who is engaged in rendering advice, counseling, or assistance to victims.” La. Rev. Stat. Ann. § 46:2174.</p>	
<p><b>Protection for Victims of Sexual Assault Act: Protection from Sexual Assault; Restraining Order.</b></p> <p>A. A victim of sexual assault as defined by R.S. 46:2184, perpetrated by a person who is either unknown to the victim or who is an acquaintance of the victim, shall be eligible to receive all services, benefits, and other forms of assistance provided by Chapter 28 of this Title.</p> <p>B. For persons who are eligible, under the provisions of this Chapter, to seek a temporary restraining order pursuant to the provisions of R.S. 46:2135, a showing that the person is or has been a victim of sexual assault shall constitute good cause for purposes of obtaining a temporary restraining order in an ex parte proceeding.</p> <p> For information about the legislative purpose of the Victims of Sexual Assault Act and related findings, <i>see</i> La. Rev. Stat. Ann. § 46:2181.</p> <p> For purposes of this provision, “‘sexual assault’ means any nonconsensual sexual contact including but not limited to any act provided in R.S. 15:541(24) or obscenity (R.S. 14:106).” La. Rev. Stat. Ann. § 46:2184.</p>	<p>La. Rev. Stat. Ann. § 46:2183.</p>

<p> Pursuant to this statute, the benefits and protections of the Protection from Family Violence Act, La. Rev. Stat. Ann. §§ 46:2121 to 46:2148, apply to victims of sexual assault.</p>	
<p><b>Protection for Victims of Sexual Assault Act: Assistance from Clerk of Court and Sexual Assault Advocates.</b></p> <p>A. The clerk of court shall make forms available for making application for protective orders under this Chapter, provide clerical assistance to the petitioner when necessary, notify indigent applicants of the availability of filing in forma pauperis, provide the necessary forms, as supplied by the judicial administrator’s office, Louisiana Supreme Court, and provide the services of a notary, where available, for completion of the affidavit required in R.S. 46:2134(D).</p> <p>B. Sexual assault advocates may provide clerical assistance to petitioners in making an application for a protective order in accordance with this Chapter.</p> <p> For information about the legislative purpose of the Victims of Sexual Assault Act and related findings, <i>see</i> La. Rev. Stat. Ann. § 46:2181.</p> <p> For purposes of this provision, “sexual assault” means any nonconsensual sexual contact including but not limited to any act provided in R.S. 15:541(24) or obscenity (R.S. 14:106).” La. Rev. Stat. Ann. § 46:2184.</p> <p> La. Rev. Stat. Ann. § 46: 2186(C) defines the term “sexual assault advocate” for the purposes of this section. The text of this definition is contained above in the section “Select Definitions.”</p>	<p>La. Rev. Stat. Ann. § 46:2186.</p>

<p><b>Protection for Victims of Sexual Assault Act: Sexual Assault Center Representative/Employee-Victim Privilege.</b></p> <p>B. Notwithstanding any other provision of law, no person shall be required to disclose, by way of testimony or otherwise, a privileged communication, or to produce any records, documentary evidence, opinions, or decisions relating to such privileged communication, in connection with any civil or criminal proceeding.</p> <p>C. Records relating to a privileged communication maintained by a sexual assault center shall not be public records, but such records may be used for the compilation of statistical data if the identity of the victim and the contents of any privileged communication are not disclosed.</p> <p> La. Rev. Stat. Ann. § 46: 2187(A) defines the terms used in this privilege. The text of these definitions is contained above in the section “Select Definitions.”</p>	<p>La. Rev. Stat. Ann. § 46:2187(B)-(D).</p>
<p><b>Safe Harbor for Sexually Exploited Children Act: Duties of Law Enforcement.</b></p> <p>The officer shall notify the Crime Victims Services Bureau of the Department of Public Safety and Corrections that the child may be eligible for special services and, as a mandatory reporter as required by Children’s Code Article 610, shall notify the Department of Children and Family Services that the child is in need of protective services.</p> <p> For the legislative purpose of the Safe Harbor for Sexually Exploited Children Act and related findings, <i>see</i> La. Child. Code Ann. art. 725.</p> <p> La. Child. Code Ann. art. 725.1 defines the terms used in this statute. The text of these definitions is contained above in the section “Select Definitions.”</p>	<p>La. Child. Code Ann. art. 725.4.</p>



