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## DIGEST

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HB 475 Reengrossed

2023 Regular Session

Magee

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

Present law (C.E. Art. 404(B)(1)) provides that, unless there is an exception, evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show that he acted in conformity therewith, but may be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake or accident.

Present law further provides that evidence of other crimes, wrongs, or acts may be admissible for other purposes if, upon request by the accused, the prosecution in a criminal case provides reasonable notice in advance of trial of the nature of any such evidence that it intends to introduce at trial for such purposes, or when the evidence relates to conduct that constitutes an integral part of the act or transaction that is the subject of the present proceeding.

Proposed law retains present law.

Proposed law provides that, unless there is an exception, creative or artistic expression is not admissible in a criminal case to prove the character of a person in order to show that he acted in conformity therewith, provided that the accused provides reasonable notice to the prosecution in advance of trial asserting that the evidence is creative or artistic expression.

Proposed law further provides that evidence of creative or artistic expression may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake or accident, provided that upon request by the accused, the prosecution in a criminal case provides reasonable notice in advance of trial of the nature of any such evidence that it intends to introduce at trial for such purposes, or when the evidence relates to conduct that constitutes an integral part of the act or transaction that is the subject of the present proceeding.

Proposed law provides that proposed law shall not be construed to limit the admission or consideration of evidence under any other rule.

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

(Amends C.E. Art. 404(B)(1))

## Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes.
2. Define "creative or artistic expression" within the La. Code of Evidence and establish when it is admissible as evidence in criminal proceedings.
3. Provide that proposed law relative to the admissibility of creative or artistic expression shall not be construed to limit the admission or consideration of evidence under any other rule.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Remove proposed law provisions from the Code of Criminal Procedure relative to evidence of a defendant's creative or artistic expression.