

ACT No. 408

Regular Session, 2004

HOUSE BILL NO. 541

BY REPRESENTATIVES LAFLEUR AND DORSEY

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
4 designee.

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

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

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

10 (10) The president of the Louisiana Association of Forensic Scientists or his
11 designee.

12 (11) The president of the Louisiana Hospitals Association or her designee.

13 (12) The secretary of the Department of Health and Hospitals or his designee.

14 (13) The executive director of the Louisiana State Board of Nursing or her
15 designee.

16 (14) The executive director of the Louisiana CASA Association or her
17 designee.

18 (15) The president of the Louisiana Children's Advocacy Center or her
19 designee.

20 (16) The secretary of the Department of Social Services or her designee.

21 (17) The assistant secretary of the Department of Social Services directing
22 the office of community services or her designee.

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

25 (19) The attorney general or his designee.

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

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

1 (22) The director of the Louisiana Coalition Against Domestic Violence or
2 her designee.

3 (23) The president of the Louisiana Juvenile Judges Association or his
4 designee.

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

7 (25) A member of the Senate appointed by the president of the Senate or his
8 designee.

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

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

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

17 §556. Duties of the task force

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

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

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

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

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

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

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

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

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

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

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

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

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

26 Section 3. This Act shall become effective upon signature by the governor or, if not
27 signed by the governor, upon expiration of the time for bills to become law without signature
28 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.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____