

2026 Regular Session

HOUSE BILL NO. 995

BY REPRESENTATIVES LACOMBE, JACKSON, MIKE JOHNSON, MARTINEZ,
SPELL, AND THOMPSON

CRIMINAL/PROCEDURE: Provides relative to the electronic access of videotaped
statements of protected persons

1 AN ACT

2 To amend and reenact Children's Code Article 327(C) and to enact R.S. 15:440.5(D) and
3 Children's Code Article 327(D), relative to videotaped statements of protected
4 persons; to provide relative to accessibility; to provide for limitations; to provide
5 relative to the production of videotaped statements at trial; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:440.5(D) is hereby enacted to read as follows:

9 §440.5. Admissibility of videotaped statements; discovery by defendant

10 * * *

11 D. Any requirement that a copy of a videotaped statement of a protected
12 person be provided to a criminal defendant's attorney, to a court, or to any other
13 person entitled by law to such a copy may be satisfied by providing electronic access
14 to view the videotaped statement in a manner that is sufficient to protect the rights
15 of the criminal defendant under the United States Constitution and Louisiana
16 Constitution. This Subsection does not permit any of the following:

17 (1) The authorization of a pro se criminal defendant to electronically access
18 a copy of a videotaped statement of a protected person.

Proposed law retains present law.

Proposed law provides that any requirement that a copy of a videotaped statement of a protected person be provided to a criminal defendant's attorney, to a court, or to any other person entitled by law to such a copy may be satisfied by providing electronic access to view the videotaped statement in a manner that is sufficient to protect the constitutional rights of the criminal defendant.

Proposed law does not permit any of the following:

- (1) The authorization of a pro se criminal defendant to electronically access a copy of a videotaped statement of a protected person.
- (2) The negation or circumvention of any requirement that a physical copy of the videotaped statement of a protected person be produced at a criminal trial where a party is introducing the videotaped statement of a protected person as evidence at the criminal trial.

(Amends Ch.C. Art. 327(C); Adds R.S. 15:440.5(D) and Ch.C. Art. 327(D))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Clarify that the disclosure requirement relative to a copy of a videotaped statement of a protected person may be satisfied by providing electronic access to view the videotaped statement in a manner that is sufficient to protect the constitutional rights of the criminal defendant.
2. Clarify that the limitation within proposed law relative to the negation or circumvention of any requirement that a physical copy of the videotaped statement of a protected person be produced at a criminal trial is applicable where a party is introducing the videotaped statement of a protected person as evidence at the criminal trial.