HOUSE COMMITTEE AMENDMENTS

2024 Regular Session

Amendments proposed by House Committee on Administration of Criminal Justice to Original House Bill No. 189 by Representative Willard

1 AMENDMENT NO. 1

- 2 On page 1, line 2, after "To" and before the comma "," change "enact R.S. 15:440.2(D) and 440.4(A)(5)" to "amend and reenact R.S. 15:440.4(A)(5) and Children's Code Articles 323 3
- and 326(A)(7) and to enact R.S. 15:440.2(D) and 440.4(C) and Children's Code Article 4 5 326(C)"
- 6 AMENDMENT NO. 2
- 7 On page 1, line 3, after "authorized to" and before "a" change "take" to "supervise the taking 8 of"

9 AMENDMENT NO. 3

On page 1, line 6, after "Section 1." and before "to" change "R.S. 15:440.2(D) and 10 440.4(A)(5) are hereby enacted" to "R.S. 15:440.4(A)(5) is hereby amended and reenacted 11 12 and R.S. 15:440.2(D) and 440.4(C) are hereby enacted"

- 13 AMENDMENT NO. 4
- 14 On page 1, at the end of line 10, delete "police" and delete line 11 in its entirety and insert 15 the following:
- 16 "law enforcement agency and has met either of the following requirements: 17 (1) Is a former law enforcement officer who is certified by the Peace Officer 18 Standards and Training Council. 19 (2) Has completed investigative training as part of his employment with a 20 law enforcement agency."
- 21 AMENDMENT NO. 5
- 22 On page 2, after line 3, add the following:
- 23 "C. The provisions of this Section, relative to a civilian investigator's ability to render a videotape as competent evidence, shall only apply to a civilian 24 25 investigator within a parish with a population of not less than three hundred eightythree thousand and not more than four hundred forty thousand as provided in the 26 27 most recent federal decennial census.
- 28 Section 2. Children's Code Articles 323 and 326(A)(7) are hereby amended 29 and reenacted and Children's Code Article 326(C) is hereby enacted to read as 30 follows:
- Art. 323. Definitions 31
- 32 (1) "Civilian investigator" means any person who performs investigative 33 work as a non-certified employee of a law enforcement agency and has met either 34 of the following requirements: 35
- (a) Is a former law enforcement officer who is certified by the Peace Officer 36 Standards and Training Council.
- 37 (b) Has completed investigative training as part of his employment with a 38 law enforcement agency. 39
 - (2) "Department" means the Department of Children and Family Services.

| 1 2 3 | (2) (3) "Protected person" means any person who is a victim of a crime or a witness in a juvenile proceeding and who either: (a) Is under the age of eighteen years. |
|-------------|---|
| 4 | (b) Has a developmental disability as defined in R.S. 28:451.2(12). |
| 5 | (3) (4) "Videotape" means the visual recording on a magnetic tape, film, |
| 6 | videotape, compact disc, digital versatile disc, digital video disc, or by other |
| 7 | electronic means together with the associated oral record. |
| 8 | * * * |
| 9 | Art. 326. Competent evidence; procedures for making videotape |
| 10 | A. A videotape of the statements of a protected person who is alleged to be |
| 11 | the victim of or witness to a crime may be offered in evidence for or against such |
| 12 | crime. To render such a videotape competent evidence, all of the following must be |
| 13 | satisfactorily proved: |
| 14 | * * * |
| 15 | (7) The taking of the protected person's statement was supervised by a |
| 16 | physician, a social worker, a law enforcement officer, a licensed psychologist, |
| 17 | medical psychologist, licensed professional counselor, a civilian investigator, or an |
| 18 | authorized representative of the department. |
| 19 | * * * |
| 20 | C. The provisions of this Article, relative to a civilian investigator's ability |
| 21 | to render a videotape as competent evidence, shall only apply to a civilian |
| 22 | investigator within a parish with a population of not less than three hundred eighty- |
| 23 | three thousand and not more than four hundred forty thousand as provided in the |
| 24 | most recent federal decennial census." |