

2022 Regular Session

HOUSE BILL NO. 91

BY REPRESENTATIVE MUSCARELLO

CIVIL/PROCEDURE: Provides relative to testimony presented by audio-visual means

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 1633.1, relative to live trial testimony
3 by audio-visual means; to authorize the presentation of witness testimony by any
4 audio-visual means; to provide for the authority of the court; to provide for the
5 consent of the parties; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Article 1633.1 is hereby amended and reenacted
8 to read as follows:

9 Art. 1633.1. Live trial testimony by ~~video~~ audio-visual means

10 A. The court may ~~order~~ permit, upon a showing of appropriate safeguards,
11 live testimony of a witness at trial to be presented in open court by ~~teleconference,~~
12 ~~video link, or other visual remote technology, if the witness is beyond the subpoena~~
13 ~~power of the court or when compelling circumstances are shown. The order may be~~
14 ~~entered at a pretrial conference or, in exceptional circumstances, on motion set for~~
15 ~~hearing at least ten days prior to trial or at another time that does not prejudice the~~
16 ~~parties~~ any audio-visual means with the consent of all parties.

17 B. Any consent under this Article shall not be unreasonably withheld by any
18 party, which shall be enforced by the trial judge pursuant to the authority granted by
19 Article 191 or as otherwise expressly provided by law.

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 91 Reengrossed

2022 Regular Session

Muscarello

Abstract: Authorizes the presentation of witness testimony by any audio-visual means.

Present law provides that the court may order, upon a showing of appropriate safeguards, live testimony of a witness to be presented in open court by teleconference, video link, or other visual remote technology, if the witness is beyond the subpoena power of the court or when compelling circumstances are shown. The order may be entered at a pretrial conference or, in exceptional circumstances, on motion set for hearing at least 10 days prior to trial or at another time that does not prejudice the parties.

Proposed law provides that the court may permit, upon a showing of appropriate safeguards, live testimony of a witness at trial to be presented in open court by any audio-visual means with the consent of the parties.

Proposed law provides that the consent of the parties shall not be unreasonably withheld by any party which shall be enforced by the trial judge pursuant to the court's authority to possesses inherently all of the power necessary for the exercise of its jurisdiction or as otherwise expressly provided by law.

Proposed law repeals provisions relative to entering an order.

(Amends C.C.P. Art. 1633.1)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Limit the use of live audio-visual witness testimony to trials, only.
2. Require the consent of the parties.
3. Prohibit the unreasonable withholding of consent and provide for court enforcement.