
HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Administration of Criminal Justice to Original House Bill No. 371 by Representative Lopinto

1 AMENDMENT NO. 1

2 On page 1 line 2, change "717(A) and (C)," to "717,"

3 AMENDMENT NO. 24 On page 1, line 4, after "Procedure" and before "relative" delete "Articles 716.1 and 717(D),"
5 and insert "Article 729.7,"6 AMENDMENT NO. 37 On page 1, line 19, after "Procedure" and before "hereby" delete "Articles 716.1 and 717(D)"
8 are" and insert "Article 729.7 is"9 AMENDMENT NO. 410 On page 2, line 1, after "defendant" delete the remainder of the line and insert a comma ","
11 and insert "codefendants, and witnesses"12 AMENDMENT NO. 5

13 On page 2, line 2, after "defendant" delete the remainder of the line

14 AMENDMENT NO. 615 On page 2, at the beginning of line 3, delete "Code"16 AMENDMENT NO. 717 On page 2, line 9, delete "filed pursuant to Article 521 of this Code"18 AMENDMENT NO. 8

19 On page 2, line 15, after "defendant" delete the remainder of the line

20 AMENDMENT NO. 921 On page 2, at the beginning of line 16, delete "Code"22 AMENDMENT NO. 10

23 On page 2, between lines 20 and 21, insert the following:

24 "D. Upon written motion of the defendant, the court shall order the district
 25 attorney to disclose to the defendant, and to permit or authorize the defendant to
 26 inspect and copy any written or recorded statements of any witness the state intends
 27 to call in its case in chief at the trial. For purposes of this Article: (1) "written or
 28 recorded statement of a witness" shall mean any audio or audio-video recording of
 29 an oral statement or interview of a witness, and any statement a witness writes or
 30 signs; (2) for the purposes of this Paragraph, "trial" shall mean the phase of the case
 31 at which the state attempts to meet its burden as to guilt, and specifically does not
 32 extend to pretrial matters or hearings, or to the penalty phase in capital prosecutions.

1 The state need not provide the defendant any written or recorded statement of its
2 witnesses until immediately prior to the opening statement at trial."

3 AMENDMENT NO. 11

4 On page 2, at the beginning of line 21, change "D." to "E."

5 AMENDMENT NO. 12

6 On page 2, at the beginning of line 23, change "E." to "F."

7 AMENDMENT NO. 13

8 On page 2, delete lines 25 through 29 in their entirety

9 AMENDMENT NO. 14

10 On page 3, delete lines 1 through 14 in their entirety

11 AMENDMENT NO. 15

12 On page 3, line 17, after "defendant" delete the remainder of the line

13 AMENDMENT NO. 16

14 On page 3, at the beginning of line 18, delete "this Code"

15 AMENDMENT NO. 17

16 On page 3, delete line 23 in its entirety and insert the following:

17 "B. The district attorney shall also disclose any inducement offered by the
18 district attorney, or by any law enforcement officer on behalf of the district attorney,
19 ~~to secure the testimony of the witness in the case in chief of the state~~ to any state
20 witness."

21 AMENDMENT NO. 18

22 On page 4, line 3, after "Article" and before "of" change "716.1" to "729.7"

23 AMENDMENT NO. 19

24 On page 4, line 7, after "defendant" delete the remainder of the line

25 AMENDMENT NO. 20

26 On page 4, at the beginning of line 8, delete "521 of this Code"

27 AMENDMENT NO. 21

28 On page 4, at the end of line 9, change "initial offense" to "law enforcement"

29 AMENDMENT NO. 22

30 On page 4, line 14, after "that" insert "are within the possession, custody, or control of
31 the state, and that:"

32 AMENDMENT NO. 23

1 On page 4, delete lines 21 and 22 in their entirety and insert "are intended for use by the
2 state as evidence in its case in chief at trial, or were obtained from or belong to the
3 defendant."

4 AMENDMENT NO. 24

5 On page 4, line 25, after "defendant" delete the remainder of the line

6 AMENDMENT NO. 25

7 On page 4, at the beginning of line 26, delete "Code"

8 AMENDMENT NO. 26

9 On page 4, at the end of line 29, insert "in the possession, custody, control, or knowledge
10 of the district attorney and"

11 AMENDMENT NO. 27

12 On page 5, delete lines 2 through 6 in their entirety and insert the following:

13 "for use at trial. If the witness preparing the report will be called as an expert, the report
14 shall contain the witness's area of expertise, his qualifications, a list of materials upon
15 which his conclusion is based, his opinion, and the reason therefor. If the expert witness
16 has not reduced his results to writing, or if the expert witness's written report does not
17 contain the information required of an expert as provided in this Article, the state must
18 produce for the defendant a written summary containing any information required to be
19 produced pursuant to this Article but absent from a written report, if any, including the
20 name of the expert witness, his qualifications, a list of materials upon which his
21 conclusion is based, his opinion, and the reason therefor."

