
DIGEST

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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.