

Regular Session, 2014

HOUSE BILL NO. 442

BY REPRESENTATIVE HAZEL

CRIMINAL/PROCEDURE: Provides relative to the recording of statements of protected persons outside of the courtroom

1 AN ACT

2 To amend and reenact R.S. 15:440.2(A)(1), relative to recorded statements of protected
3 persons; to amend provisions regarding the authorization to record the statement of
4 a protected person; to provide for the procedure by which a court may consent to the
5 videotaped interview of protected persons; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:440.2(A)(1) is hereby amended and reenacted to read as follows:

8 §440.2. Authorization

9 A.(1) A court with original criminal jurisdiction or juvenile jurisdiction, by
10 local court rule or by execution of a written protocol between the court and law
11 enforcement agencies ~~may, on its own motion or on motion of the district attorney,~~
12 a parish welfare unit or agency, ~~or~~ the Department of Children and Family Services,
13 or a Child Advocacy Center or Child Advocacy Program operating in the judicial
14 district, may consent to the taking of videotaped interviews of protected persons as
15 provided by R.S. 15:440.1 et seq. ~~require that a statement of a protected person who~~
16 ~~may have been a witness to or victim of a crime be recorded on videotape. The~~
17 adoption of a court rule or the execution of a written protocol by the court pursuant
18 to the provisions of this Paragraph shall authorize the videotaping of any protected
19 person without the necessity of the issuance of an order by the court in any
20 individual case.

21 * * *

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

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)]

Hazel

HB No. 442

Abstract: Authorizes the recording of statements of protected persons outside of the courtroom by either local court rule or execution of a written protocol between the court and several agencies.

Present law authorizes the court, on its own motion or on motion of the district attorney, a parish welfare unit or agency, or the Dept. of Children and Family Services, to require that a statement of a protected person be recorded on videotape.

Present law defines "protected person" as any person who is a victim of a crime or a witness in a criminal proceeding and who is either under the age of 17 years or has a developmental disability as defined in present law.

Proposed law amends present law to provide that the court may consent to the taking of videotaped interviews of protected persons by local court rule or by the execution of a written protocol between the court and law enforcement agencies, a parish welfare unit or agency, DCFS, or a Child Advocacy Center or Child Advocacy Program operating in the judicial district.

Proposed law further provides that the adoption of a court rule or the execution of a written protocol by the court pursuant to the provisions of proposed law shall authorize the videotaping of any protected person without the necessity of the issuance of an order by the court in any individual case.

(Amends R.S. 15:440.2(A)(1))