

2026 Regular Session

HOUSE BILL NO. 998

BY REPRESENTATIVE FREEMAN

CRIMINAL/VICTIMS: Provides relative to the examination and medical care of victims of domestic violence offenses involving strangulation

1 AN ACT

2 To amend and reenact R.S. 15:622(A)(introductory paragraph), (2), and (3), the heading of
3 Part III-A of Subchapter D of Chapter 5-D of Title 40 of the Louisiana Revised
4 Statutes of 1950, R.S. 40:1216.1(A)(introductory paragraph), (1)(b), (2)(introductory
5 paragraph), (b), (c) through (e), (5)(introductory paragraph), (6), and (7), and (G)(1),
6 R.S. 46:1816(B)(introductory paragraph) and (8) and 1822(A) and to enact R.S.
7 15:622(A)(6) and R.S. 40:1216.1(A)(5)(c) and (H)(8), relative to examinations of
8 victims of certain offenses; to provide relative to forensic medical examinations; to
9 provide for definitions; to provide relative to procedures for survivors of certain
10 offenses; to provide relative to the Victim's Compensation Fund; to provide relative
11 to reimbursements; to provide for an effective date; to provide for an implementation
12 deadline; and to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 15:622(A)(introductory paragraph), (2), and (3) are hereby amended
15 and reenacted and R.S. 15:622(A)(6) is hereby enacted to read as follows:

16 §622. Sexual assault collection kits; forensic medical examinations

17 A. As used in this Section, the following terms have the following meanings:

18 * * *

19 (2)(a) "Forensic medical examination" means an examination, ~~provided to~~
20 ~~the victim of a sexually oriented criminal offense by a health care provider for the~~

- 1 ~~purpose of gathering and preserving evidence of a sexual assault for use in a court~~
2 ~~of law. whether or not for the purpose of developing or preserving a sexual assault~~
3 ~~collection kit, that is conducted by a healthcare provider for the purpose of gathering~~
4 ~~and preserving evidence of a sexual assault or domestic violence, including~~
5 ~~strangulation, for use in a court of law and is provided to any of the following:~~
- 6 (i) A victim of a sexually oriented criminal offense.
 - 7 (ii) A victim of domestic violence, including strangulation.
 - 8 (b) A forensic medical examination shall include the following:
 - 9 ~~(a)~~ (i) Examination of physical trauma.
 - 10 ~~(b)~~ (ii) Patient interview, including all of the following:
 - 11 (aa) Any history of violence or abuse.
 - 12 (bb) Current and prior strangulation history.
 - 13 (cc) An assessment and documentation of any current and prior symptoms
14 and injuries.
 - 15 (dd) Any other relevant medical history, triage, and consultation.
 - 16 (ee) Triage.
 - 17 (ff) Consultation.
 - 18 ~~(c)~~ (iii) Collection and evaluation of evidence, including but not limited to
19 the following:
 - 20 (aa) Physical evidence.
 - 21 ~~(i)~~ (bb) Photographic documentation.
 - 22 (cc) Medical and forensic specimens, including toxicology screening for
23 alcohol and drug-facilitated sexual assaults or domestic violence.
 - 24 ~~(ii)~~ (dd) Preservation and maintenance of chain of custody.
 - 25 ~~(iii) Medical specimen collection.~~
 - 26 ~~(iv) When determined necessary by the healthcare provider, an alcohol- and~~
27 ~~drug-facilitated sexual assault assessment and toxicology screening.~~
 - 28 (iv) Any testing recommended by the healthcare provider or related to the
29 sexual assault or domestic violence offense, including strangulation.

1 treatment provided ~~for~~ in this Section. A licensed hospital or healthcare provider
2 shall adhere to the following procedures if a person presents for treatment as a
3 survivor of sexual assault survivor or domestic violence, including strangulation:

4 (1)
5 * * *

6 (b) If a person under the age of eighteen presents for treatment as a survivor
7 of sexual assault survivor or domestic violence, including strangulation, the hospital
8 or healthcare provider shall immediately notify the appropriate law enforcement
9 agency or any other official necessary to fulfill any mandatory reporting obligation
10 required by law.

11 * * *

12 (2) All survivors of sexual assault survivors or domestic violence, including
13 strangulation, shall be examined by a qualified healthcare provider and treated,
14 without undue delay, in a private space required to ensure the health, safety, and
15 welfare of the survivor ~~by a qualified healthcare provider~~. Examination and
16 treatment, including the forensic medical examination, shall be adapted as necessary
17 to address the unique needs and circumstances of each survivor. All survivors shall
18 be afforded an advocate whose communications are privileged in accordance with
19 the provisions of R.S. 46:2187, if one is available. With the consent of the survivor,
20 an advocate shall remain in the examination room during the forensic medical
21 examination. With the consent of the survivor, the examination and treatment ~~of all~~
22 ~~sexual assault survivors~~ shall, at a minimum, include all of the following:

23 * * *

- 24 (b) Patient interview, including all of the following:
 - 25 (i) Any history of violence or abuse.
 - 26 (ii) Current and prior strangulation history.
 - 27 (iii) An assessment and documentation of any current and prior symptoms
28 and injuries.
 - 29 (iv) Any other relevant medical history, ~~triage, and consultation.~~

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 oriented criminal offenses or domestic violence, including strangulation,~~including~~
2 ~~forensic medical examinations as defined in R.S. 15:622.~~

3 * * *

4 §1822. Forensic medical ~~exams~~ examinations; reimbursement

5 A. The board shall reimburse a healthcare provider who performs a forensic
6 medical ~~exam~~ examinations in the amount of six hundred dollars. The board shall
7 reimburse the healthcare facility ~~at which~~ where a forensic medical ~~exam~~
8 examination was conducted for the cost of performing the ~~exam~~ examination in the
9 amount of one thousand dollars. The reimbursement amounts shall cover all of the
10 following:

11 (1) Forensic examiner and hospital or healthcare facility services directly
12 related to the examination, including integral forensic supplies.

