

# ACT No. 724

HOUSE BILL NO. 1247 (Substitute for House Bill No. 884 by Representative Spell)

BY REPRESENTATIVES SPELL, ADAMS, BAYHAM, BERAULT, BILLINGS, BOYD, BRASS, BUTLER, CARRIER, CARVER, CHASSION, CHENEVERT, COX, DEVILLIER, DEWITT, DICKERSON, DOMANGUE, ECHOLS, EGAN, FISHER, FREEMAN, FREIBERG, GALLE, GLORIOSO, HEBERT, HILFERTY, HORTON, ILLG, JACKSON, MIKE JOHNSON, TRAVIS JOHNSON, LAFLEUR, JACOB LANDRY, MANDIE LANDRY, LYONS, MCFARLAND, MCMAKIN, MELERINE, MENA, MURRAY, OWEN, SAWYER, SCHLEGEL, STAGNI, TURNER, VENTRELLA, VILLIO, WALTERS, AND WYBLE AND SENATORS BARROW, BARTHELEMY, BOUDREAUX, DUPLESSIS, HARRIS, HENRY, JACKSON-ANDREWS, JENKINS, LUNEAU, MIZELL, PRICE, AND WHEAT

1 AN ACT

2 To amend and reenact R.S. 15:622(A)(introductory paragraph) and (3) through (5),  
3 624(A)(1)(introductory paragraph) and (B) through (D), and 624.1(B)(2), (C), and  
4 (I), R.S. 40:1216.1(H)(introductory paragraph), (5), and (7), R.S. 44:4.1(B)(27), and  
5 R.S. 46:1842(introductory paragraph) and (14) and to enact R.S. 15:555(A)(18), 557,  
6 622(A)(6) and (7), and 624(E) and (F), Part XI of Subchapter D of Chapter 5-D of  
7 Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S.  
8 40:1228.1 through 1228.11, and R.S. 46:1842(20) and (21), relative to sexual assault  
9 nurse examiners; to provide for the membership of the Louisiana Sexual Assault  
10 Oversight Commission; to provide for the creation, duties, and membership of a  
11 subcommittee of the Louisiana Sexual Assault Oversight Commission; to provide for  
12 reporting requirements; to provide for a statement of legislative intent; to provide for  
13 a purpose; to create the position of the statewide sexual assault nurse examiner  
14 coordinator or "SANE" coordinator; to provide for duties; to provide for definitions;  
15 to establish a TeleSANE training and mobile SANE program; to provide for reports  
16 to law enforcement; to provide relative to forensic medical examinations; to provide  
17 relative to standards of hospitals and healthcare providers; to provide relative to the

1 reproduction of certain records; to provide for coordination; to provide for a public  
2 records exception; to provide for an effective date; and to provide for related matters.

3 Be it enacted by the Legislature of Louisiana:

4 Section 1. R.S. 15:622(A)(introductory paragraph) and (3) through (5),  
5 624(A)(1)(introductory paragraph) and (B) through (D), and 624.1(B)(2), (C), and (I) are  
6 hereby amended and reenacted and R.S. 15:555(A)(18), 557, 622(A)(6) and (7), and 624(E)  
7 and (F) are hereby enacted to read as follows:

8 CHAPTER 3-C. LOUISIANA SEXUAL ASSAULT OVERSIGHT COMMISSION

9 §555. Louisiana Sexual Assault Oversight Commission; creation; membership;  
10 meetings

11 A. The Louisiana Sexual Assault Oversight Commission is hereby created  
12 within the Department of Justice, office of the attorney general. The commission  
13 shall consist of the following members:

14 \* \* \*

15 (18) The statewide sexual assault nurse examiner, or SANE, coordinator or  
16 his designee.

17 \* \* \*

18 §557. Louisiana Sexual Assault Oversight Commission; sexual assault response  
19 standards subcommittee

20 A. The Sexual Assault Response Standards Subcommittee, referred to in this  
21 Section as the "subcommittee", is hereby established as a subcommittee of the  
22 Louisiana Sexual Assault Oversight Commission. The duties of the subcommittee  
23 are as follows:

24 (1) Provide recommendations relative to sexual assault nurse examiner, or  
25 SANE, training protocols that include but are not limited to didactic, clinical, and  
26 preceptor training in accordance with available best practices per a national training  
27 organization in order to establish state sanctioned credentialing.

