

2016 Regular Session

HOUSE BILL NO. 590

BY REPRESENTATIVE LEOPOLD

CRIME: Provides with respect to prior bad acts in domestic violence and cruelty to juveniles cases

1 AN ACT

2 To enact Code of Evidence Article 412.4, relative evidence of prior acts in domestic abuse
3 cases; to provide that previous acts may be admissible as long as the probative value
4 of the evidence outweighs any prejudicial effect it may have on the case; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Evidence Article 412.4 is hereby enacted to read as follows:

8 Art. 412.4. Evidence of similar crimes, wrongs, or acts in domestic abuse cases,
9 cruelty against juveniles cases

10 A. When an accused is charged with a crime involving abusive behavior
11 against a family member, household member, or with acts which constitute cruelty
12 involving a victim who was under the age of seventeen at the time of the offense,
13 evidence of the accused's commission of another crime, wrong, or act involving
14 assaultive behavior against a family member, or household member or acts which
15 constitute cruelty involving a victim who was under the age of seventeen at the time
16 of the offense, may be admissible and may be considered for its bearing on any
17 matter to which it is relevant, subject to the balancing test provided in Article 403.

18 B. In a case in which the state intends to offer evidence under the provisions
19 of this Article, the prosecution shall, upon request of the accused, provide reasonable
20 notice in advance of trial of the nature of any such evidence it intends to introduce
21 at trial for such purposes.

1 C. This Article shall not be construed to limit the admissibility or
2 consideration of evidence under any other rule.

3 D. For purposes of this Article:

4 (1) "Abusive behavior" means any behavior of the offender involving the use
5 or threatened use of force against the person or property of a family member or
6 household member of the alleged offender.

7 (2) "Family member" means spouses, former spouses, parents and children,
8 stepparents, stepchildren, foster parents, and foster children.

9 (3) "Household member" means any person of the opposite sex presently or
10 formerly living in the same residence with the offender as a spouse, whether married
11 or not, or any child presently or formerly living in the same residence with the
12 offender, or any child of the offender regardless of where the child resides.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 590 Original

2016 Regular Session

Leopold

Abstract: Allows prior bad acts of domestic abuse or cruelty to a juvenile be admissible in criminal proceedings.

Proposed law provides that when an accused is charged with a crime involving abusive behavior against a family or household member, or with acts which constitute cruelty involving a minor, evidence of the accused's commission of another crime, wrong, or act involving assaultive behavior against a family or household member, or acts which constitute cruelty involving a minor may be admissible and may be considered for its bearing on any matter to which it is relevant, subject to the balancing test provided in present law.

The balancing test in present law provides that although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, or waste of time. Proposed law retains the balancing test of present law regarding evidence of prior acts of domestic abuse.

(Adds C.E. Art. 412.4)