

2018 Regular Session

HOUSE BILL NO. 268

BY REPRESENTATIVE FALCONER

CRIMINAL/PROCEDURE: Provides relative to protected persons who are allowed to record statements in criminal proceedings

1 AN ACT

2 To amend and reenact R.S. 15:440.2(C)(introductory paragraph) and to enact R.S.  
3 15:440.2(C)(3), relative to videotaping statements of protected persons; to amend the  
4 definition of a protected person; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 15:440.2(C)(introductory paragraph) is hereby amended and  
7 reenacted and R.S. 15:440.2(C)(3) is hereby enacted to read as follows:

8 §440.2. Authorization

9 \* \* \*

10 C. For purposes of this Part "protected person" means any person who is a  
11 victim of a crime or a witness in a criminal proceeding and who is ~~either~~ any of the  
12 following:

13 \* \* \*

14 (3) An adult as defined in R.S. 15:1503 who is eligible for protective  
15 services pursuant to the Adult Protective Services Act.

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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)]

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HB 268 Reengrossed

2018 Regular Session

Falconer

**Abstract:** Amends the definition of protected person for the purpose of requiring that statements of such persons in criminal proceedings be recorded on video tape.

Present law provides that a court with original criminal jurisdiction or juvenile jurisdiction may require that a statement of a protected person be recorded on videotape and may be used in a juvenile or criminal proceeding.

Present law defines "protected person" as any person who is a victim of a crime or a witness in a criminal proceeding and who is either of the following:

- (1) Under the age of 17 years.
- (2) Has a developmental disability.

Proposed law retains present law and adds to definition of protected person an adult eligible for protective services pursuant to present law.

Present law, relative to protective services, defines "adult" as any individual 18 years of age or older, or an emancipated minor who, due to a physical, mental, or developmental disability or the infirmities of aging, is unable to manage his own resources, carry out the activities of daily living, or protect himself from abuse, neglect, or exploitation.

(Amends R.S. 15:440.2(C)(intro. para.); Adds R.S. 15:440.2(C)(3))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Add technical amendments.