28 (2) Provide recommendations relative to the standards and criteria of a  
29 statewide registry of SANE-trained and SANE-credentialed nurses or healthcare

1 providers and provide recommendations regarding the appropriate state agencies to  
2 maintain and administer the registry.

3 (3) Provide recommendations relative to statewide sexual assault response  
4 protocols in accordance with the needs and best practices identified within the  
5 regional sexual assault response plans from each Louisiana Department of Health  
6 regional medical director.

7 B. The subcommittee shall consist of the following thirteen members:

8 (1) The statewide SANE coordinator or his designee.

9 (2) One practicing SANE-trained nurse, appointed by the attorney general,  
10 who is affiliated with any state SANE nurse association.

11 (3) The president of the Louisiana State Board of Nursing or his designee.

12 (4) The chief medical officer within the Louisiana Department of Health,  
13 office of public health, or his designee.

14 (5) The president of the Louisiana Hospital Association, or his designee.

15 (6) The executive director of the Louisiana Foundation Against Sexual  
16 Assault or his designee.

17 (7) The executive director of the Louisiana Alliance of Children's Advocacy  
18 Centers or his designee.

19 (8) The president of the Louisiana State Coroner's Association or his  
20 designee.

21 (9) The executive director of the Louisiana District Attorneys Association  
22 or his designee.

23 (10) The executive director of the Louisiana Sheriffs' Association or his  
24 designee.

25 (11) The executive director of Louisiana Association of Chiefs of Police or  
26 his designee.

27 (12) The superintendent of Louisiana State Police or his designee.

28 (13) The executive director of the Louisiana Commission on Law  
29 Enforcement and Administration of Criminal Justice or his designee.





1                    D. By February fifteenth of each year, the Louisiana Commission on Law  
 2                    Enforcement and Administration of Criminal Justice shall submit to the statewide  
 3                    SANE coordinator the previous year's grants and expenditures towards SANE  
 4                    services within each Louisiana Department of Health region.

5                    ~~E.~~ E.(1) By March first of each year, the Louisiana Commission on Law  
 6                    Enforcement and the Administration of Criminal Justice shall transmit the  
 7                    information required in Subsections A and B of this Section to the chairman of the  
 8                    Senate Committee on Judiciary B and the chairman of the House Committee on  
 9                    Judiciary.

10                    (2) The report shall also include the name and contact information of each  
 11                    criminal justice agency, including each college and university campus police  
 12                    department and each crime laboratory, that failed to submit the report required by  
 13                    Subsections A and B of this Section.

14                    ~~D.~~ F. As used in this Section, the following terms have the following  
 15                    meanings:

16                    (1) "Criminal justice agency" means any government agency or subunit  
 17                    thereof, or private agency that, through statutory authorization or a legal formal  
 18                    agreement with a governmental unit or agency, has the power of investigation, arrest,  
 19                    detention, prosecution, adjudication, treatment, supervision, rehabilitation or release  
 20                    of persons suspected, charged, or convicted of a crime; or that collects, stores,  
 21                    processes, transmits, or disseminates criminal history records or crime information.

22                    (2) "Reported sexual assault collection kit" means ~~a kit that contains a~~  
 23                    ~~human biological specimen or specimens collected during a forensic medical~~  
 24                    ~~examination from the victim of a sexually oriented criminal offense who reported the~~  
 25                    ~~crime to law enforcement~~ a sexual assault collection kit collected from a survivor  
 26                    who has reported the crime to law enforcement, which indicates the survivor has  
 27                    requested that the case proceed as a criminal investigation and potential prosecution  
 28                    of the suspect.

29                    (3) "Sexual assault collection kit" means ~~a kit that is designed to assist in the~~  
 30                    ~~preservation of a human biological specimen or specimens collected during a~~

1           ~~forensic medical examination from the victim of a sexually oriented criminal offense~~  
 2           the human biological specimens and associated evidence collected by a healthcare  
 3           provider during a forensic medical examination for the purpose of documenting,  
 4           preserving, and analyzing evidence of a sexual assault, and means the standardized  
 5           sexual assault collection kit issued by the Louisiana State Police.

6                     (4) "Sexually oriented criminal offense" includes any sexual assault offense  
 7           as defined in R.S. 44:51 and any sexual abuse offense as defined in R.S. 14:403.

