
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Perry (SB 481)

Present law provides special procedures for the protection of privacy of a victim when evidence pertains to child pornography, video voyeurism, or obscenity, including motions by the district attorney or the court to limit the access to such evidence or copies thereof.

Present law further provides that the court, upon motion of the district attorney, may order the destruction of the evidence.

Proposed law repeals these provisions of present law and further provides that in any criminal proceeding, any property or material that is alleged to constitute evidence of pornography involving juveniles, video voyeurism, or certain instances of obscenity is to remain in the care, custody, and control of the court or the district attorney.

Proposed law further provides that the court is to deny any request by the defendant to copy, photograph, duplicate, or otherwise reproduce such evidence, provided that the district attorney makes the property or material reasonably available to the defendant providing ample opportunity for the inspection, viewing, and examination at the office of the district attorney by the defendant, the defendant's attorney, and any individual the defendant may seek to qualify to furnish expert testimony at trial.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds C.Cr.P. Art. 718.1; repeals R.S. 46:1845)