

2022 Regular Session

HOUSE BILL NO. 40

BY REPRESENTATIVE CORMIER

EVIDENCE: Provides relative to evidence that is admissible

1 AN ACT

2 To enact Code of Evidence Article 1105, relative to the admissibility of evidence; to provide
3 for the admissibility of evidence obtained in an investigation; to provide for a
4 definition; to provide for an exception; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Evidence Article 1105 is hereby enacted to read as follows:

7 §1105. Admissibility of evidence from law enforcement investigations

8 A. Notwithstanding any other provision of law to the contrary, any
9 information obtained in an investigation by means of misrepresentation or deceptive
10 practices by any law enforcement agency, officer, or investigator shall not be
11 admissible in any criminal proceeding.

12 B. For purposes of this Article, "deceptive practices" shall mean the act, use,
13 or employment of any fraud, false pretense, false promise, or misleading statement
14 by any law enforcement agency, officer, or investigator, with the intent that an
15 individual reasonably believes the information to be true in connection to a criminal
16 investigation.

17 C. The provisions of this Article shall not apply to any information obtained
18 by any law enforcement agency, officer, or investigator engaged in an authorized
19 undercover investigation.

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 40 Original

2022 Regular Session

Cormier

Abstract: Excludes the admissibility of any information in a criminal proceeding that law enforcement agencies obtain through deceptive practices.

Proposed law provides that any information obtained in an investigation by means of misrepresentation or deceptive practices by any law enforcement agency or investigator shall not be admissible in any criminal proceeding.

Proposed law defines "deceptive practices" as the act, use, or employment of any fraud, false pretense, false promise, or misleading statement by any law enforcement agency, officer, or investigator, with the intent that an individual reasonably believes the information to be true in connection to a criminal investigation.

Proposed law does not apply to any information obtained by any law enforcement agency, officer, or investigator engaged in an authorized undercover investigation.

(Adds C.E. Art. 1105)