

Regular Session, 2014

HOUSE BILL NO. 1073 (Substitute for House Bill No. 442 by Representative Hazel)

BY REPRESENTATIVES HAZEL AND NORTON

CRIMINAL/PROCEDURE: Provides relative to the recording of statements of protected persons outside of the courtroom

1 AN ACT

2 To amend and reenact R.S. 15:440.2(A)(1), relative to recorded statements of protected
3 persons; to amend provisions regarding the authorization to record the statement of
4 a protected person; to authorize the recording of statements of protected persons
5 without the necessity of a court order by either local court rule or execution of a
6 written protocol; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:440.2(A)(1) is hereby amended and reenacted to read as follows:

9 §440.2. Authorization

10 A.(1) A court with original criminal jurisdiction or juvenile jurisdiction may;
11 ~~on its own motion or on motion of the district attorney, a parish welfare unit or~~
12 ~~agency, or the Department of Children and Family Services,~~ require that a statement
13 of a protected person ~~who may have been a witness to or victim of a crime~~ be
14 recorded on videotape by any of the following:

15 (a) Motion of the court or motion of the district attorney, a parish welfare
16 unit or agency, the Department of Children and Family Services, or a Child
17 Advocacy Center or Child Advocacy Program operating in the judicial district.

18 (b) Adoption of a local court rule that authorizes the videotaping of any
19 protected person without the necessity of the issuance of an order by the court in any
20 individual case.

1 (c) Execution of a written protocol between the court and law enforcement
2 agencies, a parish welfare unit or agency, the Department of Children and Family
3 Services, or a Child Advocacy Center or Child Advocacy Program operating in the
4 judicial district that authorizes the videotaping of any protected person without the
5 necessity of the issuance of an order by the court in any individual case.

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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)]

Hazel

HB No. 1073

Abstract: Authorizes the recording of statements of protected persons outside of the courtroom without the necessity of a court order by either local court rule or execution of a written protocol between the court and several agencies.

Present law authorizes the court, on its own motion or on motion of the district attorney, a parish welfare unit or agency, or the Dept. of Children and Family Services, to require that a statement of a protected person be recorded on videotape.

Present law defines "protected person" as any person who is a victim of a crime or a witness in a criminal proceeding and who is either under the age of 17 years or has a developmental disability as defined in present law.

Proposed law retains present law and authorizes the recording of statements of protected persons outside of the courtroom without the necessity of the issuance of an order by the court in any individual case either by local court rule or by the execution of a written protocol between the court and law enforcement agencies, a parish welfare unit or agency, DCFS, or a Child Advocacy Center or Child Advocacy Program operating in the judicial district.

(Amends R.S. 15:440.2(A)(1))