

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 238

2019 Regular Session

Mizell

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

LAW ENFORCEMENT. Provides for abortion clinic employees to be mandatory reporters of human trafficking and certain sexual based crimes to law enforcement and provides for the additional postings of the National Human Trafficking Resource Center hotline information. (8/1/19)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Adds requirement for the La. Dept. of Health to maintain the name of each mandatory reporter to law enforcement as confidential and not subject to disclosure under the Public Records Law.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

DIGEST

SB 238 Reengrossed

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Present law (Children's Code 610) provides that, notwithstanding any claim of privileged communication, any mandatory reporter who has cause to believe that a child's physical or mental health or welfare is endangered as a result of abuse or neglect or that abuse or neglect was a contributing factor in a child's death shall report the matter to the Dept. of Children and Family Services or law enforcement.

Present law (Children's Code 603) provides that the mandatory reporters of child abuse and neglect are the following individuals: healthcare practitioners, mental health/social service practitioners, members of the clergy including any priest, rabbi, duly ordained clerical deacon or minister, Christian Science practitioner, teachers or child care providers including teacher's aides, instructional aides, school principal, school staff members, bus drivers, coaches, professors, vocational instructors, technical or vocational school staff members, or college or university administrators and staff members, social workers, probation officers, foster home parents, group home or other child care institutional staff members, personnel of residential home facilities, licensed or unlicensed day care providers, or any individual who provides such services to a child in a voluntary or professional capacity, police officers, commercial film and photographic print processors, court authorized mediators, CASA volunteers, youth activity workers or day camp, summer camp, youth center, or youth recreation program staffers, and school coaches.

Present law (Children's Code 603) defines "health practitioner" to include hospital staff member.

Proposed law retains present law and adds "abortion facility staff member" to the list of healthcare staff members who are mandatory reporters of child abuse or neglect.

Present law (Children's Code 603 and 610) provides that the Dept. of Children and Family Services may conduct an investigation if the alleged perpetrator is a caretaker. Present law (Children's Code 603) defines "caretaker" as any person legally obligated to provide or secure adequate care for a child, including a parent, tutor, guardian, legal custodian, foster home parent, an employee of a public or private day care center, an operator or employee of a registered family child day care home, or other person providing a residence for the child. Present law (Children's Code 610) provides that "caretaker" does not include dating partners, spouse of the parent, or anyone not living at the residence of the child and, therefore the Dept. of Children and Family Services does not have jurisdiction to open an investigation into a child in need of care case where the alleged perpetrator is not a caretaker.

Proposed law retains present law and requires abortion facility professionals and abortion facility staff members to report crimes of human trafficking, trafficking of children for sexual purposes, rape, incest, or coerced abortion to law enforcement, whether the victim is a minor child or an adult. Requires that the report be made immediately not later than the end of the business day. Proposed law defines "abortion facility professional" or "outpatient abortion facility professional" as an individual who is a physician, surgeon, resident, intern, licensed nurse, nursing aide, emergency medical technician, or a paramedic who diagnoses, examines, or treats a female patient at an outpatient abortion facility. Proposed law defines "abortion facility staff member" or "outpatient abortion facility staff member" as an individual who is not an abortion facility professional but who is employed by or contracts with an outpatient abortion facility to provide services and who has any contact with patients at the facility.

Proposed law provides that the La. Dept. of Health shall promulgate a form which may be used by a mandatory reporter to law enforcement to report a crime of human trafficking, trafficking of children for sexual purposes, rape, incest, or coerced abortion to the sheriff's department in the parish or to the local police department where the outpatient abortion facility is located.

Proposed law provides that beginning Aug. 1, 2019, every mandatory reporter to law enforcement shall certify to the La. Dept. of Health that they have participated in training on human trafficking awareness and prevention on an annual basis. Requires the La. Dept. of Health to maintain the name of each mandatory reporter to law enforcement as confidential, and the information shall not be subject to disclosure pursuant to the Public Records Law.

Proposed law requires that the La. Dept. of Health promulgate rules to provide for compliance with the training requirement in proposed law utilizing the online educational videos on human trafficking awareness and prevention provided by the U.S. Dept. of Health and Human Services, Administration for Children and Families, Office on Trafficking in Persons.

Present law requires information regarding the National Human Trafficking Resource Center Hotline to be posted in certain establishments.

Present law requires the notice to meet certain size, font, and language requirements to be set by the commissioner of the Alcohol Tobacco Control (ATC) and the applicable phone number to be included in the notice.

Proposed law retains present law and requires that the notice also include the ability to text "Help" to 233733 (Be Free) in order to access help and services.

Proposed law provides that, in addition to the posting required in present law, beginning on Jan. 1, 2020, each establishment required to post information shall affix a flyer to the inside of the door to each bathroom stall at the establishment. Proposed law provides that the flyer will be designed by the Greater New Orleans Human Trafficking Task Force, with the approval of the ATC commissioner, and shall be no larger than 8 ½ by 11. Proposed law provides that no later than Dec. 1, 2019, the Greater New Orleans Human Trafficking Task Force shall transfer the flyer in an electronic format to the ATC commissioner for posting on the ATC's website.

Effective August 1, 2019.

(Amends Ch. C. Art. 603(17)(a), RS. 15:541.1(A)(3), (B)(1)(a) and (D) and R.S. 40:2175.3, R.S. 44:4.1(B)(26); adds R.S. 15:541(E) and R.S. 40:2175.7)

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