

Regular Session, 2014

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

BY REPRESENTATIVES HAZEL AND NORTON

AN ACT

To amend and reenact R.S. 15:440.2(A)(1) and Children's Code Article 324(A), relative to recorded statements of protected persons; to amend provisions regarding the authorization to record the statement of a protected person; to authorize the recording of statements of protected persons without the necessity of a court order by either local court rule or execution of a written protocol; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§440.2. Authorization

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

(a) Motion of the court or motion of the district attorney, a parish welfare unit or agency, the Department of Children and Family Services, or a child advocacy center operating in the judicial district.

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

(c) Execution of a written protocol between the court and law enforcement agencies, a parish welfare unit or agency, the Department of Children and Family Services, or a child advocacy center operating in the judicial district that authorizes

the videotaping of any protected person without the necessity of the issuance of an order by the court in any individual case.

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Section 2. Children's Code Article 324(A) is hereby amended and reenacted to read as follows:

Art. 324. Authorization

A. A court exercising juvenile jurisdiction may, ~~on its own motion or on the motion of the district attorney, a parish welfare unit or agency, or the department,~~ require that a statement of a protected person be recorded on videotape in conformity with Article 326 by any of the following:

(1) Motion of the court or motion of the district attorney, a parish welfare unit or agency, the Department of Children and Family Services, or a child advocacy center operating in the judicial district.

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

(3) Execution of a written protocol between the court and law enforcement agencies, a parish welfare unit or agency, the Department of Children and Family Services, or a child advocacy center operating in the judicial district that authorizes the videotaping of any protected person without the necessity of the issuance of an order by the court in any individual case.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____