## HOUSE COMMITTEE AMENDMENTS

2024 Regular Session

Amendments proposed by House Committee on Administration of Criminal Justice to Original House Bill No. 189 by Representative Willard

| 1                          | AMENDMENT NO. 1  |
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| 2<br>3<br>4<br>5           | On page 1, line 2, after "To" and before the comma "," change "enact R.S. 15:440.2(D) and 440.4(A)(5)" to "amend and reenact R.S. 15:440.4(A)(5) and Children's Code Articles 323 and 326(A)(7) and to enact R.S. 15:440.2(D) and 440.4(C) and Children's Code Article 326(C)"   |
| 6                          | AMENDMENT NO. 2  |
| 7<br>8                     | On page 1, line 3, after "authorized to" and before "a" change "take" to "supervise the taking of"   |
| 9                          | AMENDMENT NO. 3  |
| 10<br>11<br>12             | On page 1, line 6, after "Section 1." and before "to" change "R.S. 15:440.2(D) and 440.4(A)(5) are hereby enacted" to "R.S. 15:440.4(A)(5) is hereby amended and reenacted and R.S. 15:440.2(D) and 440.4(C) are hereby enacted"   |
| 13                         | AMENDMENT NO. 4  |
| 14<br>15                   | On page 1, at the end of line 10, delete "police" and delete line 11 in its entirety and insert the following:   |
| 16<br>17<br>18<br>19<br>20 | "law enforcement agency and has met either of the following requirements:  (1) Is a former law enforcement officer who is certified by the Peace Officer  Standards and Training Council.  (2) Has completed investigative training as part of his employment with a law enforcement agency."  |
| 21                         | AMENDMENT NO. 5  |
| 22                         | On page 2, after line 3, add the following:  |
| 23<br>24<br>25<br>26<br>27 | "C. The provisions of this Section, relative to a civilian investigator's ability to render a videotape as competent evidence, shall only apply to a civilian investigator within a parish with a population of not less than three hundred eighty-three thousand and not more than four hundred forty thousand as provided in the most recent federal decennial census. |
| 28<br>29<br>30             | Section 2. Children's Code Articles 323 and 326(A)(7) are hereby amended and reenacted and Children's Code Article 326(C) is hereby enacted to read as follows:  |
| 31<br>32<br>33<br>34<br>35 | Art. 323. Definitions  (1) "Civilian investigator" means any person who performs investigative work as a non-certified employee of a law enforcement agency and has met either of the following requirements:  (a) Is a former law enforcement officer who is certified by the Peace Officer   |
| 36<br>37<br>38<br>39       | Standards and Training Council.  (b) Has completed investigative training as part of his employment with a law enforcement agency.  (2) "Department" means the Department of Children and Family Services.   |

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| 1<br>2<br>3<br>4<br>5 | <ul> <li>(2) (3) "Protected person" means any person who is a victim of a crime or a witness in a juvenile proceeding and who either:</li> <li>(a) Is under the age of eighteen years.</li> <li>(b) Has a developmental disability as defined in R.S. 28:451.2(12).</li> <li>(3) (4) "Videotape" means the visual recording on a magnetic tape, film,</li> </ul> |
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| 6                     | videotape, compact disc, digital versatile disc, digital video disc, or by other   |
| 7                     | electronic means together with the associated oral record.   |
| 8                     | * * *  |
| 9                     | Art. 326. Competent evidence; procedures for making videotape  |
| 10                    | A. A videotape of the statements of a protected person who is alleged to be  |
| 11                    | the victim of or witness to a crime may be offered in evidence for or against such   |
| 12                    | crime. To render such a videotape competent evidence, all of the following must be   |
| 13                    | satisfactorily proved:   |
| 14                    | * * *  |
| 15                    | (7) The taking of the protected person's statement was supervised by a   |
| 16                    | physician, a social worker, a law enforcement officer, a licensed psychologist,  |
| 17                    | medical psychologist, licensed professional counselor, a civilian investigator, or an  |
| 18                    | authorized representative of the department.   |
| 19                    | * * *  |
| 20                    | C. The provisions of this Article, relative to a civilian investigator's ability   |
| 21                    | to render a videotape as competent evidence, shall only apply to a civilian  |
| 22                    | investigator within a parish with a population of not less than three hundred eighty-  |
| 23                    | three thousand and not more than four hundred forty thousand as provided in the  |
| 24                    | most recent federal decennial census."   |