2018 Regular Session

HOUSE BILL NO. 443

BY REPRESENTATIVE SMITH

HEALTH/MEDICAL TREATMENT: Provides with respect to reporting requirements for a victim of a sexually-oriented criminal offense

1	AN ACT		
2	To amend and reenact R.S. 40:1216.1(A)(4)(a), relative to the procedures for medical		
3	treatment of a victim of a sexually-oriented criminal offense; to provide for the		
4	protection of a victim who is aged seventeen or younger; to provide for the		
5	requirements of mandatory reporting to law enforcement; and to provide for related		
6	matters.		
7	Be it enacted by the Legislature of Louisiana:		
8	Section 1. R.S. 40:1216.1(A)(4)(a) is hereby amended and reenacted to read as		
9	follows:		
10	§1216.1. Procedures for victims of a sexually-oriented criminal offense; immunity;		
11	regional plans; maximum allowable costs; definitions		
12	A. All licensed hospitals and healthcare providers in Louisiana shall adhere		
13	to the following procedures in the event that a person, male or female, presents		
14	himself or herself or is presented for treatment as a victim of a sexually-oriented		
15	criminal offense:		
16	* * *		
17	(4)(a) Notwithstanding any other provisions of this Section, if any person		
18	sixteen seventeen years old or younger presents himself or herself or is presented for		
19	treatment as a victim of a sexually-oriented criminal offense, the hospital or		
20	healthcare provider shall immediately notify the appropriate law enforcement		

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	official. The appropriate law enforcement official shall have seven days from the
2	receipt of the notification to retrieve any evidence collected by the hospital pursuant
3	to this Subparagraph.
4	* * *

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)]

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Abstract: Requires a healthcare provider to notify law enforcement when a person age seventeen or younger presents for treatment of a sexually-oriented criminal offense.

<u>Present law</u> requires that upon seeking treatment for a sexually-oriented criminal offense, a victim has the right to refuse to report the incident to law enforcement.

<u>Present law</u> requires that if the victim of the offense does not wish to report the offense, that a hospital or healthcare provider shall treat him in the standard manner, with tests and examinations specific to the crime explained and offered to the victim but not mandated.

Proposed law retains present law.

<u>Present law</u> requires that a hospital or healthcare provider report a sexually-oriented criminal offense to law enforcement <u>if</u> the victim is 16 years of age or younger. <u>Proposed law</u> increases the age from 16 to 17.

(Amends R.S. 40:1216.1(A)(4)(a))