

2018 Regular Session

SENATE BILL NO. 101

BY SENATOR MORRELL AND REPRESENTATIVE MORENO

CRIMINAL JUSTICE. Creates the Louisiana Sexual Assault Oversight Commission.  
(8/1/18)

1 AN ACT

2 To amend and reenact Chapter 3-C of Title 15 of the Louisiana Revised Statutes of 1950,  
3 comprised of R.S. 15:555 and 556 and to enact R.S. 36:706(D), relative to sexual  
4 assault collection kits and forensic medical examinations; to create the Louisiana  
5 Sexual Assault Oversight Commission; to provide relative to the membership,  
6 meetings, compensation, and duties of the Louisiana Sexual Assault Oversight  
7 Commission; to provide relative to the office of the attorney general; and to provide  
8 for related matters.

9 Be it enacted by the Legislature of Louisiana:

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

12 CHAPTER 3-C. LOUISIANA SEXUAL ASSAULT ~~TASK FORCE~~

13 OVERSIGHT COMMISSION

14 §555. Louisiana Sexual Assault ~~Task Force~~ Oversight Commission; creation;  
15 membership; meetings

16 A. The Louisiana Sexual Assault ~~Task Force~~ Oversight Commission is  
17 hereby created within the Department of Justice, office of the attorney general. The

1 ~~task force~~ **commission** shall consist of ~~twenty-five~~ **the following** members as  
2 follows:

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

5 (2) The executive director of the Louisiana Foundation Against Sexual  
6 Assault or ~~her~~ **his** designee.

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

10 ~~(4)~~ The executive director of the Louisiana Sheriffs' Association; or his  
11 designee.

12 ~~(5)~~**(4)** The executive director of the Louisiana Association of Chiefs of  
13 Police; or his designee.

14 ~~(6) The president of the Louisiana District Judges Association, or his~~  
15 ~~designee.~~

16 ~~(7)~~**(5)** The executive director of the Louisiana Commission on Law  
17 Enforcement and the Administration of Criminal Justice; or his designee.

18 ~~(8)~~**(6)** The president of the Louisiana **State** Coroner's Association; or his  
19 designee.

20 ~~(9)~~**(7)** The director of the Louisiana State Police Crime Laboratory; or his  
21 designee.

22 ~~(10) The president of the Louisiana Association of Forensic Scientists, or his~~  
23 ~~designee.~~

24 ~~(11)~~**(8)** The president of the Louisiana Hospital Association; or ~~her~~ **his**  
25 designee.

26 ~~(12)~~**(9)** The secretary of the Louisiana Department of Health; or his designee.

27 ~~(13) The executive director of the Louisiana State Board of Nursing, or his~~  
28 ~~designee.~~

29 ~~(14) The executive director of the Louisiana CASA Association, or his~~

1           designee.

2                   ~~(15) The president of the Louisiana Children's Advocacy Center, or his~~

3           designee.

4                   ~~(16) The secretary of the Department of Children and Family Services, or his~~

5           designee.

6                   ~~(17) The assistant secretary of child welfare of the Department of Children~~

7           ~~and Family Services, or his designee.~~

8                   ~~(18) The medical director of the Child At Risk Evaluation Center at~~

9           ~~Children's Hospital of New Orleans, or his designee.~~

10                  ~~(19)~~**(10)** The attorney general; or his designee.

11                  ~~(20) A member of the Association of Criminal Defense Lawyers selected by~~

12           ~~its chief executive officer, or his designee.~~

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

14                  ~~(22) The director of the Louisiana Coalition Against Domestic Violence, or~~

15           ~~his designee.~~

16                  ~~(23) The president of the Louisiana Juvenile Judges Association, or his~~

17           ~~designee.~~

18                  ~~(24)~~**(11)** A member of the House of Representatives appointed by the speaker

19           of the House of Representatives; or his **the member's** designee.

20                  ~~(25)~~**(12)** A member of the Senate appointed by the president of the Senate;

21           or his **the member's** designee.

22                  **(13) The governor or his designee.**

23                  **(14) The executive director of the Forensic Nurse Examiners of**

24           **Louisiana, Inc. or his designee.**

25                  **(15) The director of the North Louisiana Criminalistics Laboratory or**

26           **his designee.**

27                  **(16) The director of the Southwest Louisiana Regional Crime Laboratory**

28           **or his designee.**

29                  **(17) The director of the Acadiana Criminalistics Laboratory or his**

1 designee.

