

ACT No. 399

2016 Regular Session

HOUSE BILL NO. 590

BY REPRESENTATIVE LEOPOLD

1 AN ACT

2 To enact Code of Evidence Article 412.4, relative to evidence of prior acts in domestic
3 abuse cases; to provide that previous acts may be admissible as long as the probative
4 value of the evidence outweighs any prejudicial effect it may have on the case; and
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Evidence Article 412.4 is hereby enacted to read as follows:

8 Art. 412.4. Evidence of similar crimes, wrongs, or acts in domestic abuse cases,
9 cruelty against juveniles cases

10 A. When an accused is charged with a crime involving abusive behavior
11 against a family member, household member, or with acts which constitute cruelty
12 involving a victim who was under the age of seventeen at the time of the offense,
13 evidence of the accused's commission of another crime, wrong, or act involving
14 assaultive behavior against a family member, or household member or acts which
15 constitute cruelty involving a victim who was under the age of seventeen at the time
16 of the offense, may be admissible and may be considered for its bearing on any
17 matter to which it is relevant, subject to the balancing test provided in Article 403.

18 B. In a case in which the state intends to offer evidence under the provisions
19 of this Article, the prosecution shall, upon request of the accused, provide reasonable
20 notice in advance of trial of the nature of any such evidence it intends to introduce
21 at trial for such purposes.

1 C. This Article shall not be construed to limit the admissibility or
2 consideration of evidence under any other rule.

3 D. For purposes of this Article:

4 (1) "Abusive behavior" means any behavior of the offender involving the use
5 or threatened use of force against the person or property of a family member or
6 household member of the alleged offender.

7 (2) "Family member" means spouses, former spouses, parents and children,
8 stepparents, stepchildren, foster parents, and foster children.

9 (3) "Household member" means any person having reached the age of
10 majority presently or formerly living in the same residence with the offender as a
11 spouse, whether married or not, or any child presently or formerly living in the same
12 residence with the offender, or any child of the offender regardless of where the child
13 resides.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____