13 (2) Scope procedures directly related to the forensic medical examination,
14 including but not limited to anoscopy and colposcopy.

15 (3) Laboratory testing directly related to the forensic medical examination,
16 including drug screening, urinalysis, pregnancy screening, syphilis screening,
17 chlamydia culture, gonorrhea coverage culture, blood test for HIV screening,
18 hepatitis B and C, herpes culture, and any other sexually transmitted disease testing
19 directly related to the forensic medical examination.

20 (4) Any medication provided during the forensic medical examination.

21 * * *

22 Section 4. No later than six months from the effective date of this Act, the Crime
23 Victim's Reparations Board within the Louisiana Commission on Law Enforcement and
24 Administration of Criminal Justice shall establish a statewide domestic violence forensic
25 protocol and implement procedures for processing the reimbursement of forensic medical
26 examinations pursuant to R.S. 46:1822. The Louisiana Department of Justice, office of the
27 attorney general, shall work with other state agencies and stakeholders across this state to
28 develop and approve a standardized statewide forensic medical examination.

1 Section 5. The Louisiana State Law Institute is hereby authorized and directed to
2 alphabetize and renumber the Paragraphs of R.S. 15:622(A) and R.S. 40:1216.1(H) so as to
3 properly place in alphabetical order R.S. 15:622(A)(6) and R.S. 40:1216.1(H)(8) as enacted
4 by this Act.

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

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 998 Engrossed

2026 Regular Session

Freeman

Abstract: Provides relative to the examination and medical care of victims of domestic violence, including strangulation.

Present law (R.S. 15:622) provides for sexual assault collection kits.

Proposed law retains present law.

Present law defines "forensic medical examination".

Proposed law amends the definition in present law as follows:

- (1) Adds victims of domestic violence, including strangulation, as recipients of forensic medical examinations.
- (2) Provides for additional assessments within a forensic medical examination relative to patient interviews, collection and evaluation of evidence, testing, and medication.

Proposed law (R.S. 15:622(A)(6) and R.S. 40:1216.1(H)(8)) defines "domestic violence".

Present law (RS 40:1216.1) provides for procedures for survivors of a sexually oriented criminal offense.

Proposed law amends present law to include survivors of domestic, including strangulation.

Present law provides for the procedures that are included within the examination and treatment of sexual assault survivors.

Proposed law amends present law to provide for additional assessments within the examination and treatment relative to patient interviews, collection and evaluation of evidence, testing, and medication.

Present law prohibits the direct billing of a survivor of a sexually oriented criminal offense for any healthcare services rendered in conducting a forensic medical examination.

Proposed law amends present law as follows:

- (1) Adds survivors of domestic violence, including strangulation, as individuals who are exempt from direct billing.
- (2) Provides what is considered medical treatment and what is exempt from forensic costs or billing.
- (3) Provides for billing through the insurance provider of the patient, if applicable.

Present law (RS 46:1816) provides for the Crime Victims Reparations Fund.

Proposed law retains present law.

Present law requires the fund to be composed of monies from the collection of unclaimed prize money provided in present law (R.S. 4:176 and R.S. 27:94, 252, 394, and 610) exclusively used to pay the expenses associated with healthcare services of victims of sexually oriented criminal offenses, including forensic medical examinations.

Proposed law retains present law and adds expenses associated with the healthcare services of victims of domestic violence, including strangulation.

Present law (R.S. 46:1822) provides for forensic medical examinations and reimbursement for these examinations.

Proposed law retains present law and provides for services, procedures, testing, and medication that the reimbursement amounts encompass.

Proposed law provides for duties of the La. State Law Institute relative to the proper placement of proposed law.

Proposed law provides for implementation no later than six months from the effective date of proposed law as follows:

- (1) Establishment, by the Crime Victims Reparations Board within the La. Commission on Law Enforcement and Administration of Criminal Justice, of a statewide domestic violence forensic protocol and implementation of procedures for processing the reimbursement of forensic medical examinations pursuant to present law (R.S. 46:1822).
- (2) Coordination, by the La. Dept. of Justice, office of the attorney general, and other state agencies and stakeholders across La. to develop and approve a standardized, statewide forensic medical examination.

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

(Amends R.S. 15:622 (A)(intro. para.), (2), and (3), the heading of Part III-A of Subchapter D of Ch. 5-D of Title 40 of the La. Rev. Stat. of 1950, R.S. 40:1216.1(A)(intro. para.), (1)(b), and (2)(intro. para.), (b), and (c)-(e), (5)(intro. para.), (6), and (7), and (G)(1), R.S. 46:1816(B)(intro. para.) and (8) and 1822(A); Adds R.S. 15:622(A)(6) and R.S. 40:1216.1(A)(5)(c) and (H)(8))

Summary of Amendments Adopted by House

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

1. Remove the references to human trafficking-related offenses.
2. Provide for an implementation time period of not later than six months from the effective date of proposed law for the following to occur:
 - (a) The Crime Victims Reparations Board within the La. Commission on Law Enforcement and Administration of Criminal Justice to establish a statewide domestic violence forensic protocol and implement procedures for processing the reimbursement of forensic medical examinations pursuant to present law (R.S. 46:1822).
 - (b) The La. Dept. of Justice, office of the attorney general, to work with other state agencies and stakeholders to develop and approve a standardized statewide forensic medical examination.
3. Provide for an effective date upon signature of governor or lapse of time for gubernatorial action.
4. Make technical changes.