2 B. Members of the ~~task force~~ commission shall serve at the pleasure of the  
3 appointing authority and without compensation. Travel expenses, per diem, and  
4 other expenses may be paid by the member's employer or appointing authority.

5 C. The attorney general or his designee shall serve as chairman; and his  
6 duties shall be established by the ~~task force~~ commission. The office of the attorney  
7 general shall provide staff and administrative services needed by the  
8 commission to carry out the duties set forth in R.S. 15:556.

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

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

15 §556. Duties of the ~~task force~~ commission

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 it is preserved, how it~~  
29 ~~is 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 Children and Family Services~~  
5 ~~investigating sexual assault cases or cases of suspected sexual assault.~~

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

9           ~~(h) The current reporting requirements and those recommended by the~~  
10 ~~Department of Children and Family Services regarding the number of allegations of~~  
11 ~~sexual abuse or assault reported and investigated and the number of those which are~~  
12 ~~validated or not validated.~~

13           ~~(i) Reports by teachers, ministers, and other mandatory reporters to the~~  
14 ~~Department of Children and Family Services and law enforcement agencies,~~  
15 ~~standards for dual investigations and whether mandatory reporters should report to~~  
16 ~~both law enforcement agencies and the Department of Children and Family Services.~~

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

20           **A.(1) The commission shall develop recommendations for a standardized**  
21 **sexual assault collection kit and protocols for forensic medical examinations of**  
22 **victims of sexually oriented criminal offenses to be used statewide. The**  
23 **recommendations shall include but are not limited to recommendations for the**  
24 **physical dimensions, labeling, and contents of the collection kit, as well as**  
25 **recommendations regarding the collection and preservation of evidence from**  
26 **the examination and the identification of appropriate entities to perform the**  
27 **examination.**

28           **(2) The commission shall continuously review its standards and protocols**  
29 **and make subsequent recommendations as needed to ensure that the sexual**

1 assault collection kit and forensic medical examination protocols are up to date  
 2 with technological advancements and best practices.

3 B. The office of the attorney general shall adopt all rules necessary to  
 4 implement the recommendations for a standardized sexual assault collection kit  
 5 and protocols for forensic medical examinations and any subsequent  
 6 recommendations. All rules shall be adopted pursuant to the provisions of the  
 7 Administrative Procedure Act.

8 Section 2. R.S. 36:706(D) is hereby enacted to read as follows:

9 §706. Transfer of boards, commissions, and agencies to Department of Justice

10 \* \* \*

11 D. The Louisiana Sexual Assault Oversight Commission (R.S. 15:555 et  
 12 seq.) is placed within the Department of Justice and shall perform and exercise  
 13 its powers, duties, functions, and responsibilities as provided by law.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Ashley Menou.

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DIGEST

SB 101 Engrossed

2018 Regular Session

Morrell

Present law provides for the creation of the of La. Sexual Assault Task Force within the office of the attorney general to examine issues related to forensic examinations of sexual assault victims and investigation of sexual assault cases. Present law further requires the task force to report its findings and recommendations no later than Dec. 31, 2012.

Proposed law deletes present law and creates the La. Sexual Assault Oversight Commission (the commission) within the office of the attorney general to develop recommendations for a standardized sexual assault collection kit and protocols for forensic medical examinations to be used statewide.

Proposed law provides for the membership of the commission and provides that members shall serve at the pleasure of the appointing authority and without compensation.

Proposed law provides that certain expenses may be paid by the commission member's employer or appointing authority.

Proposed law provides that the attorney general shall serve as chairman and the office of the attorney general shall provide staff and administrative services to the commission.

Proposed law requires the commission to meet at least once every three months and provides that a majority of members present shall constitute a quorum of the commission.

Proposed law requires the commission to continuously review its standards and protocols and make changes as necessary to stay current with technological advancements and best practices.

Proposed law requires the attorney general to promulgate all rules necessary to implement the recommendations of the commission.

Effective August 1, 2018.

(Amends R.S. 15:555 and 556; adds R.S. 36:706(D))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Adds the director of the North Louisiana Criminalistics Laboratory, director of the Southwest Louisiana Regional Crime Laboratory, and the director of the Acadiana Criminalistics Laboratory to the commission.