<p> The Safe Harbor for Sexually Exploited Children Act establishes safe houses for the child-victims. La. Child. Code Ann. Art. 725.2. The statute also calls for the development of a statewide protocol to help coordinate the delivery of services to these victims. <i>Id.</i> at art. 725.3.</p> <p> The confidentiality of child-victims of sexual exploitation is expressly protected under the Safe Harbor for Sexually Exploited Children Act. La. Child. Code Ann. art. 725.6.</p>	
<p><b>Family Justice Centers: Confidentiality; Information Sharing.</b></p> <p>A. If a multi-disciplinary team (MDT) conference is formed under this statute and the district attorney and chief law enforcement agency in the parish participate, the MDT may obtain information from any public agency, department, or other organization, including material otherwise made confidential or privileged. Any confidential or privileged material or information obtained by an MDT member shall be disclosed only as necessary to other persons providing services to the same victim, and shall not be disclosed to an agency or individual outside of the family justice center unless otherwise required by law or court order.</p> <p>B. The files, reports, records, communications, working papers, or any other material or information used or developed in providing services to a victim at the family justice center are confidential and not subject to the Public Records Law. Disclosure may be made only to another person providing services at the family justice center to the same victim and who needs access to the information or material in order to perform his duties and provide services to the victim consistent with the provisions of this Chapter.</p> <p>C. (1) Each family justice center shall maintain a client consent policy and shall comply with all state and federal laws protecting the confidentiality rights and identity of the victim. Each family justice center shall have a designated privacy officer to develop and oversee privacy policies and procedures consistent with state and federal privacy laws.          (2) Each family justice center is required to obtain informed, written, and reasonably time-</p>	<p>La. Rev. Stat. Ann. § 46:1860.</p>

limited consent from the victim before sharing information obtained from the victim with any staff member, agency partner, or personnel providing services at the family justice center except as provided by the following:

(a) A family justice center is not required to obtain consent from the victim before sharing information obtained from the victim with any staff member, agency partner, or personnel who is also a mandatory reporter, a peace officer, or a member of the prosecuting team who is required by law to report or disclose specific information or incidents.

(b) Each family justice center is required to inform the victim that the information shared with staff members, partner agencies, or other personnel at the family justice center may be shared with law enforcement professionals without the victim's consent if there is a mandatory duty to report as required by law or the victim is a danger to himself or others. Each family justice center shall obtain written acknowledgment from the victim that the victim has been informed of this policy.

(3) Consent by the victim to share information within a family justice center pursuant to the provisions of this Section is not a universal waiver of any existing evidentiary privilege or confidentiality provision provided by law.

(4) Any oral or written communication or any document authorized by the victim to be shared for the purposes of enhancing safety and providing more effective and efficient services to the victim shall not be disclosed to any third party, unless that third-party disclosure is authorized by the victim, or required by other state or federal law or by court order.

D. Each family justice center shall maintain a formal training program with mandatory training of not less than eight hours per year for all persons providing services at the family justice center, including but not limited to training on evidentiary privileges, confidentiality provisions, information sharing, risk assessment, safety planning, victim advocacy, and high-risk case response.



For the legislative purpose of the Family Justice Centers Act and related findings, *see* La. Rev. Stat. Ann. § 46:1860.



