

2020 Regular Session

HOUSE BILL NO. 518

BY REPRESENTATIVE GARY CARTER

EVIDENCE: Provides relative to character opinion evidence

1 AN ACT

2 To amend and reenact Code of Evidence Articles 405(A) and (C), 608(A)(introductory
3 paragraph), (2), and (3) and to enact Code of Evidence Articles 405(D) and
4 608(A)(4), relative to the admissibility of certain testimony; to provide for character
5 opinion testimony; to provide for the foundation of opinion and reputation evidence;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Evidence Articles 405(A) and (C), 608(A)(introductory
9 paragraph), (2), and (3) are hereby amended and reenacted and Code of Evidence Articles
10 405(D) and 608(A)(4) are hereby enacted to read as follows:

11 Art. 405. Methods of proving character

12 A. Reputation or opinion. Except as provided in Article 412, in all cases in
13 which evidence of character or a trait of character of a person is admissible, proof
14 may be made by testimony as to general reputation ~~only~~; or by testimony in the form
15 of an opinion. On cross-examination of the character witness, inquiry is allowable
16 into relevant specific instances of conduct.

17 * * *

18 C. Foundation for reputation evidence. Before a ~~person~~ character witness
19 may be permitted to testify to the reputation of ~~another~~ a person, a foundation must
20 be established that the character witness is familiar with that reputation.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 518 Original

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Abstract: Provides for personal opinion testimony by a character witness of a person's character or character trait at issue.

Present law provides that a character witness is permitted to testify only to the general reputation of a person.

Proposed law adds that a character witness is permitted to testify on his personal opinion of a person.

Present law provides for the foundation for testifying on the general reputation of a person.

Proposed law requires that a character witness provide a foundation establishing his familiarity with a person's reputation.

Proposed law requires that a character witness must have a sufficient relationship with the person about whose reputation he is testifying.

(Amends C.E. Arts. 405(A) and (C), 608(A)(intro. para.), (2), and (3); Adds C.E. Arts. 405(D) and 608(A)(4))