8                     (5) "Unreported sexual assault collection kit" means a ~~kit that contains a~~  
 9           ~~human biological specimen or specimens collected during a forensic medical~~  
 10           ~~examination from the victim of a sexually oriented criminal offense who declined~~  
 11           ~~to report the crime to law enforcement~~ sexual assault collection kit collected from  
 12           a survivor who declines to report the crime to law enforcement at the time of the  
 13           examination, which indicates the survivor has requested that no criminal  
 14           investigation or prosecution be initiated, while retaining the right to report the crime  
 15           and convert the kit to a reported status at any time within the twenty-year retention  
 16           period.

17           §624.1. Submission of sexual assault collection kits

18   \*       \*       \*

19                     B. The statewide sexual assault collection kit tracking system shall:

20   \*       \*       \*

21                     (2) Designate sexual assault collection kits as unreported sexual assault  
 22           collection kits or reported sexual assault collection kits.

23   \*       \*       \*

24                     C. The office of state police may phase in initial participation according to  
 25           region or volume of sexual assault collection kits.

26   \*       \*       \*

27                     I. For the purposes of this Section, the following terms have the following  
 28           meanings:





1                   (3) Access to SANE services is uneven across the state, with significant gaps  
 2                   in rural and underserved regions.

3                   (4) Establishing a statewide SANE coordinator and regional mobile SANE  
 4                   nurse teams will improve equitable access to forensic nursing services for survivors  
 5                   of sexual assault throughout the state.

6                   B. The purpose of this Part is to ensure that every survivor of sexual assault  
 7                   in this state has access to a trained sexual assault nurse examiner regardless of  
 8                   geographic location, and to establish a coordinated, sustainable statewide  
 9                   infrastructure for the performance of forensic medical examinations for survivors of  
 10                  sexually oriented offenses.

11                  §1228.3. Definitions

12                  For the purposes of this Part, the following terms have the following  
 13                  meanings:

14                  (1) "Department" means the Louisiana Department of Justice.

15                  (2) "Forensic medical examination" has the same meaning as defined in R.S.  
 16                  15:622.

17                  (3) "Healthcare provider" means either of the following:

18                  (a) A physician, sexual assault nurse examiner, or other healthcare  
 19                  practitioner licensed, certified, registered, or otherwise authorized and trained to  
 20                  perform a forensic medical examination.

21                  (b) A licensed hospital that operates an emergency department.

22                  (4) "Healthcare services" means services, items, supplies, or drugs for the  
 23                  diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury,  
 24                  or disease ancillary to a sexually oriented criminal offense.

25                  (5) "Reported sexual assault collection kit" means a sexual assault collection  
 26                  kit collected from a survivor who has reported the crime to law enforcement and  
 27                  affirmatively requests that the case proceed as a criminal investigation and potential  
 28                  prosecution of the suspect.

1                   (6) "Sexual assault collection kit" means the human biological specimens  
 2                   and associated evidence collected by a healthcare provider during a forensic medical  
 3                   examination for the purpose of documenting, preserving, and analyzing evidence of  
 4                   a sexual assault, and means the standardized sexual assault collection kit issued by  
 5                   the Louisiana State Police.

6                   (7) "Sexually oriented criminal offense" has the same meaning as defined in  
 7                   R.S. 15:622.

8                   (8) "Sexual Assault Nurse Examiner" or "SANE" means a registered nurse  
 9                   who has received specialized training as determined by the Sexual Assault Response  
 10                   Standards Subcommittee in conducting forensic medical examinations for survivors  
 11                   of sexually oriented criminal offenses.

12                   (9) "Unreported sexual assault collection kit" means a sexual assault  
 13                   collection kit collected from a survivor who declines to report the crime to law  
 14                   enforcement at the time of the examination and requests that no criminal  
 15                   investigation or prosecution be initiated, while retaining the right to report the crime  
 16                   and convert the kit to a reported status at any time within the twenty-year retention  
 17                   period.

18                   §1228.4. Statewide SANE coordinator; creation; duties

19                   A. The department shall create and maintain the position of statewide sexual  
 20                   assault nurse examiner, or SANE, coordinator. The statewide SANE coordinator  
 21                   shall be trained as a SANE nurse in accordance with applicable national or statewide  
 22                   guidelines and have at least two years of experience as a practicing SANE.

23                   B. The duties of the statewide SANE coordinator shall include all of the  
 24                   following:

25                   (1) Developing, implementing, and overseeing a statewide strategic plan for  
 26                   SANE services.