For information regarding the categories of victims served by Family Justice Centers

<p>and the types of services that these centers provide, <i>see</i> La. Rev. Stat. Ann. § 46:1861.</p>	
<p><b>Inadmissibility of Opinion and Reputation Evidence of the Victim’s Past Sexual Behavior in Sexual Assault Cases and Human Trafficking Offenses; Exceptions.</b></p> <p>A. (1) Opinion and reputation evidence; sexual assault cases. When an accused is charged with a crime involving sexually assaultive behavior, reputation or opinion evidence of the past sexual behavior of the victim is not admissible.</p> <p>(2) Other evidence; exceptions. When an accused is charged with a crime involving sexually assaultive behavior, evidence of specific instances of the victim’s past sexual behavior is also not admissible except for:</p> <p>(a) Evidence of past sexual behavior with persons other than the accused, upon the issue of whether or not the accused was the source of semen or injury; provided that such evidence is limited to a period not to exceed seventy-two hours prior to the time of the offense, and further provided that the jury be instructed at the time and in its final charge regarding the limited purpose for which the evidence is admitted; or</p> <p>(b) Evidence of past sexual behavior with the accused offered by the accused upon the issue of whether or not the victim consented to the sexually assaultive behavior.</p> <p>B. (1) Opinion and reputation evidence; trafficking. When an accused is charged with a crime involving human trafficking or trafficking of children for sexual purposes, reputation or opinion evidence of the past sexual behavior of the victim is not admissible.</p> <p>(2) Evidence of specific instances of the victim’s past sexual behavior is not admissible unless the evidence is offered by the prosecution in a criminal case to prove a pattern of trafficking activity by the defendant.</p> <p>C. Motion. (1) Before the person, accused of committing a crime that involves sexually assaultive behavior, human trafficking, or trafficking of children for sexual purposes, may offer under Subparagraph (A)(2) or (B)(2) of this Article evidence of specific instances of the victim’s past sexual behavior, the accused shall make a written motion in camera to offer such evidence. The motion shall be accompanied by a written statement of evidence setting forth the names and addresses of persons to be called as witnesses.</p>	<p>La. Code Evid. Ann. art. 412.</p>

(2) The motion and statement of evidence shall be served on the state which shall make a reasonable effort to notify the victim prior to the hearing.

D. Time for a motion. The motion shall be made within the time for filing pre-trial motions specified in Code of Criminal Procedure Article 521, except that the court shall allow the motion to be made at a later date, if the court determines that:

(1) The evidence is of past sexual behavior with the accused, and the accused establishes that the motion was not timely made because of an impossibility arising through no fault of his own; or

(2) The evidence is of past sexual behavior with someone other than the accused, and the accused establishes that the evidence or the issue to which it relates is newly discovered and could not have been obtained earlier through the exercise of due diligence.

E. Hearing. (1) If the court determines that the statement of evidence contains evidence described in Subparagraph (A)(2) or (B)(2), the court shall order a hearing which shall be closed to determine if such evidence is admissible. At such hearing the parties may call witnesses.

(2) The victim, if present, has the right to attend the hearing and may be accompanied by counsel.

(3) If the court determines on the basis of the hearing described in Subparagraph (E)(1) that the evidence which the accused seeks to offer is relevant and that the probative value of such evidence outweighs the danger of unfair prejudice, such evidence may be admissible in the trial to the extent an order made by the court specifies evidence which may be offered and areas with respect to which the victim may be examined or cross-examined. Introduction of such evidence shall be limited to that specified in the order.

(4) Any motion made under Subparagraph C and any statement of evidence, brief, record of a hearing, or like material made or used in connection with the motion shall be kept in a separate, sealed package as part of the record in the case. Nothing in this Article shall preclude the use of the testimony at such hearing in a subsequent prosecution for perjury or false swearing.

F. Past sexual behavior defined. For purposes of this Article, the term “past sexual behavior” means sexual behavior other than the sexual behavior with respect to which the offense of

