

2024 Regular Session

HOUSE BILL NO. 189

BY REPRESENTATIVE WILLARD

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AN ACT

To amend and reenact R.S. 15:440.4(A)(5) and Children's Code Articles 323 and 326(A)(7) and to enact R.S. 15:440.2(D) and 440.4(C) and Children's Code Article 326(C), relative to the taped statements of a protected person; to provide for an additional person who is authorized to supervise the taking of a protected person's statement; to provide for a definition; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§440.2. Authorization

* * *

D. For the purposes of this Part, "civilian investigator" shall mean any person who performs investigative work as a non-certified employee of a law enforcement agency and who has completed training required by that law enforcement agency. Required training shall include, but not be limited to, basic investigative training and specific training on investigation of crimes involving a protected person.

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§440.4. Method of recording videotape; competency

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

* * *

1 Art. 326. Competent evidence; procedures for making videotape

2 A. A videotape of the statements of a protected person who is alleged to be
3 the victim of or witness to a crime may be offered in evidence for or against such
4 crime. To render such a videotape competent evidence, all of the following must be
5 satisfactorily proved:

6 * * *

7 (7) The taking of the protected person's statement was supervised by a
8 physician, a social worker, a law enforcement officer, a licensed psychologist,
9 medical psychologist, licensed professional counselor, a civilian investigator, or an
10 authorized representative of the department.

11 * * *

12 C. The provisions of this Article, relative to a civilian investigator's ability
13 to render a videotape as competent evidence, shall only apply to a civilian
14 investigator within a parish with a population of not less than three hundred eighty-
15 three thousand and not more than four hundred forty thousand as provided in the
16 most recent federal decennial census.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____