
DIGEST

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HB 311 Original

2015 Regular Session

Moreno

Abstract: Provides relative to the Crime Victims Reparations Board's application procedures and requirements for victims of a sexually-oriented criminal offense.

Present law defines "forensic medical examination" to mean an exam provided to a victim of a sexually-oriented criminal offense by a health care provider to gather and preserve evidence.

Proposed law retains present law and adds a requirement that the examination include: examination of a physical trauma; a determination of penetration or force; a patient interview; and collection and evaluation of evidence, which includes photographic documentation, chain of custody, medical specimen collection, and toxicology screening when necessary. Proposed law requires the results of the examination to remain confidential when submitted to the Crime Victims Reparations Board (board).

Present law defines "claimant" to mean a victim or dependent of a deceased victim, legal representative of either, an intervenor, or in the event of death, the person who legally or voluntarily assumes the deceased's medical and funeral obligations related to the crime.

Proposed law retains present law and adds to the definition of "claimant" a healthcare provider who provides a health care services associate with a forensic medical examination.

Proposed law provides for the definitions of "sexually-oriented criminal offense", "healthcare provider" and "healthcare services".

Proposed law requires that an application for reparations for a victim of a sexually-oriented criminal offense shall be filed in writing with the board within one year after the date of injury, death, or property loss or for a longer period as determined by the board.

Present law prohibits an award of reparations if the board finds that the crime was not timely reported in accordance with present law or that the claimant failed to cooperate with requests from law enforcement officials.

Proposed law excludes victims of a sexual offense from reporting such crimes to law enforcement for purposes of filing a valid application for reparations.

Proposed law requires a claimant to submit certification from a healthcare provider that a forensic medical examination was conducted on the victim and requires the healthcare provider to submit

such certification when requested by a claimant.

Proposed law requires the board to promulgate rules and regulations relative to guidelines for the costs and expenses associated with forensic medical examinations and to provide a cap of \$1,000 for each examination.

Present law authorizes the reduction or denial of an award if it is determined by the board that the behavior of the victim at the time of the crime bears some responsibility to the injury, death, or property loss except for victims of human trafficking-related offenses.

Proposed law retains present law, and adds the exclusion for victims of a sexually-oriented criminal offense.

Proposed law requires hospitals and healthcare providers to provide victims of sexually-oriented offenses a pamphlet giving notification of the billing process and procedures available through the board.

(Amends R.S. 15:622(A)(2) and (4) and R.S. 46:1802(4), (7)-(10), 1806(B), (C), and (D), 1809(B)(3) and (4)(a), and 1817(A); Adds R.S. 46:1802(10.1), (11), (12), and (13), 1806(E), and 1807(B)(7))