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Bill Requiring Victims Get Notification When an Offender is Released From Custody Moves Forward

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Linda Straker **January 31, 2022**

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Members of the Senate Committee on Homeland Security, Justice, and Public Safety on Friday approved legislation that would make it mandatory for victims of various types of bodily harm criminal offenses to be notified whenever the perpetrator is released on bail or after serving a custodial sentence.

“This legislation seeks to expand the notification given to victims, and it requires victims to be notified when the perpetrators or alleged perpetrators are released back into the community,” said Senate President Donna Frett-Gregory, who sponsored the measure and presented it to members of the committee.

Bill No. 34-0141 seeks to protect victims, and it defines crimes against the person as criminal offenses which involve bodily harm such as assault, battery, kidnapping, and rape.

“This definition,” Ms. Frett-Gregory explained, “expands the notification beyond domestic violence as currently in the law. One could argue why are we having this discussion when there is already a notification component in the law,” she said while pointing out the current weakness or loophole of the law.

Elaborating on the current law's weakness, she said, “While we have a victim and witness Bill of Rights under Title 34 chapter 8, that Bill of Right does not delineate the process of notification. It does not ensure accountability to victims when a person who has violated them is released back into the community.”

Explaining further, she stated, “A victim or prosecution witness has a right to be informed when the convicted offender receives a temporary provisional or final release from custody or if the offender escapes custody.” To that end, Ms. Frett-Gregory said the current law “speaks to rights but it doesn’t speak to action or the requirements of the governmental entity to ensure that action is in fact taking place.”

The legislation proposes that victims shall be notified by phone, email, or by a person duly authorized to deliver a summons when the perpetrator is being released from jail, mental institution, or escapes from custody.

She said enactment of this legislation requires collaboration between the Department of Justice and the Bureau of Corrections. “This proposed legislation will be extremely impactful. We can all see what is happening in our community... and there is no doubt that we have challenges,” she said.

Pointing out the need for victims to fully prepare their mind, body, and soul for possibly interacting with a perpetrator, the Senate president stated, “Victims of crimes in our community must feel safe and this proposed measure allows for victims to prepare themselves mentally, emotionally, and in some cases physically.”

She said the measure offers victims a level of protection that they have been requesting for many years but legally the government could not provide. “Can you imagine walking into the grocery store and coming face-to-face with someone who has violated you and you were completely unaware that the individual was no longer incarcerated? This happens in our community and it continues to happen, and as a result victims of crimes are often re-victimized because of these types of situations,” she said while giving background to the legislation.

Though Senator Novelle Francis expressed support for the measure, he suggested that more individuals should be notified and not only victims.

“When we look at the law enforcement officers involved in making sure that this suspect is arrested, prosecuted and sent off to pay the price of justice, when you look at the attorney general that might be prosecuting the case, when you look at the judges who may have tried this case, they can be victims as well,” Mr. Francis, a former law enforcement officer, argued. “Of course the victim is number one in those types of situations. But all those other entities, they are the people’s representatives and they are also at risk when the suspect is released.”

Sharing a personal example of someone he arrested 14 years prior that had gone to jail and was released without his knowledge, Mr. Francis stated, “I was a sitting duck not knowing that the

individual was released and could very well want to seek revenge for him going to jail." The senator explained that he was at the market and had felt uneasy by someone who was looking at him. After investigating, he recognized that it was the individual he arrested years ago.

"So, it's not just the victims but the people's representatives. And where you see crime and violence have escalated in this country unfortunately to levels where people are not safe in their homes, prosecutors won't be safe, law enforcement won't be safe, and even judges may very well not be safe as a result of doing their part to make sure that they are the people's representatives," he said.

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