
DIGEST

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HB 443 Reengrossed

2024 Regular Session

Coates

Abstract: Establishes procedures for subpoenas of videos of protected persons.

Proposed law provides that courts with civil or family jurisdiction or administrative law judges may authorize the issuance of a subpoena duces tecum for the production of a videotape of a protected person made pursuant to proposed law for good cause shown.

Proposed law requires the subpoena duces tecum to order the videotape of the protected person be returnable to the court for inspection. Proposed law also provides that if the court determines that the videotape is relevant and necessary to the case, the court may order that the videotape be disclosed to the attorneys of record for each party subject to a protective order pursuant to proposed law.

Proposed law requires certain information be included in the protective order. Proposed law states that violations of proposed law are punishable as contempt of court.

Proposed law does not prevent Dept. of Children and Family Services or law enforcement from sharing information as authorized or required by state or federal law.

Proposed law provides that files, reports, records, communications, working papers, or videotaped interviews used or developed in providing services under Title V, Part II of the Children's Code are confidential and not subject to the Public Records Law.

Proposed law provides that disclosure of any files, reports, records, communications, or working papers of a child advocacy center may only be made pursuant to Ch.C. Art. 525 or by order of the juvenile court of competent jurisdiction pursuant to Ch.C. Art. 412.

Proposed law also provides that disclosure of videotaped interviews of protected persons shall be disclosed either pursuant to R.S. 15:440.1, et seq. or Ch.C. Art. 322, et seq.

(Amends R.S. 44:4.1(B)(8) and (39); Adds R.S. 15:440.7 and 440.8 and Ch.C. Art. 328.1 and 328.2)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Make technical changes.
2. Provide that if the court determines that a videotape is relevant and necessary to the case, the court may order in writing that the videotape be disclosed to the attorneys of record for each party subject to a protective order.

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the engrossed bill:

1. Add a reference in the Public Records Law to the public records exception established in proposed law.