<p>sexually assaultive behavior is alleged.</p> <p>G. The rules of admissibility of evidence provided by this Article shall also apply to civil actions brought by the victim which are alleged to arise from sexually assaultive behavior, human trafficking, or trafficking of children for sexual purposes by the defendant, whether or not convicted of such crimes.</p>	
<p><b>Inculpatory Statements by Human Trafficking Victims to Law Enforcement During Investigations.</b></p> <p>If a victim of human trafficking or trafficking of children for sexual purposes is also a defendant in any case arising from unlawful acts committed as part of the same trafficking activity, any inculpatory statement made by the victim as a result of questioning by any person then known by the victim to be a law enforcement officer is inadmissible against the victim, except pursuant to Article 801 of this Code or in any prosecution of the victim for perjury, at a trial of the victim for the unlawful acts committed by the victim as part of the same trafficking activity if all of the following conditions exist:</p> <p>(1) The victim cooperates with the investigation and prosecution, including the giving of a use-immunity statement as directed by the prosecuting attorney.</p> <p>(2) The victim testifies truthfully at any hearing or trial related to the trafficking activity, or agrees, either in writing or on the record, to testify truthfully at any hearing or trial related to the trafficking activity in any prosecution of any other person charged with an offense arising from the same trafficking activity, regardless of whether the testimony is unnecessary due to entry of a plea by the other person.</p> <p>(3) The victim has agreed in writing to receive services or participate in a program that provides services to victims of human trafficking or trafficking of children for sexual purposes, if such services are available.</p>	<p>La. Code Evid. Ann. art. 412.3.</p>

**Public Records Law: Requests for Disclosure of Records of Prosecutive, Investigative and Law Enforcement Agencies and Communications Districts.**

La. Rev. Stat. Ann. § 44:3.

A. Nothing in this Chapter shall be construed to require disclosures of records, or the information contained therein, held by the offices of the attorney general, district attorneys, sheriffs, police departments, Department of Public Safety and Corrections, marshals, investigators, public health investigators, correctional agencies, communications districts, intelligence agencies, Council on Peace Officer Standards and Training, Louisiana Commission on Law Enforcement and Administration of Criminal Justice, or publicly owned water districts of the state, which records are:

- (1) Records pertaining to pending criminal litigation or any criminal litigation which can be reasonably anticipated, until such litigation has been finally adjudicated or otherwise settled, except as otherwise provided in Subsection F of this Section; or
- (2) Records containing the identity of a confidential source of information or records which would tend to reveal the identity of a confidential source of information; or
- (3) Records containing security procedures, investigative training information or aids, investigative techniques, investigative technical equipment or instructions on the use thereof, criminal intelligence information pertaining to terrorist-related activity, or threat or vulnerability assessments collected or obtained in the prevention of terrorist-related activity, including but not limited to physical security information, proprietary information, operational plans, and the analysis of such information, or internal security information; or
- (4)(a) The records of the arrest of a person, other than the report of the officer or officers investigating a complaint, until a final judgment of conviction or the acceptance of a plea of guilty by a court of competent jurisdiction. However, the initial report of the officer or officers investigating a complaint, but not to apply to any followup or subsequent report or investigation, records of the booking of a person as provided in Code of Criminal Procedure Article 228, records of the issuance of a summons or citation, and records of the filing of a bill of information shall be a public record.
- (b) The initial report shall set forth:
  - (i) A narrative description of the alleged offense, including appropriate details thereof as determined by the law enforcement agency.
  - (ii) The name and identification of each person charged with or arrested for the alleged

offense.

- (iii) The time and date of the alleged offense.
- (iv) The location of the alleged offense.
- (v) The property involved.
- (vi) The vehicles involved.
- (vii) The names of investigating officers.

(c) Nothing herein shall be construed to require the disclosure of information which would reveal undercover or intelligence operations.

(d) Repealed by Acts 2018, No. 309, § 3.

(5) Records containing the identity of an undercover police officer or records which would tend to reveal the identity of an undercover police officer; or

(6) Records concerning status offenders as defined in the Code of Juvenile Procedure.

(7) Collected and maintained by the Louisiana Bureau of Criminal Identification and Information, provided that this exception shall not apply to the central registry of sex offenders maintained by the bureau.

(8) Video or audio recordings generated by law enforcement officer body-worn cameras that are found by the custodian to violate an individual's reasonable expectation of privacy.