22 AMENDMENT NO. 28

23 On page 5, line 9, after "defendant" delete the remainder of the line and insert a comma ",."

24 AMENDMENT NO. 29

25 On page 5, line 19, after "defendant" delete the remainder of the line

26 AMENDMENT NO. 30

27 On page 5, at the beginning of line 20, delete "Code"

28 AMENDMENT NO. 31

29 On page 5, at the beginning of line 21, insert "of the state's intent to use"

30 AMENDMENT NO. 32

31 On page 5, line 25, after "defendant" delete the remainder of the line

32 AMENDMENT NO. 33

33 On page 5, at the beginning of line 26, delete "Code"

34 AMENDMENT NO. 34

35 On page 7, line 3, after "experiments" and before "made" delete the comma "," and delete
36 "of a similar nature,"

1 AMENDMENT NO. 35

2 On page 7, delete lines 4 through 10 in their entirety and insert the following:

3 "are in the possession, custody, or control, or knowledge of the defendant, and that the
4 defendant intends to intended for use as evidence at the trial or were prepared by a
5 witness whom the defendant intends to call at the trial when such results or reports relate
6 to his testimony. If the witness preparing the report will be called as an expert, the report
7 shall contain the witness's area of expertise, his qualifications, a list of materials upon
8 which his conclusion is based, his opinion, and the reason therefor. If the expert witness
9 has not reduced his results or reports to writing, or if the expert witness written report
10 does not contain the information required of an expert as provided in this Article, the
11 defendant must produce for the state a written summary containing any information
12 required to be produced pursuant to this Article but absent from a written report, if any,
13 including the name of the expert witness, his qualifications, a list of materials upon
14 which his conclusion is based, his opinion, and the reason therefor."

15 AMENDMENT NO. 36

16 On page 7, delete line 12 in its entirety and insert the following:

17 "A. If the defendant moves, pursuant to Article 717,"

18 AMENDMENT NO. 37

19 On page 7, at the beginning of line 13, delete "Code,"

20 AMENDMENT NO. 38

21 On page 7, between lines 16 and 17, insert the following:

22 "B. If the defendant moves, pursuant to Article 716(D), for disclosure of
23 statements of witnesses to be called by the state in its case in chief, the defendant shall,
24 upon motion by the state, disclose to the district attorney, and to permit or authorize the
25 district attorney to inspect and copy any written or recorded statements of any witness
26 the defendant intends to call at trial. For purposes of this Article: (1) "written or
27 recorded statement of a witness" shall mean any audio or audio-video recording of an
28 oral statement or interview of a witness, and any statement a witness writes or signs; and
29 (2) for the purposes of this Paragraph, "trial" shall mean the phase of the case at which
30 the defense responds to the state's attempt to meet its burden as to guilt, and specifically
31 does not extend to pretrial matters or hearings, or to the penalty phase in capital
32 prosecutions."

33 AMENDMENT NO. 39

34 On page 7, between lines 27 and 28, insert the following:

35 "Art. 729.7. Protection of witness identity
36 A. Notwithstanding any other provision of law to the contrary, the district
37 attorney or the defendant may delete or excise from any information required to be
38 disclosed herein any information which identifies a witness if such party believes the
39 witness's safety may be compromised by the disclosure. If a party objects to the deletion
40 or excision, he must do so by written motion. The court shall maintain the deletion or
41 excision if, at an ex parte proceeding which shall be recorded and maintained under seal,
42 the party excising or deleting such information makes a prima facie showing that the
43 witness's safety may be compromised by the disclosure.
44 B. If the information excised by a party includes the substance, or any part
45 thereof, of any written or recorded statement of the witness, that party must provide the

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 excised substance, or any part thereof, to the other party immediately prior to the
2 witness's testimony at the trial.

3 C. If a judge finds that the party excising or deleting such information has failed
4 to present prima facie proof to support the deletion or excision of information related to
5 a witness, then upon the motion of either party, the court shall order an automatic stay
6 of all matters related to the disclosure of information about the witness and maintain all
7 proceedings under seal during the time while the moving party seeks supervisory review
8 to the appropriate reviewing courts with appellate jurisdiction, including the Louisiana
9 Supreme Court.

10 D. The rules of evidence shall not be applicable to the ex parte proceedings
11 conducted pursuant to this Article."

12 AMENDMENT NO. 40

13 On page 7, delete line 28 in its entirety and insert the following:

14 "Section 2. The provisions of this Act shall be become effective for cases billed or
15 indicted on or after January 1, 2014, and shall be given prospective application from its
16 effective date, unless the district attorney and the defendant stipulate otherwise in each
17 particular case, in writing, on the record."