
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 475 Original

2023 Regular Session

Magee

Abstract: Provides relative to the admissibility of evidence of a defendant's creative or artistic expression in criminal actions.

Proposed law provides that evidence of a defendant's creative or artistic expression, whether original or derivative, is not admissible in criminal actions except as provided by proposed law.

Proposed law provides that a court may admit evidence of a defendant's creative or artistic expression if the district attorney proves by clear and convincing evidence all of the following:

- (1) If the expression is original, that the defendant intended a literal meaning.
- (2) If the expression is derivative, that the defendant intended to adopt a literal meaning.
- (3) The expression refers to the specific facts of the crime alleged.
- (4) The expression is relevant to a disputed issue of fact.
- (5) The expression has distinct probative value not provided by any other admissible evidence.

Proposed law provides that a court shall make a ruling on the record and include findings of fact essential to its ruling.

Proposed law provides if the court admits any evidence pursuant to proposed law that it shall ensure that the expression is redacted in a manner to limit the evidence presented to the jury and provide appropriate limiting instructions to the jury.

Proposed law provides that proposed law shall not apply to civil actions.

Proposed law defines "creative or artistic expression".

Proposed law shall be known and cited as the "Restoring Artistic Protection Act of 2023".

(Adds C.Cr.P. Art. 718.2)