

# ACT No. 354

2023 Regular Session

HOUSE BILL NO. 475

BY REPRESENTATIVES MAGEE AND KNOX

1 AN ACT

2 To amend and reenact Code of Evidence Article 404(B)(1), relative to evidence; to prohibit  
3 the admissibility of a defendant's creative or artistic expression; to provide for  
4 exceptions; to provide for definitions; to provide relative to the admissibility of a  
5 defendant's creative or artistic expression in a criminal case; and to provide for  
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Evidence Article 404(B)(1) is hereby amended and reenacted to  
9 read as follows:

10 Art. 404. Character evidence generally not admissible in civil or criminal trial to  
11 prove conduct; exceptions; other criminal acts

12 \* \* \*

13 B. Other crimes, wrongs, or acts; creative or artistic expression. (1)(a)  
14 Except as provided in Article 412 or as otherwise provided by law, evidence of other  
15 crimes, wrongs, or acts is not admissible to prove the character of a person in order  
16 to show that he acted in conformity therewith. It may, however, be admissible for  
17 other purposes, such as proof of motive, opportunity, intent, preparation, plan,  
18 knowledge, identity, absence of mistake or accident, provided that upon request by  
19 the accused, the prosecution in a criminal case shall provide reasonable notice in  
20 advance of trial, of the nature of any such evidence it intends to introduce at trial for  
21 such purposes, or when it relates to conduct that constitutes an integral part of the act  
22 or transaction that is the subject of the present proceeding.

23 (b)(i) For purposes of this Subparagraph "creative or artistic expression"  
24 means the expression or application of creativity or imagination in the production or

1 arrangement of forms, sounds, words, movements, or symbols, including music,  
2 dance, performance art, visual art, poetry, literature, film, and other such objects or  
3 media.

4 (ii) Except as provided in Article 412 or as otherwise provided by law,  
5 creative or artistic expression is not admissible in a criminal case to prove the  
6 character of a person in order to show that he acted in conformity therewith,  
7 provided that the accused provides reasonable notice to the prosecution in advance  
8 of trial asserting that the evidence is creative or artistic expression. Evidence of  
9 creative or artistic expression may, however, be admissible for other purposes, such  
10 as proof of motive, opportunity, intent, preparation, plan, knowledge, identity,  
11 absence of mistake or accident, provided that upon request by the accused, the  
12 prosecution in a criminal case shall provide reasonable notice in advance of trial, of  
13 the nature of any such evidence it intends to introduce at trial for such purposes, or  
14 when it relates to conduct that constitutes an integral part of the act or transaction  
15 that is the subject of the present proceeding.

16 (c) This Paragraph shall not be construed to limit the admission or  
17 consideration of evidence under any other rule.

18 \* \* \*

19 Section 2. This Act shall be known and may be cited as the "Restoring Artistic  
20 Protection Act of 2023".

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_