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

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DIGEST

SB 254 Original

2024 Regular Session

Mizell

Present law defines "forensic medical examination" as an examination provided to the victim of a sexually oriented criminal offense by a health care provider for the purpose of gathering and preserving evidence of a sexual assault for use in court.

Proposed law adds victims of domestic abuse to the definition of forensic medical examination for the purpose of gathering and preserving evidence of domestic abuse for use in court.

Present law provides for procedures for victims of a sexually oriented criminal offense, immunity, regional plans, maximum allowable costs, definitions, and documents requested by victim.

Proposed law applies the same procedure available to victims of a sexually oriented criminal offenses in present law to victims of domestic abuse.

Proposed law defines "domestic abuse" as deferred adjudication, adjudication withheld, or conviction for the perpetration or attempted perpetration of the following crimes: battery of a dating partner, domestic abuse battery, and domestic abuse aggravated assault.

Present law attaches rights provided to victims of sexual assault contained in present law whether the victim seeks the assistance of either a law enforcement official or a healthcare provider.

Proposed law attaches the same right provided to victims of sexual assault contained in present law to victims of domestic abuse.

Present law provides that victims of sexual assault retain all the rights of these provisions of present law regardless of whether the victim receives a forensic medical examination or whether a sexual assault collection kit is administered.

Proposed law provides the same rights provided to victims of sexual assault contained in present law to victims of domestic abuse.

Present law requires the victim of sexual assault be notified of the ability to request the presence of a sexual assault advocate during the administration of a forensic medical examination or a scheduled interview by a law enforcement official if a sexual assault advocate is reasonably available.

Proposed law requires the same notification provided to victims of sexual assault contained in present law to victims of domestic abuse.

Effective August 1, 2024.

(Amends R.S. 15:622(A)(2), R.S. 40:1216.1(A)(intro para), 1216.1(A)(2)(a) and (c), (4)(b), (6)(intro para), (6)(c), (7)(intro para), (7)(b), and (8), (C), (E)(1),(2)(intro para), (2)(b), (c), and (e), and (G)(1), and R.S. 46:1845(A)(1) and (B); adds R.S. 40:1216.1(A)(6)(e), and (H)(6))