

2024 Regular Session

HOUSE BILL NO. 189

BY REPRESENTATIVE WILLARD

CRIMINAL/PROCEDURE: Provides for civilian investigators to oversee taped statements of protected persons

1 AN ACT

2 To amend and reenact R.S. 15:440.4(A)(5) and Children's Code Articles 323 and 326(A)(7)
3 and to enact R.S. 15:440.2(D) and 440.4(C) and Children's Code Article 326(C),
4 relative to the taped statements of a protected person; to provide for an additional
5 person who is authorized to supervise the taking of a protected person's statement;
6 to provide for a definition; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:440.4(A)(5) is hereby amended and reenacted and R.S.
9 15:440.2(D) and 440.4(C) are hereby enacted to read as follows:

10 §440.2. Authorization

11 * * *

12 D. For the purposes of this Part, "civilian investigator" shall mean any
13 person who performs investigative work as a non-certified employee of a law
14 enforcement agency and has met either of the following requirements:

15 (1) Is a former law enforcement officer who is certified by the Peace Officer
16 Standards and Training Council.

17 (2) Has completed investigative training as part of his employment with a
18 law enforcement agency.

19 * * *

1 §440.4. Method of recording videotape; competency

2 A. A videotape of a protected person may be offered in evidence either for
3 or against a defendant. To render such a videotape competent evidence, it must be
4 satisfactorily proved:

5 * * *

6 (5) That the taking of the protected person's statement was supervised by a
7 physician, a social worker, a law enforcement officer, a licensed psychologist, a
8 medical psychologist, a licensed professional counselor, ~~or~~ an authorized
9 representative of the Department of Children and Family Services, or a civilian
10 investigator.

11 * * *

12 C. The provisions of this Section, relative to a civilian investigator's ability
13 to render a videotape as competent evidence, shall only apply to a civilian
14 investigator within a parish with a population of not less than three hundred eighty-
15 three thousand and not more than four hundred forty thousand as provided in the
16 most recent federal decennial census.

17 Section 2. Children's Code Articles 323 and 326(A)(7) are hereby amended
18 and reenacted and Children's Code Article 326(C) is hereby enacted to read as
19 follows:

20 Art. 323. Definitions

21 (1) "Civilian investigator" means any person who performs investigative
22 work as a non-certified employee of a law enforcement agency and has met either
23 of the following requirements:

24 (a) Is a former law enforcement officer who is certified by the Peace Officer
25 Standards and Training Council.

26 (b) Has completed investigative training as part of his employment with a
27 law enforcement agency.

28 (2) "Department" means the Department of Children and Family Services.

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 189 Engrossed

2024 Regular Session

Willard

Abstract: Authorizes a civilian investigator to oversee taped statements of protected persons.

Present law (R.S. 15:440.2) provides that a court with original criminal jurisdiction or juvenile jurisdiction may require that a statement of a protected person be recorded on videotape by certain methods.

Proposed law retains present law.

Present law defines the terms "videotape" and "protected person".

Proposed law retains present law and adds a definition for the term "civilian investigator".

Present law (R.S. 15:440.4) provides for the method of recording a videotape of a protected person.

Proposed law retains present law.

Present law (R.S. 15:440.4(A)(5)) requires that the videotaping of the protected person's statement be supervised by a physician, a social worker, a law enforcement officer, a licensed psychologist, a medical psychologist, a licensed professional counselor, an authorized representative of the D.C.F.S., or a civilian investigator in order for the videotape to be competent evidence.

Proposed law retains present law and adds a civilian investigator as a person who can supervise a videotaping of a protected person's statement in order to render the videotape as competent evidence.

Proposed law, relative to a civilian investigator's ability to render a videotape as competent evidence, shall only apply to a civilian investigator within a parish with a population of not less than 343,000 and not more than 384,000 as provided in the most recent federal decennial census.

Present law (Ch.C. Art. 323) provides for definitions as it relates to videotaped statements of protected persons.

Proposed law retains present law and adds a definition for the term "civilian investigator".

Present law (Ch.C. Art. 326) provides for the method of recording a videotape of a protected person.

Proposed law retains present law.

Present law (Ch.C. Art. 326(A)(7)) requires that the videotaping of the protected person's statement be supervised by a physician, a social worker, a law enforcement officer, a licensed psychologist, a medical psychologist, a licensed professional counselor, an authorized representative of the D.C.F.S., or a civilian investigator in order for the videotape to be competent evidence.

Proposed law retains present law and adds a civilian investigator as a person who can supervise a videotaping of a protected person's statement in order to render the videotape as competent evidence.

Proposed law, relative to a civilian investigator's ability to render a videotape as competent evidence, shall only apply to a civilian investigator within a parish with a population of not less than 343,000 and not more than 384,000 as provided in the most recent federal decennial census.

(Amends R.S. 15:440.4(A)(5) and Ch.C. Arts. 323 and 326(A)(7); Adds R.S. 15:440.2(D) and 440.4(C) and Ch.C. Art. 326(C))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes.
2. Clarify the definition of a "civilian investigator" within present law.
3. Add and define the term "civilian investigator" within the Children's Code.
4. Add a civilian investigator as a person who can supervise a videotaping of a protected person's statement pursuant to the Children's Code in order to render the videotape as competent evidence.
5. Clarify that proposed law, relative to a civilian investigator's ability to render a videotape as competent evidence, shall only apply to a civilian investigator within a parish with a population of not less than 343,000 and not more than 384,000.