

2016 Regular Session

HOUSE BILL NO. 398

BY REPRESENTATIVE MORENO

1 AN ACT

2 To amend and reenact Code of Evidence Articles 404(A)(introductory paragraph) and 412.1  
3 and to enact Code of Evidence Article 412(G), relative to the admissibility of certain  
4 evidence; to extend to civil proceedings the prohibition on admissibility of certain  
5 evidence of victim conduct or behavior; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Evidence Articles 404(A)(introductory paragraph) and 412.1 are  
8 hereby amended and reenacted and Code of Evidence Article 412(G) is hereby enacted to  
9 read as follows:

10 Art. 404. Character evidence generally not admissible in civil or criminal trial to  
11 prove conduct; exceptions; other criminal acts

12 A. Character evidence generally. Evidence of a person's character or a trait  
13 of his character, such as a moral quality, is not admissible in a civil or criminal  
14 proceeding for the purpose of proving that he acted in conformity therewith on a  
15 particular occasion, except:

16 \* \* \*

17 Art. 412. Victim's past sexual behavior in sexual assault cases; trafficking offenses

18 \* \* \*

19 G. The rules of admissibility of evidence provided by this Article shall also  
20 apply to civil actions brought by the victim which are alleged to arise from sexually  
21 assaultive behavior, human trafficking, or trafficking of children for sexual purposes  
22 by the defendant, whether or not convicted of such crimes.

1 Art. 412.1. Victim's attire in sexual assault cases

2 A. When an accused is charged with the crime of aggravated or first degree  
3 rape, forcible or second degree rape, simple or third degree rape, sexual battery, or  
4 second degree sexual battery, the manner and style of the victim's attire shall not be  
5 admissible as evidence that the victim encouraged or consented to the offense;  
6 however, items of clothing or parts thereof may be introduced in order to establish  
7 the presence or absence of the elements of the offense and the proof of its  
8 occurrence.

9 B. The rules of admissibility of evidence provided by this Article shall also  
10 apply to civil actions brought by the victim which are alleged to arise from the  
11 crimes of aggravated or first degree rape, forcible or second degree rape, simple or  
12 third degree rape, sexual battery, or second degree sexual battery committed by the  
13 defendant, whether or not convicted of such crimes.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

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