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**SENATE COMMITTEE AMENDMENTS**

2018 Regular Session

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 38  
by Senator Bishop

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1 AMENDMENT NO. 1

2 On page 1, line 17, after "**B.**" delete the remainder of the line

3 AMENDMENT NO. 2

4 On page 2, delete lines 1 through 7

5 AMENDMENT NO. 3

6 On page 2, delete "**C.**"

7 AMENDMENT NO. 4

8 On page 2, line 10, delete "**International Association of Chiefs of Police (IACP)**" and  
9 insert "**Louisiana Sheriff's Executive Management Institute ("LSEMI")**"

10 AMENDMENT NO. 5

11 On page 3, line 3, after "**means a**" insert "**blinded**"

12 AMENDMENT NO. 6

13 On page 3, line 18, after "**(10) "Suspect" means**" change "**the**" to "**a**"

14 AMENDMENT NO. 7

15 On page 3, at the end of line 19, change "**the crime**" to "**an offense**"

16 AMENDMENT NO. 8

17 On page 3, delete lines 20 through 22

18 AMENDMENT NO. 9

19 On page 3, line 24, after "**January**" change "**1**" to "**30**"

20 AMENDMENT NO. 10

21 On page 3, line 25, after "**identifications**" delete the remainder of the line and insert "**either**  
22 **shall adopt the LSEMI model policy or draft**"

23 AMENDMENT NO. 11

24 On page 3, delete line 26

25 AMENDMENT NO. 12

26 On page 3, line 28, change "**Title**" to "**Section**"

27 AMENDMENT NO. 13

28 On page 4, at the end of line 1, delete "**attorney general**" and insert "**Louisiana**  
29 **Commission on Law Enforcement and Administration of Criminal Justice**"

1 AMENDMENT NO. 14

2 On page 4, delete line 2 and insert "no later than March"

3 AMENDMENT NO. 15

4 On page 4, line 5, after "policies shall" delete the remainder of the line and insert a colon  
5 ":"

6 AMENDMENT NO. 16

7 On page 4, delete lines 6 through 29 and insert the following:

8 "(1) Be based on all of the following:

9 (a) Credible field, academic, or laboratory research on eyewitness  
10 memory.

11 (b) Relevant policies, guidelines, and best practices designed to reduce  
12 erroneous eyewitness identifications and to enhance the reliability and  
13 objectivity of eyewitness identifications.

14 (c) Other relevant information as appropriate.

15 (2) Include the following information regarding evidence-based  
16 practices:

17 (a) Procedures for selecting photograph and live lineup filler  
18 photographs or participants to ensure that the photographs or participant:

19 (i) Are consistent in appearance with the description of the alleged  
20 perpetrator.

21 (ii) Do not make the suspect noticeably stand out.

22 (b) Instructions given to a witness before conducting a photograph or live  
23 lineup identification procedure shall include a statement that the person who  
24 committed the offense may or may not be present in the procedure.

25 (c) Procedures for documenting and preserving the results of a  
26 photograph or live lineup identification procedure, including the documentation  
27 of witness statements, regardless of the outcome of the procedure.

28 (d) Procedures for administering a photograph or live lineup  
29 identification procedure to an illiterate person or a person with limited English  
30 language proficiency.

31 (e) For a live lineup identification procedure, if practicable, procedures  
32 for assigning an administrator who is unaware of which member of the live  
33 lineup is the suspect in the case or alternative procedures designed to prevent  
34 opportunities to influence the witness.

35 (f) For a photograph identification procedure, procedures for assigning  
36 an administrator who is capable of administering a photograph array in a blind  
37 manner or in a blinded manner consistent with other proven or supported best  
38 practices designed to prevent opportunities to influence the witness.

39 (g) Any other procedures or best practices supported by credible  
40 research or commonly accepted as a means to reduce erroneous eyewitness  
41 identifications and to enhance the objectivity and reliability of eyewitness  
42 identifications.

43 (3) Provide that a witness who makes an identification based on a  
44 photograph or live lineup identification procedure be asked immediately after  
45 the procedure to state, in the witness's own words, how confident the witness is  
46 in making the identification. A law enforcement agency shall document in  
47 accordance with Subsubparagraph (B)(2)(c) of this Article any statement made  
48 under this Subparagraph.

49 C. Not later than December thirty-one of each odd-numbered year, the  
50 institute shall review the model policy and training materials adopted under this  
51 article and shall modify the policy and materials as appropriate while  
52 maintaining the requirements outlined in Paragraph B of this Article.

53 D. Not later than December thirty-one of each even-numbered year, each  
54 law enforcement agency shall review its policy adopted under this Article and

1 shall modify that policy as appropriate while maintaining the requirements  
2 outlined in Paragraph B of this Article.

3 E. Failure to conduct a photograph or live lineup identification  
4 procedure in substantial compliance with the model policy or any other policy  
5 adopted under this Article shall not bar the admission of eyewitness  
6 identification testimony."

7 AMENDMENT NO. 17

8 On page 5, delete lines 1 through 12

9 AMENDMENT NO. 18

10 On page 5, at the beginning of line 13, change "C." to "F."

11 AMENDMENT NO. 19

12 On page 5, at the end of line 17, after "lineup" insert "in accordance with  
13 Subsubparagraph (B)(2)(c) of this Article"

14 AMENDMENT NO. 20

15 On page 5, at the beginning of line 18, change "D." to "G."

16 AMENDMENT NO. 21

17 On page 5, at the beginning of line 20, change "E." to "H."

18 AMENDMENT NO. 22

19 On page 5, at the beginning of line 22, after "(1)" change "Shall" to "May"

20 AMENDMENT NO. 23

21 On page 5, at the beginning of line 24, after "(2)" change "Shall" to "May"

22 AMENDMENT NO. 24

23 On page 5, delete lines 26 through 29

24 AMENDMENT NO. 25

25 On page 6, delete lines 1 through 3