
DIGEST

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HB 398 Original

2016 Regular Session

Moreno

Abstract: Specifies that the rules of admissibility of evidence relative to the conduct and behavior of the victim of certain sexually related crimes are applicable in both civil and criminal proceedings.

Present law provides that evidence of a person's character or a trait of his character, such as a moral quality, is not admissible for the purpose of proving that he acted in conformity with such character or traits on a particular occasion, but also provides for exceptions from the general rule.

Present law provides that when an accused is charged with a crime involving sexually assaultive behavior or a crime involving human trafficking or trafficking of children for sexual purposes, reputation or opinion evidence of the past sexual behavior of the victim is not admissible, but also provides for exceptions from the general rule.

Present law provides that when an accused is charged with the crime of aggravated or first degree rape, forcible or second degree rape, simple or third degree rape, sexual battery, or second degree sexual battery, the manner and style of the victim's attire shall not be admissible as evidence that the victim encouraged or consented to the offense.

Proposed law specifies that the present law rules of admissibility of evidence are applicable in both civil and criminal proceedings.

(Amends C.E. Arts. 404(A)(intro. para.) and 412.1; Adds C.E. Art. 412(G))