

DIGEST

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SB 54 Reengrossed

2017 Regular Session

Mizell

Present law (Ch.C. Art. 116) provides definitions for purposes of the Children's Code.

Proposed law retains present law and amends the definition of "shelter care facility" to include a licensed, physically unrestricting public or private child care facility, a residential facility operated for runaway, homeless, or a sexually exploited child, or a safe house as defined by present law which provides temporary care for children.

Present law (Ch.C. Art. 606) provides the grounds for which a child is alleged to be a child in need of care, including a child who is a victim of commercial sexual exploitation, human trafficking, or trafficking of children for sexual purposes perpetrated by any person regardless of their relationship to the child.

Proposed law retains present law and adds present law citations for references to the crime human trafficking (R.S. 14:46.2) or trafficking of children for sexual purposes (R.S. 14:46.3).

Present law (Ch.C. Art. 622(B)) provides for the placement of a child who appears to be a child in need of care and whose immediate removal is necessary for his protection from further abuse or neglect pending a custody hearing.

Proposed law retains present law and adds a shelter care facility to the list of places the child may be held pending a custody hearing if the child is a victim of human trafficking or trafficking of children for sexual purposes as those crimes are defined by present law.

Present law (Ch.C. Art. 725 et seq.) provides relative to safe harbor for sexually exploited children and requires the office of juvenile justice of the Dept. of Public Safety and Corrections to operate or contract with an appropriate nongovernmental agency for the operation of a safe house. Further requires the department to develop a statewide protocol for helping to coordinate the delivery of services to sexually exploited children.

Proposed law changes the department that is required to carry out the present and proposed law duties from the Dept. of Public Safety and Corrections, office of juvenile justice to the Dept. of Children and Family Services:

Proposed law requires the Dept. of Children and Family Services to identify and maintain a current listing of safe houses which are licensed residential homes that specialize in the provision of services to sexually exploited children, regardless of whether the facilities receive taxpayer funding. This listing shall be made available to courts, prosecutors, and other stakeholders involved in proceedings pertaining to an exploited child.

Proposed law (Ch.C. Art. 725.4) requires law enforcement to notify the Crime Victims Services Bureau of the Dept. of Public Safety and Corrections when a child is eligible for special services and, as a mandatory reporter as defined by present law (Ch.C. Art. 603(17)(e)), to report to the Dept. of Children and Family Services that the child is in need of protective services as they are required to do pursuant to present law.

Proposed law (Ch.C. Art. 725.5) provides that the Dept. of Children and Family Services is responsible for investigating reports of abuse or neglect where the abuser is believed to be a parent or caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether married or not. Further provides that the department must fully cooperate with law enforcement, prosecutors, and court staff in the investigation and prosecution of child sexual exploitation, including ensuring that all state, federal, and

community-based resources for sexually exploited children are known and available to the child.

Proposed law (Ch.C. Art. 725.6) requires all reports and records of exploitation to be kept confidential unless the disclosure of such information is essential for the purposes of investigation or prosecution, required by court order, or necessary to ensure services.

Proposed law directs the La. State Law Institute to prepare comments to the provisions of proposed law.

Effective on August 1, 2017.

(Amends Ch.C. Arts. 116(25), 606(A)(intro. para.) and (7), 622(B)(intro. para.), and 725.1-725.3; Adds Ch.C. Arts. 622(B)(5) and 725.4-725.6)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Makes substantial revision of definitions and requirements.
2. Adds revision to R.S. 46:1403.1.

Senate Floor Amendments to engrossed bill

1. Makes revisions of definitions.
2. Removes exceptions to certain crimes for children who are victims of trafficking or exploitation.
3. Removes certain duties of law enforcement.
4. Removes protective custody provisions.
5. Changes the duties of DCFS.
6. Removes provision providing for the expungement of adjudications involving human trafficking victims.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the reengrossed bill:

1. Make technical changes to clarify the definition of "shelter care facility".
2. Add present law citation for human trafficking (R.S. 14:46.2) as it relates to the grounds for which a child is alleged to be a child in need of care pursuant to present law.
3. Clarify that the list of safe houses maintained by the Dept. of Children and Family Services includes all safe houses regardless of whether the facility receives taxpayer funding.