

Regular Session, 2004

HOUSE BILL NO. 541

BY REPRESENTATIVES LAFLEUR AND DORSEY

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

CHAPTER 3-C. LOUISIANA SEXUAL ASSAULT TASK FORCE

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

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

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

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

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

(4) The executive director of the Louisiana Sheriffs Association or his designee.

- 1                   (5) The executive director of the Louisiana Association of Chiefs of Police  
2                   or his designee.
- 3                   (6) The president of the Louisiana District Judges Association or his designee.
- 4                   (7) The executive director of the Louisiana Commission on Law Enforcement  
5                   and the Administration of Criminal Justice or his designee.
- 6                   (8) The president of the Louisiana Coroners Association or his designee.
- 7                   (9) The director of the Louisiana State Police Crime Laboratory or his  
8                   designee.
- 9                   (10) The president of the Louisiana Association of Forensic Scientists or his  
10                   designee.
- 11                   (11) The president of the Louisiana Hospitals Association or her designee.
- 12                   (12) The secretary of the Department of Health and Hospitals or his designee.
- 13                   (13) The executive director of the Louisiana State Board of Nursing or her  
14                   designee.
- 15                   (14) The executive director of the Louisiana CASA Association or her  
16                   designee.
- 17                   (15) The president of the Louisiana Children's Advocacy Center or her  
18                   designee.
- 19                   (16) The secretary of the Department of Social Services or her designee.
- 20                   (17) The assistant secretary of the Department of Social Services directing  
21                   the office of community services or her designee.
- 22                   (18) The medical director of the Child At Risk Evaluation Center at Children's  
23                   Hospital of New Orleans or his designee.
- 24                   (19) The attorney general or his designee.
- 25                   (20) A member of the Association of Criminal Defense Lawyers selected by  
26                   its chief executive officer or his designee.
- 27                   (21) The superintendent of state police or his designee.
- 28                   (22) The director of the Louisiana Coalition Against Domestic Violence or  
29                   her designee.

1           (23) The president of the Louisiana Juvenile Judges Association or his  
2           designee.

3           (24) A member of the House of Representatives appointed by the speaker of  
4           the House of Representatives or his designee.

5           (25) A member of the Senate appointed by the president of the Senate or his  
6           designee.

7           B. Members of the task force shall serve at the pleasure of the appointing  
8           authority. The attorney general shall serve as chairman, and his duties shall be  
9           established by the task force.

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

13          D. A majority of the membership present shall constitute a quorum and shall  
14          be necessary to take action.

15          §556. Duties of the task force

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

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

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

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

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

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

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

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

7           (g) What criteria are used and what criteria should be used in designating  
8           cases as unfounded or in reclassifying cases involving completed or attempted illegal  
9           sexual activity.

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

14          (i) Reports by teachers, ministers, and other mandatory reporters to the  
15          Department of Social Services, office of community services, and law enforcement  
16          agencies, standards for dual investigations and whether mandatory reporters should  
17          report to both law enforcement agencies and the Department of Social Services, office  
18          of community services.

19          (2) The task force shall report its findings and recommendations to the  
20          governor, the president of the Senate, and the speaker of the House of  
21          Representatives not later than July 1, 2005.

22          Section 2. The task force created by this Act shall terminate sixty days after the report  
23          of findings and recommendations has been submitted.

24          Section 3. This Act shall become effective upon signature by the governor or, if not  
25          signed by the governor, upon expiration of the time for bills to become law without signature  
26          by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
2 effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_