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## DIGEST

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HB 489 Engrossed

2019 Regular Session

DuBuisson

**Abstract:** Expands the definition of what is not hearsay to include statements made by the victim of a sexually-oriented criminal offense to a healthcare provider during a forensic medical examination.

Present law provides that certain prior statements by a witness are not hearsay if the declarant testifies at trial or hearing and is subject to cross-examination concerning the statement, and the statement is any of the following:

- (1) Inconsistent with his testimony in criminal cases provided that the witness has been given the opportunity to admit the fact.
- (2) Consistent with his testimony and offered to rebut charges against him of fabrication, improper influence or motive.
- (3) One of identification of a person made after perceiving the person.
- (4) Consistent with declarant's testimony and is one of initial complaint of sexually assaultive behavior.

Proposed law retains present law and adds an exception for statements made by the victim of a sexually-oriented criminal offense to a healthcare provider during the course of a forensic medical examination to certain statements that are not hearsay.

(Adds C.E. Art. 801(D)(1)(e))