

2022 Regular Session

SENATE BILL NO. 147

BY SENATOR MIZELL

SEX OFFENSES. Provides for sexual assault survivors to have access to certain documents from the forensic medical exam. (8/1/22)

1 AN ACT

2 To amend and reenact R.S. 40:1216.1(G) and to enact R.S. 40:1216.1(H), relative to  
3 procedures for victims of sex offenses; to require that healthcare providers make  
4 certain records available to sexual assault survivors; to provide relative to documents  
5 requested by the victim after a forensic medical examination has been performed;  
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:1216.1(G) is hereby amended and reenacted and R.S.  
9 40:1216.1(H) is hereby enacted to read as follows:

10 §1216.1. Procedures for victims of a sexually-oriented criminal offense; immunity;  
11 regional plans; maximum allowable costs; definitions; documents  
12 requested by victim

13 \* \* \*

14 G. (1) Whether or not the adult victim chooses to report the offense, the  
15 healthcare provider shall make a report containing the following items  
16 available, if requested by the victim, within ten days of the examination, or as  
17 soon as available, but no later than one hundred twenty days from the date of

- 1           **the examination:**
- 2                   **(a) Examination of physical trauma.**
- 3                   **(b) Patient interview, including medical history, triage, and consultation.**
- 4                   **(c) Photographic documentation.**
- 5                   **(d) When determined necessary by the healthcare provider, results of an**
- 6                   **alcohol-and-drug-facilitated sexual assault assessment and toxicology screening.**

7                   **(2) The items provided for in this Subsection shall be made available at**  
8                   **no cost to the victim and may only be released to the victim. This release does**  
9                   **not invalidate the victim's reasonable expectation of privacy nor does the record**  
10                   **become a public record after the release to the victim.**

11                   **H.** For purposes of this Section the following definitions apply:

12                   (1) "Forensic medical examination" has the same meaning as defined in R.S.  
13                   15:622.

14                   (2) "Healthcare provider" means either of the following:

15                   (a) A physician or other healthcare practitioner licensed, certified, registered,  
16                   or otherwise authorized to perform specified healthcare services consistent with state  
17                   law.

18                   (b) A facility or institution providing healthcare services, including but not  
19                   limited to a hospital or other licensed inpatient center, ambulatory surgical or  
20                   treatment center, skilled nursing facility, inpatient hospice facility, residential  
21                   treatment center, diagnostic, laboratory, or imaging center, or rehabilitation or other  
22                   therapeutic health setting.

23                   (3) "Healthcare services" means services, items, supplies, or drugs for the  
24                   diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury,  
25                   or disease ancillary to a sexually-oriented criminal offense.

26                   (4) "Sexually-oriented criminal offense" has the same meaning as defined in  
27                   R.S. 15:622.

