

RÉSUMÉ DIGEST

ACT 458 (HB 488)

2018 Regular Session

Amedee

Existing law (R.S. 14:403) defines "sexual abuse" and provides that any person who is 18 years of age or older who witnesses the sexual abuse of a child and knowingly and willfully fails to report the sexual abuse to law enforcement or to DCFS shall be fined not more than \$10,000, imprisoned with or without hard labor for not more than five years, or both.

New law adds the crime of "female genital mutilation" to the list of crimes which constitute the failure to report sexual abuse of a child. In addition, new law removes from the definition of "sexual abuse" references to the crimes of incest (R.S. 14:78) and aggravated incest (R.S. 14:78.1) which were repealed by Act Nos. 177 and 602 of the 2014 R.S.

New law (Ch.C. Arts. 502 and 603) also adds "female genital mutilation" to the definitions of "abuse", "sexual abuse", and "crime against the child" as they relate to various provisions of the Children's Code applicable to the protection of children and child in need of care proceedings.

Existing law (Ch.C. Art. 606) provides for the grounds which must be asserted in child in need of care proceedings.

New law retains existing law and provides an additional ground to be asserted that the child is a victim of female genital mutilation or is the sister of a child who has had the crime of female genital mutilation committed upon her.

Effective August 1, 2018.

(Amends R.S. 14:403(A)(4)(b); Adds C.Ch. Arts. 502(1)(d) and 4(r), 603(2)(e) and (12)(t), and 606(A)(8))