

**HOUSE SUMMARY OF SENATE AMENDMENTS****HB 489****2019 Regular Session****DuBuisson**

EVIDENCE: Provides relative to hearsay

**Synopsis of Senate Amendments**

1. Specifies that for the proposed law exception to apply, the healthcare provider's documentation of the victim's statement must occur during the forensic medical examination.

**Digest of Bill as Finally Passed by Senate**

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 to the list of hearsay exceptions statements made by the victim of a sexually-oriented criminal offense to a healthcare provider during the course of a forensic medical examination if that statement is documented in writing during the forensic medical examination by the healthcare provider.

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