- (a) A body-worn camera is a camera worn on an individual law enforcement officer's person that records and stores audio and video.
- (b) Body-worn camera video or audio recordings that are determined by the custodian to violate an individual's reasonable expectation of privacy shall be disclosed upon a determination and order from a court of competent jurisdiction pursuant to R.S. 44:35.
- (c) All costs of production associated with a court-ordered disclosure shall be set by the court.
- (d) Notwithstanding any provision of this Chapter to the contrary, body-worn camera video or audio recordings generated while the law enforcement officer is not acting in the scope of his official duties shall not be subject to disclosure when the disclosure would violate a reasonable expectation of privacy.

...

F. Notwithstanding any other provision of law to the contrary, after a period of ten years has lapsed from the date of death of a person by other than natural causes, and upon approval by

the district court having jurisdiction over any criminal prosecution which may result due to the death of such person, any prosecutive, investigative, and other law enforcement agency, or any other governmental agency in possession of investigative files or evidence or potential evidence, or any other record, document, or item relating to said death shall, upon request, provide copies of all such files, records, and documents to immediate family members of the victim and shall provide unlimited access for any and all purposes to all such evidence, potential evidence, and other items to any member of the immediate family and to any person or persons whom any member of the immediate family has designated for such purposes. The access granted shall include but not be limited to the examination, inspection, photographing, copying, testing, making impressions, and the use in any court proceeding of and conducting forensic studies on such evidence, potential evidence, and other items. For the purposes of this Subsection, the term “immediate family” shall mean the surviving spouse, children, grandchildren, and siblings of the victim.

...

H. Nothing in this Section shall be construed as prohibiting the release of any report resulting from a request for an investigation of an alleged violation of the crime of identity theft as defined under the provisions of R.S. 14:67.16 to the victim of such alleged crime. However, the information which shall be released to such victim shall be limited to that information required to be released under the provisions of R.S. 14:67.16(H)(2).

...

J. (1) Nothing in this Chapter shall be construed to require the disclosure of information which would reveal the name, address, contact information, or identity of a victim of a sex offense or a human trafficking-related offense as those terms are defined in R.S. 46:1844.  
(2) Nothing in this Chapter shall be construed to require the disclosure of information which would reveal the name, address, contact information, or identity of a crime victim who at the time of the commission of the offense is a minor under eighteen years of age.  
(3) Nothing in this Chapter shall be construed to require the disclosure of information which would reveal the address or contact information of a victim of a crime against a family member, household member, or dating partner. “Family member” and “household member”




<p>shall have the same definitions as in R.S. 46:2132 and “dating partner” shall have the same definition as in R.S. 46:2151.</p>	
<p><b>Public Records Law: Not Applicable to Certain Personally Identifiable Information of Crime Victims.</b></p> <p>This Chapter shall not apply:</p> <p>...</p> <p>(28) To the name of any person, contained within or referred to in the records, papers or files of the Crime Victims Reparations Board, applying for or receiving funds from the Crime Victims Reparations Fund. In lieu of the person’s name, the person’s file number shall be utilized.</p> <p>...</p> <p>(56) To personally identifiable information of any person who reports a violation of a student code of conduct or other policy intended for the safety of students or employees of a postsecondary education institution, personally identifiable information of any reported witness to the reported violation, and, if the reported violation involves violence or abuse, personally identifiable information of any person who may be a victim of violence or abuse directly related to the reported violation if such information is in the custody or control of the postsecondary education institution or management board and was received in accordance with adopted, written policies applicable to the postsecondary education institution and the students and employees of the postsecondary education institution, unless access to the information is specifically required by other provisions of law of this state or by federal law or is ordered by a court under rules of discovery.</p>	<p>La. Rev. Stat. Ann. § 44:4.</p>


