

GREEN SHEET REDIGEST

HB 452

2021 Regular Session

Davis

DOMESTIC ABUSE: Creates a domestic violence fatality review team within the Louisiana Department of Health

DIGEST

Proposed law creates the La. Domestic Abuse Fatality Review Panel (review panel) within the Louisiana Dept. of Health and provides for the membership of the review panel.

Proposed law provides for the review panel to perform the following functions:

- (1) Identify and characterize the scope and nature of domestic abuse fatalities in this state.
- (2) Research and review trends, data, or patterns that are observed surrounding domestic abuse fatalities.
- (3) Review past events and circumstances surrounding domestic abuse fatalities by reviewing records and other pertinent documents of public and private agencies that are responsible for investigating deaths or treating victims.
- (4) Research and revise operating rules and procedures for review of domestic abuse fatalities.
- (5) Recommend systemic improvements to promote improved and integrated public and private systems serving victims of domestic abuse.
- (6) Recommend components for prevention and education programs.
- (7) Recommend training to improve the identification and investigation of domestic violence fatalities that occur in La.

Proposed law provides that the review panel may access medical and vital records in the custody of physicians, hospitals, clinics, or other healthcare providers and the office of public health or any law enforcement agency that may aid the review panel to complete its duties.

Proposed law provides for the information which may be disclosed to the review panel and requires that the disclosure of information requested by the review panel shall be on a voluntary basis.

Proposed law provides that all information and records obtained by the review panel, as well as any domestic abuse fatality report prepared, shall be confidential and shall not be available for subpoena. Proposed law further provides that the information shall not be disclosed, discoverable, or compelled to be produced in any civil, criminal, administrative, or other proceeding or admissible as evidence for any reason.

Proposed law provides that no person who furnishes information to the review panel shall be liable for the disclosure nor shall be considered in violation of any privileged or confidential relationship, if the person has acted in good faith.

Proposed law provides for the return of all information and records obtained during the review process to the person who furnished the information or records.

Proposed law provides that the review committee shall report any recommendations on or before Jan. 30, 2023, and every year thereafter to the governor, the speaker of the House of Representatives, and the president of the Senate.

Proposed law authorizes the La. Dept. of Health to secure financial or human resources or form partnerships necessary for the review panel to perform its duties and obligations.

Proposed law states that any information, documents, or records received by the review panel or any local or regional panel of the La. Domestic Abuse Fatality Panel shall be exempt from the Public Records Law.

(Adds R.S. 40:2024.1-2024.7 and R.S. 44:4(59))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the engrossed bill:

1. Remove provision of proposed law relative to an additional public record exception pursuant to R.S. 44:4.1.
2. Authorize review panel and local or regional panel or agent thereof to access documents and records in order to perform all its functions and duties.
3. Make technical changes.

The House Floor Amendments to the reengrossed bill:

1. Change reference in proposed law from "person" to "victim".
2. Make technical changes.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the re-reengrossed bill

1. Change the name to the La. Domestic Abuse Fatality Review Panel.
2. Clarify the placement of the review panel within the La. Dept. of Health.
3. Make technical changes.