

2022 Regular Session

HOUSE BILL NO. 361

BY REPRESENTATIVE MARINO

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 161(A)(introductory paragraph)  
3 and 163(C) and to enact Code of Criminal Procedure Article 163.2, relative to search  
4 warrants; to provide relative to search warrants for medical records; to authorize the  
5 issuance of a search warrant for medical records of any person; to provide for  
6 procedures for the execution of such warrants; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Articles 161(A)(introductory paragraph) and  
9 163(C) are hereby amended and reenacted and Code of Criminal Procedure Article 163.2 is  
10 hereby enacted to read as follows:

11 Art. 161. Property subject to seizure

12 A. Except as authorized by Article 163.1 or 163.2, a judge may issue a  
13 warrant authorizing the search for and seizure of any thing within the territorial  
14 jurisdiction of the court which:

15 \* \* \*

16 Art. 163. Officer to whom directed; time for execution; electronic devices

17 \* \* \*

18 C. Except as authorized by Article 163.1 or 163.2, or as otherwise provided  
19 in this Article, or as otherwise provided by law, a search warrant cannot be lawfully  
20 executed after the expiration of the tenth day after its issuance.

21 \* \* \*

1           Art. 163.2. Search warrant for medical records

2                   A. A judge may issue a search warrant authorizing the search for and seizure  
3                   of the medical records of any person.

4                   B. The warrant may be issued by a judge of either the court of territorial  
5                   jurisdiction where the investigation for the medical records is being conducted or the  
6                   court of territorial jurisdiction where the custodian of the medical records may be  
7                   found. The warrant may be executed in any place the medical records may be found  
8                   and shall be directed to any peace officer who shall obtain and distribute the medical  
9                   records as directed in the warrant.

10                  C. A warrant issued pursuant to this Article remains in effect for one  
11                  hundred eighty days after its issuance.

12                  D.(1) Any examination of any medical records seized pursuant to the  
13                  provisions of this Article shall be at the direction of the attorney general, the district  
14                  attorney, or the investigating agency.

15                  (2) Notwithstanding any other provision of law to the contrary, any  
16                  examination of the medical records may be conducted at any time before or during  
17                  the pendency of any criminal proceeding in which the medical records may be used  
18                  as evidence.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_