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

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DIGEST

SB 169 Original

2023 Regular Session

Mizell

Present law requires law enforcement to submit a sexual assault collection kit for an assault reported to law enforcement with an unknown suspect to a forensic laboratory for testing within 30 days of receipt.

Proposed law requires law enforcement to submit every reported sexual assault collection kit for an assault with a known or unknown suspect to a forensic laboratory for testing within 30 days of receipt.

Proposed law requires La. State Police to create and operate a statewide sexual assault collection kit tracking system. Proposed law further provides that the tracking system must track the location and status of the kits throughout the criminal justice process; designate sexual assault collection kits as reported or unreported; indicate whether a sexual assault collection kit contains biological material; allow medical facilities, law enforcement, prosecutors, the La. State Police Crime Laboratory, and all other facilities having custody of the kit to update and track the status of the kits; and allow victims to track the status of their kit anonymously.

Proposed law permits the La. State Police to phase-in implementation as necessary, but the system must be implemented fully by July 1, 2024. Proposed law requires La. State Police to submit a report for the current status and plan to the La. Sexual Assault Oversight Commission, the Senate Committee on Judiciary B, and the governor no later than January 1, 2024.

Proposed law requires the La. State Police to submit an annual report on the tracking system to the La. Sexual Assault Oversight Commission, the Senate Committee on Judiciary B, and the governor no later than July 31 each year.

Proposed law requires the report to contain the following, both statewide and by jurisdiction:

- (1) The total number of sexual assault collection kits in the system.
- (2) The total and semi-annual number of sexual assault collection kits with completed forensic analysis.
- (3) The number of sexual assault collection kits added to the system in the reporting period.
- (4) The total and semi-annual number of sexual assault collection kits where testing has been requested but not yet completed.
- (5) The average and median length of time for sexual assault collection kits to be submitted for

testing after being added to the system.

- (6) The total and semi-annual number of sexual assault collection kits destroyed or removed from the system.
- (7) The total number of sexual assault collection kits waiting six months or longer to be tested.
- (8) The total number of sexual assault collection kits waiting over one year to be tested.

Proposed law requires that a sexual assault collection kit be assigned to a jurisdiction associated with the law enforcement agency anticipated to receive the kit.

Proposed law shields from liability any participating public agency, hospital, or law enforcement agency, including its employees, for the release of information or the failure to release information, except when there is gross negligence.

Proposed law permits the La. State Police to adopt rules necessary to implement proposed law.

Proposed law defines "reported sexual assault collection kit", "sexual assault collection kit", and "unreported sexual assault collection kit".

Proposed law clarifies present law by requiring healthcare providers who perform forensic medical exams to create a code number to maintain confidentiality for the victim in an unreported sexual assault.

Proposed law clarifies present law by requiring healthcare providers to be paid or a victim reimbursed for the performance of a forensic medical exam by the La. Crime Victim Reparations Board, except for any treatment not related to the sexual assault.

Proposed law distinguishes the definitions of "healthcare provider" and "healthcare facility".

Proposed law provides that the performance of a forensic medical exam is not reparations and is immediately payable by the La. Crime Victim Reparations Board. Proposed law further provides that payment must be made within 30 days of submission for payment.

Effective August 1, 2023.

(Amends R.S. 15:623(A), R.S. 40:1216.1(A)(2)(c) and (7)-(9), and R.S. 46:1802(7) and 1822(C); adds R.S. 15:624.1 and 46:1802(14); repeals R.S. 40:1216.1(A)(10))