

2024 Regular Session

HOUSE BILL NO. 189

BY REPRESENTATIVE WILLARD

CRIMINAL/PROCEDURE: Provides for civilian investigators to oversee taped statements of protected persons

1 AN ACT

2 To enact R.S. 15:440.2(D) and 440.4(A)(5), relative to the taped statements of a protected  
3 person; to provide for an additional person who is authorized to take a protected  
4 person's statement; to provide for a definition; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 15:440.2(D) and 440.4(A)(5) are hereby enacted to read as follows:

7 §440.2. Authorization

8 \* \* \*

9 D. For the purposes of this Part, "civilian investigator" shall mean any  
10 person who performs investigative work as a non-certified employee of a police  
11 department.

12 \* \* \*

13 §440.4. Method of recording videotape; competency

14 A. A videotape of a protected person may be offered in evidence either for  
15 or against a defendant. To render such a videotape competent evidence, it must be  
16 satisfactorily proved:

17 \* \* \*

18 (5) That the taking of the protected person's statement was supervised by a  
19 physician, a social worker, a law enforcement officer, a licensed psychologist, a  
20 medical psychologist, a licensed professional counselor, ~~or~~ an authorized

1 representative of the Department of Children and Family Services, or a civilian  
2 investigator.

3 \* \* \*

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 189 Original

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**Abstract:** Authorizes a civilian investigator to oversee taped statements of protected persons.

Present law (R.S. 15:440.2) provides that a court with original criminal jurisdiction or juvenile jurisdiction may require that a statement of a protected person be recorded on videotape by certain methods.

Proposed law retains present law.

Present law defines the terms "videotape" and "protected person".

Proposed law retains present law and adds a definition for the term "civilian investigator".

Present law (R.S. 15:440.4) provides for the method of recording a videotape of a protected person.

Proposed law retains present law.

Present law (R.S. 15:440.4(A)(5)) requires that the video taping of the protected person's statement be supervised by a physician, a social worker, a law enforcement officer, a licensed psychologist, a medical psychologist, a licensed professional counselor, an authorized representative of the Dept. of Children and Family Services, or a civilian investigator in order for the videotape to be competent evidence.

Proposed law retains present law and adds a civilian investigator as a person who can supervise a videotape of a protected person's statement in order to render the videotape as competent evidence.

(Adds R.S. 15:440.2(D) and 440.4(A)(5))