
DIGEST

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HB 289 Original

2015 Regular Session

Gisclair

Abstract: Establishes maximum periods of time for the transfer to a law enforcement agency of evidence collected by a hospital from a victim of a rape offense.

Proposed law requires a criminal justice agency to submit, no later than 30 days after receipt of a sexual assault collection kit, any kit involving an unknown suspect and any kit for which a prosecuting agency has made an official request for analysis.

Present law provides the procedures for the treatment of and collection of evidence from victims of a rape offense.

Proposed law retains present law but prohibits a hospital from discussing with the victim the costs for tests and treatments rendered as a result of the rape offense.

Present law requires the hospital, if the offense is not reported to police, to collect and preserve evidence for a period of thirty days by assigning a code number to the evidence to maintain confidentiality. Further requires custody of the evidence to be transferred to a local law enforcement agency having jurisdiction once the code number is assigned.

Proposed law retains present law and adds a requirement for the local law enforcement agency to retrieve the evidence no later than seven days after receiving notification that a code number has been assigned to the evidence.

Present law requires the hospital, if the offense is reported to police, to transfer evidence collected to law enforcement officers when they arrive to assume responsibility for investigation of the offense.

Proposed law retains present law but prohibits the evidence from remaining at the hospital more than seven days after the law enforcement agency receives notification from the hospital.

Present law requires a hospital to immediately notify the appropriate law enforcement official if any person 16 years old or younger is presented for treatment as a victim of a rape offense.

Proposed law retains present law and adds a requirement for the local law enforcement agency to retrieve the evidence no later than seven days after receiving notification.

Proposed law requires the hospital staff member who notifies the appropriate law enforcement

official to document the date, time, and method of notification and the name of the official who received the notification.

Proposed law requires, on or before Jan. 1 of each year, each law enforcement agency to provide each hospital located in its respective jurisdiction with the name of the responsible contact person along with the responsible person's contact information in order to comply with the provisions of proposed law in a timely manner.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 40:2109.1(A)(intro. para.) and (2), (3), and (4)(a) and (D); Adds R.S. 15:623)