2024 Regular Session

HOUSE BILL NO. 189

## BY REPRESENTATIVE WILLARD

1	AN ACT
2	To amend and reenact R.S. 15:440.4(A)(5) and Children's Code Articles 323 and 326(A)(7)
3	and to enact R.S. 15:440.2(D) and 440.4(C) and Children's Code Article 326(C),
4	relative to the taped statements of a protected person; to provide for an additional
5	person who is authorized to supervise the taking of a protected person's statement;
6	to provide for a definition; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 15:440.4(A)(5) is hereby amended and reenacted and R.S.
9	15:440.2(D) and 440.4(C) are hereby enacted to read as follows:
10	§440.2. Authorization
11	* * *
12	D. For the purposes of this Part, "civilian investigator" shall mean any
13	person who performs investigative work as a non-certified employee of a law
14	enforcement agency and who has completed training required by that law
15	enforcement agency. Required training shall include, but not be limited to, basic
16	investigative training and specific training on investigation of crimes involving a
17	protected person.
18	* * *
19	§440.4. Method of recording videotape; competency
20	A. A videotape of a protected person may be offered in evidence either for
21	or against a defendant. To render such a videotape competent evidence, it must be
22	satisfactorily proved:
23	* * *

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CODING: Words in struck through type are deletions from existing law; words  $\underline{\text{underscored}}$  are additions.

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1	(5) That the taking of the protected person's statement was supervised by a
2	physician, a social worker, a law enforcement officer, a licensed psychologist, a
3	medical psychologist, a licensed professional counselor, or an authorized
4	representative of the Department of Children and Family Services, or a civilian
5	investigator.
6	* * *
7	C. The provisions of this Section, relative to a civilian investigator's ability
8	to render a videotape as competent evidence, shall only apply to a civilian
9	investigator within a parish with a population of not less than three hundred eighty-
10	three thousand and not more than four hundred forty thousand as provided in the
11	most recent federal decennial census.
12	Section 2. Children's Code Articles 323 and 326(A)(7) are hereby amended
13	and reenacted and Children's Code Article 326(C) is hereby enacted to read as
14	follows:
15	Art. 323. Definitions
16	(1) "Civilian investigator" means any person who performs investigative
17	work as a non-certified employee of a law enforcement agency and who has
18	completed training required by that law enforcement agency. Required training shall
19	include, but not be limited to, basic investigative training and specific training on
20	investigation of crimes involving a protected person.
21	(2) "Department" means the Department of Children and Family Services.
22	(2) (3) "Protected person" means any person who is a victim of a crime or
23	a witness in a juvenile proceeding and who either:
24	(a) Is under the age of eighteen years.
25	(b) Has a developmental disability as defined in R.S. 28:451.2 <del>(12)</del> .
26	(3) (4) "Videotape" means the visual recording on a magnetic tape, film,
27	videotape, compact disc, digital versatile disc, digital video disc, or by other

\* \* \*

electronic means together with the associated oral record.

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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 crime. To render such a videotape competent evidence, all of the following must be 4 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

**ENROLLED** 

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APPROVED: \_\_\_\_\_