

2015 Regular Session

SENATE BILL NO. 242

BY SENATORS MORRELL AND PETERSON AND REPRESENTATIVES ADAMS,
WESLEY BISHOP, GISCLAIR AND PATRICK WILLIAMS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SEX OFFENSES. Requires criminal justice agencies to annually report certain information concerning sexual assault kits and sexually-oriented criminal offenses. (gov sig)

AN ACT

To enact R.S. 15:623, relative to criminal justice agencies; to require criminal justice agencies to annually submit a report on certain information relative to sexual assault collection kits and sexually-oriented criminal offenses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:623 is hereby enacted to read as follows:

§623. Sexually-oriented criminal offense data; reporting

A.(1) By February fifteenth of each year, each criminal justice agency, including college and university campus police departments, shall report all of the following information for the prior calendar year to the Louisiana Commission on Law Enforcement and the Administration of Criminal Justice:

- (a) The number of sexually-oriented criminal offenses reported.**
- (b) The status of each sexually-oriented criminal offense case reported.**
- (c) The number of sexual assault collection kits submitted for analysis.**
- (d) The number of reported sexual assault collection kits requiring analysis.**

1 (e) The number of reported sexual assault collection kits received.

2 (f) The number of unreported sexual assault collection kits received.

3 (g) The number of reported sexual assault collection kits that were
4 untested due to judicial or investigative reasons.

5 (2) Each criminal justice agency, including college and university
6 campus police departments, shall also provide written notification if it does not
7 have:

8 (a) Any sexually-oriented criminal offenses reported.

9 (b) Any reported sexual assault collection kits in its possession.

10 (c) Any unreported sexual assault collection kits in its possession.

11 B. By February fifteenth of each year, each crime laboratory shall
12 report the number of sexual assault collection kits in their backlog for the prior
13 calendar year to the Louisiana Commission on Law Enforcement and the
14 Administration of Criminal Justice.

15 C.(1) By March first of each year, the Louisiana Commission on Law
16 Enforcement and the Administration of Criminal Justice shall transmit the
17 information required in Subsections A and B of this Section to the chairman of
18 the Senate Committee on Judiciary B and the chairman of the House
19 Committee on Judiciary.

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

24 D. As used in this Section:

25 (1) "Criminal justice agency" means any government agency or subunit
26 thereof, or private agency that, through statutory authorization or a legal
27 formal agreement with a governmental unit or agency, has the power of
28 investigation, arrest, detention, prosecution, adjudication, treatment,
29 supervision, rehabilitation or release of persons suspected, charged, or

1 convicted of a crime; or that collects, stores, processes, transmits, or
 2 disseminates criminal history records or crime information.

3 (2) "Reported sexual assault collection kit" means a kit that contains a
 4 human biological specimen or specimens collected during a forensic medical
 5 examination from the victim of a sexually-oriented criminal offense who
 6 reported the crime to law enforcement.

7 (3) "Sexual assault collection kit" means a kit that is designed to assist
 8 in the preservation of a human biological specimen or specimens collected
 9 during a forensic medical examination from the victim of a sexually-oriented
 10 criminal offense.

11 (4) "Sexually-oriented criminal offense" includes any sexual assault
 12 offense as defined in R.S. 44:51 and any sexual abuse offense as defined in R.S.
 13 14:403.

14 (5) "Unreported sexual assault collection kit" means a kit that contains
 15 a human biological specimen or specimens collected during a forensic medical
 16 examination from the victim of a sexually-oriented criminal offense who
 17 declined to report the crime to law enforcement.

18 Section 2. This Act shall become effective upon signature by the governor or, if not
 19 signed by the governor, upon expiration of the time for bills to become law without signature
 20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 21 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 22 effective on the day following such approval.

The original instrument was prepared by Cathy R. Wells. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

Proposed law requires each criminal justice agency, including college and university campus police departments, to report all of the following information for the preceding calendar year no later than February 15th of each year to the Commission on Law Enforcement and the Administration of Criminal Justice:

- (a) The number of sexually-oriented criminal offenses reported.

- (b) The status of each sexually-oriented criminal offense reported.
- (c) The number of sexual assault collection kits submitted for analysis.
- (d) The number of reported sexual assault collection kits requiring analysis.
- (e) The number of reported sexual assault collection kits received.
- (f) The number of unreported sexual assault collection kits received.
- (g) The number of reported sexual assault collection kits that were untested due to judicial or investigative reasons.

Proposed law requires each criminal justice agency, including college and university campus police departments, shall also provide written notification if it does not have:

- (a) Any sexually-oriented criminal offenses reported.
- (b) Any reported sexual assault collection kits in its possession.
- (c) Any unreported sexual assault collection kits in its possession.

Proposed law requires each crime laboratory to report the number of sexual assault collection kits in their backlog for the prior calendar year no later than February 15th to the Louisiana Commission on Law Enforcement and the Administration of Criminal Justice.

Proposed law requires the Commission on Law Enforcement and the Administration of Criminal Justice to transmit the information reported to it as required in proposed law to the chairman of the Senate Committee on Judiciary B and the chairman of the House Committee on Judiciary by March 1st of each year. Proposed law further requires the report to include the name and contact information of each criminal justice agency that failed to submit the report required by proposed law.

Proposed law defines "criminal justice agency" as any government agency or subunit thereof, or private agency that, through statutory authorization or a legal formal agreement with a governmental unit or agency, has the power of investigation, arrest, detention, prosecution, adjudication, treatment, supervision, rehabilitation or release of persons suspected, charged, or convicted of a crime; or that collects, stores, processes, transmits, or disseminates criminal history records or crime information.

Proposed law defines "reported sexual assault collection kit" as a kit that contains a human biological specimen or specimens collected during a forensic medical examination from the victim of a sexually-oriented criminal offense who reported the crime to law enforcement.

Proposed law defines "sexual assault collection kit" as a kit that is designed to assist in the preservation of a human biological specimen or specimens collected during a forensic medical examination from the victim of a sexually-oriented criminal offense.

Proposed law defines "sexually-oriented criminal offense" as sexual assault offenses and sexual abuse offenses as defined in certain criminal statutes.

Proposed law defines "unreported sexual assault collection kit" as a kit that contains a human biological specimen or specimens collected during a forensic medical examination from the victim of a sexually-oriented criminal offense who declined to report the crime to law enforcement.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Add R.S. 15:623)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Changes deadline for annual reporting by criminal justice agencies from Jan. 15th to February 15th.
2. Changes the agency to whom criminal justice agencies must submit reports from the Louisiana Association of Chiefs of Police, the Louisiana Sheriffs' Association and the Louisiana Auditor to the Louisiana Commission on Law Enforcement and the Administration of Criminal Justice.
3. Adds to the information to be submitted by criminal justice agencies the specific number of sexual assault collection kits received, requiring analysis, and remaining untested as well as a written indication of when the specific information required is not applicable to the particular criminal justice agency.
4. Adds requirement for crime labs to annually report backlog.
5. Adds definition for reported and unreported sexual assault collection kits.

Senate Floor Amendments to engrossed bill

1. Removes the provision requiring criminal justice agencies to provide a written indication of when the specific information required is not applicable to the particular agency.
2. Adds a provision requiring criminal justice agencies to provide written indication of specific information even when such offenses have not occurred.
3. Makes technical corrections.