

Regular Session, 2004

HOUSE BILL NO. 541

BY REPRESENTATIVE LAFLEUR

CRIME/SEX OFFENSES: Creates the Louisiana Sexual Assault Task Force

1 AN ACT

2 To enact Chapter 3-C of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 15:555 and 556, relative to sexual assault; to create the Louisiana Sexual
4 Assault Task Force; to provide for its membership; to provide for meetings; to
5 provide for duties; to provide for reporting requirements; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Chapter 3-C of Title 15 of the Louisiana Revised Statutes of 1950,
9 comprised of R.S. 15:555 and 556, is hereby enacted to read as follows:

10 CHAPTER 3-C. LOUISIANA SEXUAL ASSAULT TASK FORCE

11 §555. Sexual Assault Task Force; creation; membership; meetings

12 A. The Louisiana Sexual Assault Task Force is hereby created within the
13 Department of Justice, office of the attorney general. The task force shall consist of
14 nineteen members as follows:

15 (1) The executive director of the Louisiana District Attorneys Association or
16 his designee.

17 (2) The executive director of the Louisiana Foundation Against Sexual
18 Assault or her designee.

19 (3) The Sexual Assault Nurse Examiner/Sexual Assault Response Team
20 (SANE/SART) program coordinator of the Louisiana Foundation Against Sexual
21 Assault or her designee.

- 1 (4) The executive director of the Louisiana Sheriffs Association or his
2 designee.
- 3 (5) The executive director of the Louisiana Association of Chiefs of Police
4 or his designee.
- 5 (6) The president of the Louisiana District Judges Association or his designee.
- 6 (7) The executive director of the Louisiana Commission on Law Enforcement
7 and the Administration of Criminal Justice or his designee.
- 8 (8) The president of the Louisiana Coroners Association or his designee.
- 9 (9) The director of the Louisiana State Police Crime Laboratory or his
10 designee.
- 11 (10) The president of the Louisiana Association of Forensic Scientists or his
12 designee.
- 13 (11) The president of the Louisiana Hospitals Association or her designee.
- 14 (12) The secretary of the Department of Health and Hospitals or his designee.
- 15 (13) The executive director of the Louisiana State Board of Nursing or her
16 designee.
- 17 (14) The executive director of the Louisiana CASA Association or her
18 designee.
- 19 (15) The president of the Louisiana Children's Advocacy Center or her
20 designee.
- 21 (16) The secretary of the Department of Social Services or her designee.
- 22 (17) The assistant secretary of the Department of Social Services directing
23 the office of community services or her designee.
- 24 (18) The medical director of the Child At Risk Evaluation Center at Children's
25 Hospital of New Orleans or his designee.
- 26 (19) The attorney general or his designee.
- 27 B. Members of the task force shall serve at the pleasure of the appointing
28 authority. The members shall elect a chairman whose duties shall be established by
29 the task force.

1 C. The task force shall fix a time and place for its regular meeting and shall
2 meet at least once during each calendar month. Additional special or regular meetings
3 may be held upon the call of the chairman.

4 D. A majority of the membership shall constitute a quorum and shall be
5 necessary to take action.

6 §556. Duties of the task force

7 The task force shall examine issues relating to forensic examination of sexual
8 assault victims and investigation of sexual assault cases, including but not limited to
9 the following:

10 (1) The task force shall review and analyze all applicable state and federal
11 laws, rules, regulations, policies, procedures, and practices pertaining to all of the
12 following:

13 (a) What entities are performing and should perform forensic examinations
14 of sexual assault victims.

15 (b) What entities are financially responsible and should be financially
16 responsible for the forensic evidence collection from the victim of a sexual assault.

17 (c) Which entities are being billed for the forensic examinations and which
18 entities should be billed for such examinations.

19 (d) What evidence is collected from the victim, how is it preserved, how is
20 it analyzed, and what are the best practices in these areas.

21 (e) What standards are being followed in the investigation of sexual assault
22 cases and what standards should be followed.

23 (f) What training is provided and what training should be provided to law
24 enforcement officers and staff of the Department of Social Services, office of
25 community services, investigating sexual assault cases or cases of suspected sexual
26 assault.

27 (g) What criteria is used and what criteria should be used in designating cases
28 as unfounded or in reclassifying cases involving completed or attempted illegal sexual
29 activity.

1 (h) The current reporting requirements and those recommended by the
2 Department of Social Services, office of community services, regarding the number
3 of allegations of sexual abuse or assault reported and investigated and the number of
4 those which are validated or not validated.

5 (i) Reports by teachers, ministers, and other mandatory reporters to the
6 Department of Social Services, office of community services and law enforcement
7 agencies, standards for dual investigations and whether mandatory reporters should
8 report to both law enforcement agencies and the Department of Social Services, office
9 of community services.

10 (2) The task force shall report its findings and recommendations to the
11 governor, the president of the Senate, and the speaker of the House of
12 Representatives not later than January 1, 2005.

13 Section 2. This Act shall become effective upon signature by the governor or, if not
14 signed by the governor, upon expiration of the time for bills to become law without signature
15 by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If
16 vetoed by the governor and subsequently approved by the legislature, this Act shall become
17 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.

LaFleur

HB No. 541

Abstract: Creates the Louisiana Sexual Assault Task Force and provides for its membership and duties.

Proposed law creates the La. Sexual Assault Task Force within the Dept. of Justice, office of the attorney general. Provides for a membership of 19 members. Provides for a listing of issues that the task force shall study, including but not limited to investigation issues, procedures used in obtaining and analyzing sexual assault evidence, training requirements for law enforcement officers and others in sexual assault cases.

Requires the task force to report its findings and recommendations to the governor, the president of the Senate, and the speaker of the House of Representatives not later than Jan. 1, 2005.

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

(Adds R.S. 15:555 and 556)