

2020 Regular Session

HOUSE BILL NO. 367

BY REPRESENTATIVE LANDRY

CRIMINAL/PROCEDURE: Provides relative to the recorded statements of protected persons

1 AN ACT

2 To amend and reenact R.S. 15:440.2(C)(1), relative to recording of testimony of protected
3 persons; to provide relative to the authority of the court to require that the testimony
4 of protected persons be recorded on video tape; to amend the definition of "protected
5 person" to include seventeen-year-olds; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:440.2(C)(1) is hereby amended and reenacted 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 any of the
12 following:

13 (1) Under the age of ~~seventeen~~ eighteen years.

14 * * *

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 367 Original

2020 Regular Session

Landry

Abstract: Authorizes the court to require that the testimony of seventeen-year-olds be recorded on video tape.

Present law authorizes a court with original criminal jurisdiction or juvenile jurisdiction to require that a statement of a protected person be recorded on videotape by any of the following:

- (1) Motion of the court or motion of the district attorney, a parish welfare unit or agency, the Dept. of Children and Family Services, or a child advocacy center operating in the judicial district.
- (2) Adoption of a local court rule that authorizes the videotaping of any protected person without the necessity of the issuance of an order by the court in any individual case.
- (3) Execution of a written protocol between the court and law enforcement agencies, a parish welfare unit or agency, the Dept. of Children and Family Services, or a child advocacy center operating in the judicial district that authorizes the videotaping of any protected person without the necessity of the issuance of an order by the court in any individual case.

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 any of the following:

- (1) Under the age of seventeen years.
- (2) Has a developmental disability as defined in present law (R.S. 28:451.2(12)).
- (3) An adult who is eligible for protective services pursuant to the present law Adult Protective Services Act.

Proposed law amends the definition of "protected person" to include seventeen-year-olds.

(Amends R.S. 15:440.2(C)(1))