27                   (2) Developing, implementing, and overseeing a plan to develop mobile  
 28                   SANE teams across the state within the public health regions of the Louisiana  
 29                   Department of Health.

1           (3) Developing and maintaining standardized protocols, policies, and  
2           procedures for sexual assault forensic examinations consistent with current best  
3           practices as established by applicable accrediting bodies, the United States  
4           Department of Justice, and other relevant authorities.

5           (4) Serving as a member of both the Louisiana Sexual Assault Oversight  
6           Commission as provided in R.S. 15:555 and the Sexual Assault Response Standards  
7           Subcommittee as provided in R.S. 15:557.

8           (5) In conjunction with the Sexual Assault Response Standards  
9           Subcommittee as provided in R.S. 15:557, establishing and overseeing the following:

10           (a) Mandatory initial and continuing training requirements for all SANE  
11           nurses providing services in the state, ensuring that trauma-informed and  
12           evidence-based protocols are integrated into all education and practice settings.

13           (b) A statewide preceptor network, aligned with existing and available best  
14           practice guidelines from both national and state organizations.

15           (6) Maintaining a statewide database tracking SANE service utilization,  
16           response times, and gaps in coverage.

17           (7) Conducting a statewide assessment of access to forensic medical  
18           examinations and developing a statewide coverage plan within two years of the  
19           assessment's completion to ensure twenty-four-hour access to services in every  
20           parish.

21           (8) Serving as the primary point of contact and liaison between the  
22           department and hospitals, healthcare facilities, Louisiana sexual assault centers,  
23           children's advocacy centers, law enforcement, district attorneys, and other  
24           stakeholders regarding SANE services. Any healthcare facility, sexual assault  
25           center, children's advocacy center, law enforcement agency, child protective services  
26           agency, or other entity involved in the administration, documentation, or handling  
27           of sexual assault forensic examinations or the care of the survivor shall report  
28           incidents involving procedural deviation, evidence compromise, or patient safety  
29           concerns. The SANE coordinator shall develop, receive, and retain all incident  
30           reports and ensure appropriate review, investigation, and system oversight.

1                   (9) Facilitating annual meetings in all regions of the state to solicit the input  
 2                   of interested stakeholders in the region, including but not limited to all of the  
 3                   following:

- 4                   (a) Any SANE programs within the region.
- 5                   (b) The coroner for each parish within the region.
- 6                   (c) The sheriff for each parish within the region.
- 7                   (d) The chief of police for any political subdivision located within the region.
- 8                   (e) All hospitals with an emergency department located within the region.
- 9                   (f) First responder organizations located within the region.
- 10                  (g) Higher education institutions located within the region.
- 11                  (h) The school board for each parish located within the region.
- 12                  (i) Sexual assault advocacy organizations and children's advocacy centers  
 13                  providing services within the region.
- 14                  (j) The district attorney for each parish within the region or his designee.
- 15                  (k) Each crime lab located within the region.
- 16                  (l) Any nursing school in the region.

17                  (10) In addition to the reporting requirements provided in R.S. 15:624,  
 18                  submitting an annual report to the governor, attorney general, the president of the  
 19                  Senate, and the speaker of the House of Representatives that details program  
 20                  activities, service utilization data, identified needs, and recommendations for  
 21                  improvement.

22                  (11) Applying for and administering federal grants, federal funding, and any  
 23                  other available funding sources to support SANE services statewide.

24                  (12) Performing any other duties as the attorney general may assign  
 25                  consistent with the purposes of this Part.

26                  §1228.5. TeleSANE training and mobile SANE program

27                  A. The department shall establish and oversee a statewide teleSANE training  
 28                  program and a mobile SANE program as managed within the public health regions  
 29                  of the Louisiana Department of Health to provide forensic medical examination

1 support and forensic medical examinations for survivors of sexually oriented  
2 criminal offenses.

3 B. Each mobile SANE nurse or team within each public health region shall  
4 have the capacity to do all of the following:

5 (1) Be available on an on-call or scheduled basis to respond to requests for  
6 SANE services within respective assigned regions on a twenty-four-hour,  
7 seven-day-a-week basis.

8 (2) Respond to requests for service and arrive at the designated examination  
9 site within a reasonable time, with a goal of responding within one hour of  
10 notification for acute forensic medical examinations when possible and with  
11 consideration of geographic parameters within the region and resulting travel time  
12 required for SANE nurse response.

