

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 326 By Senator Gary Smith

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

CRIMINAL PROCEDURE. Authorizes certain individuals to view certain videotaped statements. (8/1/14)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Technical amendments only.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

Present law authorizes the use of videotaped statements of protected persons. Present law defines "protected person" as a crime witness or victim who is either under the age of 17 or has a developmental disability. Present law provides that if a copy of the videotaped statement is provided to the defendant's attorney, only the defendant and his attorney are permitted to view the tape.

Proposed law retains present law and further provides that in addition to the defendant and his attorney, the following persons who are involved in preparing the defense are authorized to view the videotaped statement: the attorney's regularly employed staff, the defense investigator designated to work on the case, the defense paralegal designated to work on the case, and other staff members of the attorney who are transcribing the videotaped oral statement.

Present law provides that no copies of the videotaped statement provided to the defense can be made by any person.

Proposed law changes present law to provide that copies of the videotaped statement provided to the defense may be made if they will be used as exhibits for trial.

Present law provides that the defense copy of the videotaped statement must be securely retained by the defendant's attorney at all times and cannot be possessed, transferred, distributed, copied, or viewed by any unauthorized party.

Proposed law retains present law and adds that any transcript of the videotaped statement must also be securely retained by the defendant's attorney.

Effective August 1, 2014.

(Amends R.S. 15:440.5(C))

Thomas L. Tyler
Deputy Chief of Staff