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## DIGEST

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HB 451 Original

2020 Regular Session

Hilferty

**Abstract:** Adds a hearsay exception for certain recorded statements made by persons alleging domestic or dating partner abuse and adds a presumption that the failure to appear pursuant to a subpoena by a victim of domestic or dating partner abuse is a result of wrongdoing on the part of the defendant.

Present law lists certain exceptions to the hearsay rule when the declarant is unavailable.

Proposed law adds an exception to the hearsay rule for a contemporaneous statement made by a person alleging abusive behavior by a family member, household member, or dating partner, as those terms are defined by present law, and captured upon a body-worn camera or otherwise audio and visually recorded.

Present law provides that a statement offered against a party that has engaged or acquiesced in wrongdoing that was intended to, and did procure the unavailability of the declarant as a witness is not excluded by the hearsay rule.

Proposed law adds a presumption that the failure to appear pursuant to a subpoena by a victim of the abusive behavior of a family member, household member, or dating partner, as those terms are defined by present law, is a result of wrongdoing on the part of the defendant.

(Amends C.E. Art. 804(B)(6) and (7); Adds C.E. Art. 804(B)(8))