13 (3) Coordinate with hospitals, law enforcement, Louisiana sexual assault  
14 center advocates, children's advocacy centers, and other responders to ensure  
15 trauma-informed, victim-centered care.

16 (4) Provide services at any appropriate location within the region including  
17 but not limited to hospital emergency departments, outpatient clinics, parish health  
18 units, Louisiana sexual assault centers, children's advocacy centers, and law  
19 enforcement facilities as agreed upon by the relevant entities.

20 C. All sexual assault collection kits used in a forensic medical examination  
21 shall meet the standards developed by the department in collaboration with the  
22 Sexual Assault Response Standards Subcommittee.

23 §1228.6. Reports to law enforcement

24 A. A licensed hospital or healthcare provider shall adhere to the following  
25 procedures if a person presents for treatment as a sexual assault survivor:

26 (1) The hospital shall contact its regional SANE program to request that a  
27 SANE nurse or SANE team be dispatched to the hospital or other location to perform  
28 a forensic medical examination in coordination with available advocacy  
29 programming.

1           (2)(a) Except as provided in Subparagraphs (b) and (c) of this Paragraph, a  
2           survivor shall decide whether or not to report the incident to law enforcement  
3           officials. No SANE nurse, SANE team, hospital, or healthcare provider shall require  
4           the survivor to report the incident to receive medical attention or collect evidence.

5           (b) If a person under the age of eighteen presents for treatment as a sexual  
6           assault survivor, the SANE nurse, SANE team, hospital, or healthcare provider shall  
7           immediately notify the appropriate law enforcement agency or any other official  
8           necessary to fulfill any mandatory reporting obligation required by law.

9           (c) If a survivor is physically or mentally incapable of making the decision  
10          to report, the hospital or healthcare provider shall immediately notify the appropriate  
11          law enforcement officials.

12          (d) If the survivor wishes to report the incident to law enforcement, the  
13          hospital, a healthcare provider, or the SANE examiner shall contact the appropriate  
14          law enforcement agency with jurisdiction over the location where the crime occurred  
15          for the purpose of transferring the reported sexual assault collection kit to the law  
16          enforcement agency. If the location where the crime occurred cannot be determined,  
17          the hospital or healthcare provider shall contact the law enforcement agency with  
18          jurisdiction over the location where the forensic medical examination is performed  
19          to determine the appropriate investigating agency for the purpose of transferring the  
20          reported sexual assault collection kit to the law enforcement agency.

21          B.(1) Any member of the hospital staff or a healthcare provider who, in good  
22          faith, notifies the appropriate law enforcement official pursuant to Paragraph (A)(2)  
23          of this Section is immune from any civil liability that otherwise could be incurred or  
24          imposed because of the notification.

25          (2) All reports made by the hospital or healthcare provider staff member  
26          shall be made through the appropriate law enforcement agency dispatch. The  
27          hospital or healthcare provider staff member shall obtain a file number and the  
28          responding officer's name, and document the date, time, method of notification, and  
29          the name of the official who received the notification to ensure compliance with this  
30          Section.

1           §1228.7. Examination; advocate

2                   A. Every sexual assault survivor shall be examined and treated by a qualified  
3           healthcare provider, without undue delay, in a private space required to ensure the  
4           health, safety, and welfare of the survivor. Examination and treatment, including the  
5           forensic medical examination, shall be adapted as necessary to address the unique  
6           needs and circumstances of each survivor. All survivors shall be afforded an  
7           advocate whose communications are privileged in accordance with the provisions of  
8           R.S. 46:2187, if one is available. With the consent of the survivor, an advocate shall  
9           remain in the examination room during the forensic medical examination. With the  
10          consent of the survivor, the examination and treatment of all sexual assault survivors  
11          shall be in accordance with the Sexual Assault Survivor Bill of Rights as provided  
12          in R.S. 46:1845.

13                   B.(1) If the survivor does not wish to report the incident to law enforcement,  
14          the SANE nurse or SANE team shall, upon completion of the forensic medical  
15          examination, ensure the unreported sexual assault collection kit is not identified or  
16          labeled with the survivor's identifying information and do either of the following:

17                   (a) Contact the law enforcement agency with jurisdiction over the location  
18          where the forensic medical examination was performed to transfer possession of the  
19          unreported sexual assault collection kit for storage. The law enforcement agency  
20          shall maintain all unreported sexual assault collection kits for a period of twenty  
21          years.

