

SENATE BILL NO. 232

BY SENATOR CHEEK

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 15:544 (D)(1), (2), (3)(e), (4)(a) and (b) and to enact Chapter 3-  
3 C of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S.  
4 15:555 and 556, relative to sex offenses; to provide for notification and registration  
5 of offenders; to create a sexual assault task force and provide for the membership,  
6 and powers, duties, and functions of the task force; to provide for a termination date  
7 of the task force; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:544 (D)(1), (2), (3)(e), (4)(a) and (b) are hereby amended and  
10 reenacted and Chapter 3-C of Title 15 of the Louisiana Revised Statutes of 1950, to be  
11 comprised of R.S. 15:555 and 556 is hereby enacted to read as follows:

12 §544. Duration of registration and notification period

13 \* \* \*

14 D.(1) The registration period of fifteen years established in Subsection A of  
15 this Section may be reduced to a period of ten years if the offender maintains a clean  
16 record for the entire ten-year period of registration upon petition to be relieved of the  
17 sex offender registration to the court of conviction for those convicted in Louisiana,  
18 or the court of the parish of residence for those convicted under the laws of another  
19 state, or military, territorial, foreign, tribal, or federal law which have been  
20 determined to be comparable to a Louisiana offense requiring a fifteen-year  
21 registration period by the bureau pursuant to the provisions of R.S. 15:542.1.3. **The**  
22 **petition shall be accompanied by a certification from the office of state police**  
23 **of the offender's history of registration in Louisiana.**

24 (2) The lifetime registration period established in Paragraph (B)(2) of this  
25 Section may be reduced to a period of twenty-five years if the offender was  
26 adjudicated delinquent for the offense which requires registration and maintains a  
27 clean record for twenty-five years upon petition to be relieved of the sex offender

1 registration to the court of adjudication for those adjudicated in Louisiana, or court  
2 of the parish of residence for those adjudicated under the laws of another state, or  
3 military, territorial, foreign, tribal, or federal law. The petition shall be  
4 accompanied by a certification from the office of state police of the offender's  
5 history of registration in Louisiana.

6 (3) For purposes of this Subsection, an offender maintains a "clean record"  
7 by:

8 \* \* \*

9 (e) Complying with all sex offender registration and notification requirements  
10 in Louisiana for the prescribed period of time pursuant to the provisions of this  
11 Chapter.

12 (4) The following procedures shall apply to the provisions of Paragraphs (1)  
13 and (2) of this Subsection:

14 (a) The district attorney shall be served with a copy of the petition and the  
15 Louisiana Department of Public Safety and Corrections, office of state police  
16 and the Department of Justice shall be given notice of the filing with a copy of  
17 the pleading.

18 (b) The court shall order a contradictory hearing to determine whether the  
19 offender is entitled to be relieved of the registration and notification requirements  
20 pursuant to the provisions of Paragraphs (1) and (2) of this Subsection. The  
21 Louisiana Department of Public Safety and Corrections, office of state police  
22 and the Department of Justice shall be given notice of the hearing date.

23 \* \* \*

#### 24 CHAPTER 3-C. LOUISIANA SEXUAL ASSAULT TASK FORCE

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

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

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

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

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

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

8                   (5) The executive director of the Louisiana Association of Chiefs of  
9                   Police, or his designee.

10                  (6) The president of the Louisiana District Judges Association, or his  
11                  designee.

12                  (7) The executive director of the Louisiana Commission on Law  
13                  Enforcement and the Administration of Criminal Justice, or his designee.

14                  (8) The president of the Louisiana Coroners Association, or his designee.

15                  (9) The director of the Louisiana State Police Crime Laboratory, or his  
16                  designee.

17                  (10) The president of the Louisiana Association of Forensic Scientists,  
18                  or his designee.

19                  (11) The president of the Louisiana Hospitals Association, or her  
20                  designee.

21                  (12) The secretary of the Department of Health and Hospitals, or his  
22                  designee.

23                  (13) The executive director of the Louisiana State Board of Nursing, or  
24                  his designee.

25                  (14) The executive director of the Louisiana CASA Association, or his  
26                  designee.

27                  (15) The president of the Louisiana Children's Advocacy Center, or his  
28                  designee.

29                  (16) The secretary of the Department of Children and Family Services,  
30                  or his designee.

1                   (17) The deputy secretary of programs of the Department of Children  
2                   and Family Services, or his designee.

3                   (18) The medical director of the Child At Risk Evaluation Center at  
4                   Children's Hospital of New Orleans, or his designee.

5                   (19) The attorney general, or his designee.

6                   (20) A member of the Association of Criminal Defense Lawyers selected  
7                   by its chief executive officer, or his designee.

8                   (21) The superintendent of state police, or his designee.

9                   (22) The director of the Louisiana Coalition Against Domestic Violence,  
10                  or his designee.

11                  (23) The president of the Louisiana Juvenile Judges Association, or his  
12                  designee.

13                  (24) A member of the House of Representatives appointed by the  
14                  speaker of the House of Representatives, or his designee.

15                  (25) A member of the Senate appointed by the president of the Senate,  
16                  or his designee.

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

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

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

25                  §556. Duties of the task force

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

29                  (1) The task force shall review and analyze all applicable state and  
30                  federal laws, rules, regulations, policies, procedures, and practices pertaining

1 to all of the following:

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

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

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

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

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

13 (f) What training is provided and what training should be provided to  
14 law enforcement officers and staff of the Department of Children and Family  
15 Services investigating sexual assault cases or cases of suspected sexual assault.

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

19 (h) The current reporting requirements and those recommended by the  
20 Department of Children and Family Services regarding the number of  
21 allegations of sexual abuse or assault reported and investigated and the number  
22 of those which are validated or not validated.

23 (i) Reports by teachers, ministers, and other mandatory reporters to the  
24 Department of Children and Family Services and law enforcement agencies,  
25 standards for dual investigations and whether mandatory reporters should  
26 report to both law enforcement agencies and the Department of Children and  
27 Family Services.

28 (2) The task force shall report its findings and recommendations to the  
29 governor, the president of the Senate, and the speaker of the House of  
30 Representatives not later than December 31, 2012.

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

3           Section 3. This Act shall become effective upon signature by the governor or, if not  
4 signed by the governor, upon expiration of the time for bills to become law without signature  
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
7 effective on the day following such approval.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

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