

2018 Regular Session

HOUSE BILL NO. 488

BY REPRESENTATIVES AMEDEE, CARPENTER, JACKSON, NANCY LANDRY,
AND SMITH

CHILDREN/ABUSE: Provides relative to the mandatory reporting of certain crimes of sexual abuse of a minor

1 AN ACT

2 To amend and reenact R.S. 14:403(A)(4)(b) and to enact Children's Code Articles 502(1)(d)
3 and 4(r), 603(2)(e), and (12)(t), and 606(A)(8), relative to mandatory reporting of
4 crimes; to provide relative to the mandatory reporting of certain crimes of sexual
5 abuse of a minor; to provide for definitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:403(A)(4)(b) is hereby amended and reenacted to read as follows:

8 §403. Abuse of children; reports; waiver of privilege

9 A.

10 * * *

11 (4)

12 * * *

13 (b) For purposes of this Paragraph, "sexual abuse" shall include but is not
14 limited to the perpetration or attempted perpetration of R.S. 14:41, 42, 42.1, 43, 43.1,
15 43.2, 43.3, 43.4, 46.2, 46.3, 78, 78.1, 80, 81, 81.1, 81.2, 86, 89, or 89.1.

16 * * *

17 Section 2. Children's Code Articles 502(1)(d) and (4)(r), 603(2)(e), and (12)(t), and
18 606(A)(8) are hereby amended and reenacted to read as follows:

1 Art. 502. Definitions

2 For the purposes of this Title, the following terms have the following
3 meanings, unless the context clearly indicates otherwise:

4 (1) "Abuse" means any one of the following acts which seriously endanger
5 the physical, mental, or emotional health and safety of the child:

6 * * *

7 (d) Female genital mutilation as defined by R.S. 14:43.4.

8 * * *

9 (4) "Crime against the child" shall include the commission of or the
10 attempted commission of any of the following crimes against the child as provided
11 by federal or state statutes:

12 * * *

13 (r) Female genital mutilation.

14 * * *

15 Art. 603. Definitions

16 As used in this Title:

17 * * *

18 (2) "Abuse" means any one of the following acts which seriously endanger
19 the physical, mental, or emotional health and safety of the child:

20 * * *

21 (e) Female genital mutilation as defined by R.S. 14:43.4.

22 * * *

23 (12) "Crime against the child" shall include the commission of or the
24 attempted commission of any of the following crimes against the child as provided
25 by federal or state statutes:

26 * * *

27 (t) Female genital mutilation.

28 * * *

1 Art. 606. Grounds; child in need of care

2 A. Allegations that a child is in need of care shall assert one or more of the
3 following grounds:

4 * * *

5 (8) The child is a victim of female genital mutilation, as defined in R.S.
6 14:43.4, or is the sister of a child who has had the crime of female genital mutilation
7 committed upon her.

8 * * *

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)]

HB 488 Engrossed

2018 Regular Session

Amedee

Abstract: Adds the crime of female genital mutilation to the list of crimes against a child which must be reported to law enforcement or to DCFS.

Present law (R.S. 14:403) defines "sexual abuse" and provides that any person who is 18 years of age or older who witnesses the sexual abuse of a child and knowingly and willfully fails to report the sexual abuse to law enforcement or to DCFS shall be fined not more than \$10,000, imprisoned with or without hard labor for not more than five years, or both.

Proposed law retains present law and adds the crime of "female genital mutilation" to the list of crimes which constitute the failure to report sexual abuse of a child.

Proposed law (Ch.C. Art. 502 and 603) also adds "female genital mutilation" to the definitions of "abuse", "sexual abuse", and "crime against the child" as they relate to various provisions of the Children's Code applicable to the protection of children and child in need of care proceedings.

Present law (Ch.C. Art. 606) provides for the grounds which must be asserted in child in need of care proceedings.

Proposed law retains present law and provides an additional ground to be asserted that the child is a victim of female genital mutilation or is the sister of a child who has had the crime of female genital mutilation committed upon her.

(Amends R.S. 14:403(A)(4)(b); Adds C.Ch. Arts. 502(1)(d) and 4(r), 603(2)(e), and (12)(t), and 606(A)(8))