

2019 Regular Session  
HOUSE BILL NO. 226  
BY REPRESENTATIVE JIMMY HARRIS

# ACT No. 115

1 AN ACT

2 To amend and reenact Code of Evidence Article 702, relative to testimony by experts; to  
3 provide relative to experts testifying on the issue of memory and eyewitness  
4 identification; to provide relative to limits on expert testimony; to provide relative  
5 to the admissibility of such testimony; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Evidence Article 702 is hereby amended and reenacted to read  
8 as follows:

9 Art. 702. Testimony by experts

10 A. A witness who is qualified as an expert by knowledge, skill, experience,  
11 training, or education may testify in the form of an opinion or otherwise if:

12 (1) The expert's scientific, technical, or other specialized knowledge will  
13 help the trier of fact to understand the evidence or to determine a fact in issue;

14 (2) The testimony is based on sufficient facts or data;

15 (3) The testimony is the product of reliable principles and methods; and

16 (4) The expert has reliably applied the principles and methods to the facts of  
17 the case.

18 B. This Article shall also govern expert witnesses on the issue of memory and  
19 eyewitness identification. In a criminal case, if a party seeks to offer the testimony  
20 of a memory and eyewitness identification expert under this Article, such expert  
21 testimony may be considered for admission only if all provisions of Subparagraph

1           A of this Article are satisfied. A memory and eyewitness identification expert's  
 2           testimony may not be admitted under this Article if there is physical or scientific  
 3           evidence that corroborates the eyewitness identification of the defendant. An  
 4           expert's testimony admitted under this Paragraph shall not offer an opinion as to  
 5           whether a witness's memory or eyewitness identification is accurate.

6           Section 2. This Act shall become effective upon signature by the governor or, if not  
 7           signed by the governor, upon expiration of the time for bills to become law without signature  
 8           by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 9           vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 10          effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2019 Regular Session  
HOUSE BILL NO. 489

# ACT No. 237

BY REPRESENTATIVE DUBUISSON

1 AN ACT

2 To enact Code of Evidence Article 801(D)(1)(e), relative to the definition of hearsay; to  
3 provide relative to prior statements made by witnesses; to provide relative to  
4 statements made by victims of sexually-oriented crimes to healthcare providers; and  
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Evidence Article 801(D)(1)(e) is hereby enacted to read as  
8 follows:

9 Art. 801. Definitions

10 The following definitions apply under this Chapter:

11 \* \* \*

12 D. Statements which are not hearsay. A statement is not hearsay if:

13 (1) Prior statement by witness. The declarant testifies at the trial or hearing  
14 and is subject to cross-examination concerning the statement, and the statement is:

15 \* \* \*

16 (e) A statement made by the victim of a sexually-oriented criminal offense  
17 to a healthcare provider during the course of a forensic medical examination as  
18 defined in R.S. 15:622 and the healthcare provider has documented that statement  
19 in writing during the course of the forensic medical examination.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_