

Regular Session, 2012
HOUSE BILL NO. 594
BY REPRESENTATIVE LOPINTO

ACT No. 404

1 AN ACT

2 To enact Code of Criminal Procedure Article 718.1 and to repeal R.S. 46:1845, relative to
3 discovery; to provide relative to discovery procedures in certain criminal cases; to
4 prohibit the reproduction of certain evidence in certain cases involving pornography
5 involving juveniles, video voyeurism, and obscenity; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 718.1 is hereby enacted to read as
9 follows:

10 Art. 718.1. Evidence of obscenity, video voyeurism, or pornography involving
11 juveniles

12 A. In any criminal proceeding, any property or material that is alleged to
13 constitute evidence of obscenity as defined in R.S. 14:106(A)(2) that is unlawfully
14 possessed, video voyeurism as defined in R.S. 14:283, or pornography involving
15 juveniles as defined in R.S. 14:81.1 shall remain in the care, custody, and control of
16 the court or the district attorney.

17 B. Notwithstanding any other provision of law to the contrary, the court shall
18 deny any request by the defendant to copy, photograph, duplicate, or otherwise
19 reproduce any property or material that is alleged to constitute evidence of obscenity
20 as defined in R.S. 14:106(A)(2) that is unlawfully possessed, video voyeurism as
21 defined in R.S. 14:283, or pornography involving juveniles as defined in R.S.
22 14:81.1, provided that the district attorney makes the property or material reasonably
23 available to the defendant.

24 C. For purposes of this Article, the property or material shall be deemed
25 reasonably available to the defendant if the district attorney provides ample

1 opportunity for the inspection, viewing, and examination at the office of the district
2 attorney of the property or material by the defendant, the defendant's attorney, and
3 any individual the defendant may seek to qualify to furnish expert testimony at trial.
4 Section 2. R.S. 46:1845 is hereby repealed in its entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____