<p><b>Address Confidentiality Act Program: Application, Certification, Substitute Address, Renewal, Prohibited Acts and Penalties.</b></p> <p>A. (1) The Louisiana Department of State Address Confidentiality Program is hereby established to provide for the confidentiality of the physical addresses of program participants who are victims of abuse, sexual assault, or stalking.</p> <p>(2) The secretary of state shall promulgate and adopt rules as necessary to effectuate the provisions and purposes of this Part. Any act or omission of the secretary of state in the implementation of the provisions of this Part shall be reviewable upon filing a petition for judicial review in the Nineteenth Judicial District Court. However, the secretary of state, his employees, application assistance agencies or organizations designated under R.S. 44:56, and the employees or volunteers of such agencies or organizations shall not be liable for any injury, loss, or damage resulting from any act or omission under this Part, except when such injury, loss, or damage is caused by an act or omission described in Paragraph (3) or (4) of Subsection B of this Section that is criminal, grossly negligent, intentional, or willful.</p> <p>(3) The following persons may make application to the secretary of state to participate in the address confidentiality program:</p> <p>(a) Any person who is a victim of abuse, sexual assault, or stalking and fears for his or her safety.</p> <p>(b) A parent on behalf of his minor child, which child is the victim of abuse, sexual assault, or stalking, and for whom the parent fears for the safety.</p> <p>(c) A guardian on behalf of a minor or incapacitated person in his care, which minor or incapacitated person is a victim of abuse, sexual assault, or stalking, and for whom the guardian fears for the safety.</p> <p>(4) An application to the secretary of state for certification to participate in the address confidentiality program shall include the following:</p> <p>(a) A sworn statement by the applicant attesting that the applicant has good reason to believe:</p> <p>(i) That the applicant or the minor or incapacitated person on whose behalf the application is made is a victim of abuse, sexual assault, or stalking; and</p>	<p>La. Rev. Stat. Ann. § 44:52.</p>
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- (ii) That the applicant fears for his or her safety, or the safety of the minor or incapacitated person on whose behalf the application is made.
- (b) A designation of the secretary of state as agent for purposes of service of process and receipt of mail.
- (c) The mailing address and the telephone number or numbers where the applicant can be contacted by the secretary of state.
- (d) The physical address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of abuse, sexual assault, or stalking.
- (e) A statement attesting that the applicant understands that as program participant, if he is a registered voter, he voluntarily waives his right to vote in person during early voting or at the polls on election day, but is eligible to vote absentee by mail.
- (f) The signature of the applicant and the signature of any person who assisted the applicant in completing the application, as authorized in R.S. 44:56.

- B. (1) Applications shall be filed in the office of the secretary of state.
- (2) Upon the filing of a properly completed application, the secretary of state shall certify the applicant as a program participant. Such certification shall be valid for four years following the date of filing unless the certification is canceled. The secretary of state may establish a renewal procedure for program participants by administrative rule in accordance with the Administrative Procedure Act.<sup>1</sup> The secretary of state shall designate a substitute address to each program participant. The secretary of state shall forward all first-class mail to each program participant's physical address.
- (3) A person who falsely attests in an application that the applicant or the minor or incapacitated person on whose behalf the application is made is a victim of abuse, sexual assault, or stalking, or falsely attests that the applicant fears for his or her safety, or the safety of the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application, is guilty of a misdemeanor and shall be fined not more than one thousand dollars or be imprisoned for not more than one year, or both. On a second offense, or any succeeding offense, the penalty shall be a fine of not more than two thousand five hundred dollars or imprisonment for not more than five years, or both.
- (4) No person shall intentionally, and knowing that he is not authorized to do so, obtain or cause the release of a program participant's physical address from the secretary of state, a

state agency, a parish or local governmental agency, a law enforcement agency, or an application assistance agency or organization designated pursuant to R.S. 44:56. Whoever violates the provisions of this Paragraph is guilty of a misdemeanor and shall be fined not more than two thousand dollars or imprisoned for not more than one year, or both. On a second offense, or any succeeding offense, the penalty shall be a fine of not more than three thousand five hundred dollars or imprisonment for not more than five years, or both.

 La. Rev. Stat. Ann. § 44:51 defines the terms used in the Address Confidentiality Act. The text of these definitions is contained above in the section “Select Definitions.”

 Further details about the operation of Louisiana’s address confidentiality program can be found elsewhere in the Address Confidentiality Act. *See* La. Rev. Stat. Ann. § 44:53 (cancellation of certification); *id.* at § 44:53 (substitute address, use); *id.* at § 44:53 (confidentiality of records); *id.* at § 44:56 (application assistance); *id.* at § 44:57 (service of process).

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