22                   (b) In a jurisdiction with a coroner-based SANE program that has the ability  
23          to retain kits in accordance with evidentiary standards and proper chain of custody,  
24          contact the coroner's office to transfer possession of the unreported sexual assault  
25          collection kit for storage. The coroner shall maintain all unreported sexual assault  
26          collection kits for a period of twenty years.

27                   (2) No unreported sexual assault collection kit shall remain at a hospital or  
28          medical facility if the hospital or medical facility is unable to store the sexual assault  
29          collection kit in a secure location that ensures proper chain of custody. If a hospital  
30          or medical facility has a secure location that ensures proper chain of custody, the law

1 enforcement agency with jurisdiction over the location where the forensic medical  
2 examination was performed shall take possession of the unreported sexual assault  
3 collection kit within seventy-two hours upon notification of completion of the sexual  
4 assault collection kit by the hospital or healthcare provider. An unreported sexual  
5 assault collection kit shall be transferred to the law enforcement agency with  
6 jurisdiction solely for the purpose of secure storage for the duration required by law.  
7 The initiation of a criminal investigation or submission of the unreported sexual  
8 assault collection kit to a forensic laboratory is not required unless the survivor elects  
9 to report the incident.

10 §1228.8. Prohibition on billing for forensic medical examination

11 A. No hospital, healthcare provider, nor the statewide SANE coordinator  
12 shall directly bill a survivor of a sexually oriented criminal offense for any healthcare  
13 services rendered in conducting a forensic medical examination, including the  
14 healthcare services provided for in R.S. 15:622(A)(2) and any of the following:

15 (1) Forensic examiner and hospital or healthcare facility services directly  
16 related to the examination, including integral forensic supplies.

17 (2) Scope procedures directly related to the forensic medical examination,  
18 including but not limited to anoscopy and colposcopy.

19 (3) Any testing related to the sexual assault or recommended by the  
20 healthcare provider.

21 (4) Any medication provided during the forensic medical examination.

22 B. The healthcare provider who conducted the forensic medical examination  
23 and the hospital or healthcare facility where the forensic medical examination was  
24 conducted shall submit a claim for reimbursement directly to the Crime Victims'  
25 Compensation Board, to be paid in accordance with the provisions of R.S. 46:1822.

26 C. The provisions of this Section do not apply to either of the following:

27 (1) A healthcare provider billing for any medical services that are not  
28 specifically set forth in this Section or provided for diagnosis or treatment of the  
29 survivor for injuries related to the sexual assault.

1           (2) A survivor of a sexually oriented criminal offense seeking reparations in  
 2           accordance with the Crime Victims Reparations Act, R.S. 46:1801 et seq., for the  
 3           costs of any medical services that are not specifically set forth in this Section or  
 4           provided for the diagnosis or treatment of the survivor for injuries related to the  
 5           sexual assault.

6           D. The statewide SANE coordinator shall make available to every hospital  
 7           and healthcare provider licensed under the laws of this state a pamphlet containing  
 8           an explanation of the billing process for services rendered pursuant to this Section.  
 9           Every hospital and healthcare provider shall provide a copy of the pamphlet to any  
 10          person presented for treatment as a survivor of a sexually oriented criminal offense.

11          §1228.9. Hospital and healthcare provider standards

12          A. The procedures provided in this Part constitute the minimum standards  
 13          for the operation and maintenance of hospitals pursuant to this Part. Failure to  
 14          comply with these standards may constitute grounds for denial, suspension, or  
 15          revocation of the healthcare provider's license by the appropriate licensing board or  
 16          commission.

17          B. No hospital or healthcare provider shall refuse to examine or assist a  
 18          survivor on the grounds that the alleged offense occurred outside of or the survivor  
 19          is not a resident of the jurisdiction.

20          §1228.10. Reproduction of certain records

21          A. Upon request of a competent adult survivor of a sexually oriented  
 22          criminal offense, the healthcare provider that performed the forensic medical  
 23          examination shall provide a reproduction of any written documentation resulting  
 24          from the forensic medical examination of the survivor that is in the possession of the  
 25          healthcare provider. The documentation shall be provided to the survivor no later  
 26          than fourteen days after the healthcare provider receives the request or the healthcare  
 27          provider completes the documentation, whichever is later.

