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DIGEST

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Gary Smith

SB No. 326

Present law authorizes the use of videotaped statements of protected persons. Present law defines "protected person" as a crime witness or victim who is either under the age of 17 or has a developmental disability. Present law provides that if a copy of the videotaped statement is provided to the defendant's attorney, only the defendant and his attorney are permitted to view the tape.

Proposed law retains present law and further provides that in addition to the defendant and his attorney, the following persons who are involved in preparing the defense are authorized to view the videotaped statement: the attorney's regularly employed staff, the defense investigator designated to work on the case, the defense paralegal designated to work on the case, and other staff members of the attorney who are transcribing the videotaped oral statement.

Present law provides that no copies of the videotaped statement provided to the defense can be made by any person.

Proposed law changes present law to provide that copies of the videotaped statement provided to the defense may be made if they will be used as exhibits for trial.

Present law provides that the defense copy of the videotaped statement must be securely retained by the defendant's attorney at all times and cannot be possessed, transferred, distributed, copied, or viewed by any unauthorized party.

Proposed law retains present law and adds that any transcript of the videotaped statement must also be securely retained by the defendant's attorney.

Effective August 1, 2014.

(Amends R.S. 15:440.5(C))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Deletes "any expert" and adds specific defense team members authorized by proposed law to view the videotaped statements.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the engrossed bill.

1. Made technical corrections.