

2016 Regular Session

HOUSE BILL NO. 190

BY REPRESENTATIVE CONNICK

EVIDENCE: Provides with respect to the disposition of sensitive criminal evidence

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 718.1(A) and to enact Code of
3 Criminal Procedure Article 718.1(D), relative to disposing of sensitive evidence; to
4 provide for those authorized to retain sensitive evidence of certain criminal offenses;
5 to declare certain evidence as contraband; to provide with respect to court orders
6 regarding certain evidence; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 718.1(A) is hereby amended and
9 reenacted and Code of Criminal Procedure Article 718.1(D) is hereby enacted to read as
10 follows:

11 Art. 718.1. Evidence of obscenity, video voyeurism, or pornography involving
12 juveniles; prohibition on reproduction of pornography involving juveniles

13 A. In any criminal proceeding, any property or material that is alleged to
14 constitute evidence of obscenity as defined in R.S. 14:106(A)(2) that is unlawfully
15 possessed, video voyeurism as defined in R.S. 14:283, or pornography involving
16 juveniles as defined in R.S. 14:81.1, shall remain in the care, custody, and control of
17 the investigating law enforcement agency, the court, or the district attorney.

18 * * *

- 1 D. Any material described in Paragraph A of this Article shall be contraband
2 and shall not be disseminated or viewed by anyone other than as provided for in this
3 Article or for the purposes of prosecution of the related criminal offenses. The court
4 may issue any orders it deems appropriate to ensure that the privacy concerns of the
5 victim are addressed.
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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 190 Reengrossed

2016 Regular Session

Connick

Abstract: Authorizes the investigating law enforcement agency to hold property which constitutes obscenity, video voyeurism, or pornography involving juveniles.

Present law requires that any property or material alleged to constitute evidence of obscenity, video voyeurism, or pornography involving juveniles shall remain in the care, custody, and control of the court or the district attorney.

Proposed law adds the investigating law enforcement agency to those authorized to have the care, custody, or control of such property or material.

Proposed law provides that the material is considered contraband and shall not be disseminated or viewed by anyone not included in proposed law.

(Amends C.Cr.P. Art. 718.1(A); Adds C.Cr.P. Art. 718.1(D))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Adds that sensitive evidence collected is considered contraband and further prohibits its dissemination.