

**GREEN SHEET REDIGEST**

**HB 489**

**2019 Regular Session**

**DuBuisson**

**EVIDENCE: Provides relative to hearsay.**

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DIGEST

Present law provides that certain prior statements by a witness are not hearsay if the declarant testifies at trial or hearing and is subject to cross-examination concerning the statement, and the statement is any of the following:

- (1) Inconsistent with his testimony in criminal cases provided that the witness has been given the opportunity to admit the fact.
- (2) Consistent with his testimony and offered to rebut charges against him of fabrication, improper influence or motive.
- (3) One of identification of a person made after perceiving the person.
- (4) Consistent with declarant's testimony and is one of initial complaint of sexually assaultive behavior.

Proposed law retains present law and adds to the list of hearsay exceptions statements made by the victim of a sexually-oriented criminal offense to a healthcare provider during the course of a forensic medical examination if the statement is documented in writing by the healthcare provider at that time.

(Adds C.E. Art. 801(D)(1)(e))

The House Floor Amendments to the engrossed bill:

1. Add that, for the exception to apply, the healthcare provider shall have documented the victim's statement in writing.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the reengrossed bill

1. Adds a requirement that the healthcare provider's documentation of the victim's statements be during the course of the forensic medical examination.