28          B. The reproduction of written documentation described in this Section shall  
 29          be made available at no cost to the survivor and may only be released at the direction  
 30          of the survivor who is a competent adult. The release of this documentation to the

1 survivor does not invalidate the survivor's reasonable expectation of privacy nor does  
2 it become a public record.

3 §1228.11. Coordination

4 A. The statewide SANE coordinator and the mobile SANE nurse program  
5 within each public health region of the Louisiana Department of Health shall  
6 coordinate with the following:

7 (1) The criminalistics laboratory within the public health region that is  
8 authorized to conduct forensic DNA analysis of sexual assault collection kits  
9 regarding statewide standards for kit collection, documentation, storage, transfer, and  
10 processing in order to ensure uniform policies and procedures across all participating  
11 agencies and regions.

12 (2) The Louisiana Foundation Against Sexual Assault regarding sexual  
13 assault crisis services coordination.

14 (3) The Louisiana Alliance of Children's Advocacy Centers.

15 (4) The Louisiana Department of Children and Family Services.

16 (5) The Louisiana State Board of Nursing.

17 (6) The Louisiana Commission on Law Enforcement and Administration of  
18 Criminal Justice.

19 B. The department shall enter into memoranda of understanding or other  
20 formal agreements as appropriate with hospitals, healthcare facilities, and other  
21 entities to facilitate the provision of mobile SANE services.

22 C. The department may enter into a memorandum of understanding with  
23 other state agencies in order to effectuate the provisions of this Part.

24 Section 3. R.S. 44:4.1(B)(27) is hereby amended and reenacted to read as follows:

25 §4.1. Exceptions

26 \* \* \*

27 B. The legislature further recognizes that there exist exceptions, exemptions,  
28 and limitations to the laws pertaining to public records throughout the revised  
29 statutes and codes of this state. Therefore, the following exceptions, exemptions, and

1 limitations are hereby continued in effect by incorporation into this Chapter by  
2 citation:

3 \* \* \*

4 (27) R.S. 40:3.1, 31.14, 31.27, 39.1, 41, 73, 95, 96, 526, 528, 973.1, 978.2.1,  
5 1007, 1061.21, 1079.18, 1081.10, 1105.6, 1105.8, 1125.14, 1133.8, 1168.3, 1171.4,  
6 1203.4, 1231.4, 1228.10, 1379.1.1(D), 1379.3, 2009.8, 2009.14, 2010.5, 2017.9,  
7 2018, 2018.5, 2019, 2020, 2106, 2109.1, 2138, 2175.7(B)(1), 2193.6, 2532, 2845.1

8 \* \* \*

9 Section 4. R.S. 46:1842(introductory paragraph) and (14) are hereby amended and  
10 reenacted and R.S. 46:1842(20) and (21) are hereby enacted to read as follows:

11 §1842. Definitions

12 In this Chapter, the following terms have the following meanings:

13 \* \* \*

14 (14) "Sexual assault collection kit" ~~has the same meaning as provided in R.S.~~  
15 ~~15:624~~ means the human biological specimens and associated evidence collected by  
16 a healthcare provider during a forensic medical examination for the purpose of  
17 documenting, preserving, and analyzing evidence of a sexual assault, and means the  
18 standardized sexual assault collection kit issued by the Louisiana State Police.

19 \* \* \*

20 (20) "Reported sexual assault collection kit" means a sexual assault  
21 collection kit collected from a survivor who has reported the crime to law  
22 enforcement, which indicates the survivor has requested that the case proceed as a  
23 criminal investigation and potential prosecution of the suspect.

24 (21) "Unreported sexual assault collection kit" means a sexual assault  
25 collection kit collected from a survivor who declines to report the crime to law  
26 enforcement at the time of the examination, which indicates the survivor has  
27 requested that no criminal investigation or prosecution be initiated, while retaining  
28 the right to report the crime and convert the kit to a reported status at any time within  
29 the twenty-year retention period.

1           Section 5. The Louisiana State Law Institute is hereby authorized and directed to  
 2           alphabetize and renumber the Paragraphs of R.S. 46:1842 so as to properly place in  
 3           alphabetical order R.S. 46:1842(20) and (21) as enacted by this Act.

4           Section 6. This Act shall become effective upon signature by the governor or, if not  
 5           signed by the governor, upon expiration of the time for bills to become law without signature  
 6           by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 7           vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 8           effective on the day following such approval.

\_\_\_\_\_  
 SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
 PRESIDENT OF THE SENATE

\_\_\_\_\_  
 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_