

2021 Regular Session

SENATE BILL NO. 232

BY SENATOR BARROW

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

COLLEGES/UNIVERSITIES. Establishes and provides for the Power-Based Violence Review. (8/1/21)

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AN ACT

To enact Part XV of Chapter 26 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:3399.41 through 3399.45, relative to power-based violence on college and university campuses; to create the Power-Based Violence Review Panel; to provide for membership, duties, and functions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part XV of Chapter 26 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:3399.41 through 3388.45, is hereby enacted to read as follows:

PART XV. POWER-BASED VIOLENCE REVIEW PANEL

§3399.41. Legislative findings

A. The Legislature of Louisiana recognizes the need to protect our college and university students from power-based violence. In consideration of the harm which can be done by power-based violence, the state has a compelling interest in ensuring compliance with law, policies, and practices regarding power-based violence on college and university campuses.

B. The legislature finds that it is imperative that the state have a permanent

1 ongoing structure to provide oversight, advise regarding law, governmental policies  
2 and practices, and coordinate activities relating to power-based violence by and  
3 against students on college and university students.

4 C. The purpose of this Part is:

5 (1) To establish the Power-Based Violence Review Panel to evaluate laws  
6 as well as policies and practices regarding the reporting, investigation, and  
7 adjudication of power-based violence by or against college and university students.

8 (2) To ensure proper coordination of the administration and implementation  
9 of a sound policy with respect to the prevention of power-based violence by or  
10 against college and university students.

11 (3) To monitor the effectiveness and quality of college and university policy  
12 and practices in the administration of law regarding power-based violence by or  
13 against college and university students.

14 (4) To ensure proper and efficient actions in the reporting, investigation,  
15 adjudication, and prevention of power-based violence by or against college and  
16 university students.

17 §3399.42. Definitions

18 For the purposes of this Part:

19 (1)(a) "Power-based violence" means any form of interpersonal violence  
20 intended to control or intimidate another person through the assertion of power over  
21 them.

22 (b) "Power-based violence" includes the following:

23 (i) Sexual harassment which means unwelcome, verbal or physical behavior  
24 of a sexual nature, or unwanted sexual advances, requests for sexual favors and other  
25 acts of a sexual nature where submission is made a term or condition of an  
26 educational or work opportunity.

27 (ii) Sexual assault which means any nonconsensual sexual contact including  
28 but not limited to any offense or act included in R.S. 15:541(24) or obscenity (R.S.  
29 14:106).

1 (iii) Domestic violence which means a felony or misdemeanor crime of  
2 violence committed upon a victim either:

3 (aa) By a current or former spouse or intimate partner of the victim.

4 (bb) By a person with whom the victim shares a child in common.

5 (cc) By a person who is cohabitating with, or has cohabitated with, the victim  
6 as a spouse or intimate partner.

7 (iv) Dating violence which means violence committed by a person who is  
8 or has been in a social relationship of a romantic or intimate nature with the victim.  
9 The existence of such a relationship shall be determined based on the victim's  
10 statement and with consideration of the length of the relationship, the type of  
11 relationship, and the frequency of interaction between the persons involved in the  
12 relationship. Dating violence includes, but is not limited to, sexual or physical abuse  
13 or threat of such abuse.

14 (v) Stalking which means engaging in a course of conduct directed at a  
15 specific person that would cause a reasonable person to either:

16 (aa) Fear for the person's safety or the safety of others.

17 (bb) Suffer substantial emotional distress.

18 (b) For the purposes of stalking:

19 (i) "Course of conduct" means two or more acts, including, but not limited  
20 to, acts in which the stalker directly, indirectly, or through third parties, by any  
21 action, method, device, or means, follows, monitors, observes, surveils, threatens,  
22 or communicates to or about a person, or interferes with a person's property.

23 (ii) "Reasonable person" means a reasonable person under similar  
24 circumstances and with similar identities to the victim.

1 (iii) "Substantial emotional distress" means significant mental suffering or  
2 anguish that may but does not necessarily require medical or other professional  
3 treatment or counseling.

4 §3399.3. Louisiana Power-Based Violence Review Panel

5 A. The Louisiana Power-Based Violence Review Panel is hereby created.

6 B. The panel shall be composed of the following members:

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8 C. A majority of the members of each panel shall constitute a quorum. All  
9 official actions of the panel shall require the affirmative vote of a majority of the  
10 members of the panel.

11 D. The panel shall meet at least four times each year, and may meet at other  
12 times at the call of the chairman or as provided by panel rule.

13 E. The panel may adopt rules of procedure for its operation.

14 §3399.44. Panel responsibilities

15 The panel shall:

16 (1) Evaluate policies and practices of institutions of secondary education,  
17 their systems, and the Board of Regents regarding reporting, investigating, and  
18 adjudicating power-based violence by and against students and recommend revisions  
19 to improve such policies and practices.

20 (2) Advise and assist institutions of secondary education, their systems, and  
21 the Board of Regents in coordinating procedures to provide power-based violence  
22 prevention programs.

23 (3) Serve as an advisory agency to the legislature, the governor, the Board  
24 of Regents, the board of supervisors of each postsecondary education system  
25 regarding power-based violence.

26 §3399.45. Agency cooperation

27 To the extent permitted by and in accordance with the Public Records Law,  
28 the Board of Regents, each postsecondary education system, each institution of a  
29 postsecondary education system, and each local law enforcement or criminal justice

1 agency located within a parish with an institution campus shall make available all  
 2 facts, records, information, and data required by the panel and in all ways cooperate  
 3 with the panel in carrying out the functions and duties imposed by this Part.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry J. Guillot.

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## DIGEST

SB 232 Original

2021 Regular Session

Barrow

Proposed law creates the Louisiana Power-Based Violence Review Panel. Provides that a majority of the members of each panel constitute a quorum. Provides that all official actions of the panel shall require the affirmative vote of a majority of the members of the panel. Requires that the panel meet at least four times each year, and may meet at other times at the call of the chairman or as provided by panel rule. Authorizes the panel may adopt rules of procedure for its operation.

Requires that the panel:

- (1) Evaluate policies and practices of institutions of secondary education, their systems, and the Board of Regents regarding reporting, investigating, and adjudicating power-based violence by and against students and recommend revisions to improve such policies and practices.
- (2) Advise and assist institutions of secondary education, their systems, and the Board of Regents in coordinating procedures to provide power-based violence prevention programs.
- (3) Serve as an advisory agency to the legislature, the governor, the Board of Regents, the board of supervisors of each postsecondary education system regarding power-based violence.

Requires that to the extent permitted by and in accordance with the Public Records Law, the Board of Regents, each postsecondary education system, each institution of a postsecondary education system, and each local law enforcement or criminal justice agency located within a parish with an institution campus shall make available all facts, records, information, and data required by the panel and in all ways cooperate with the panel in carrying out the functions and duties imposed by proposed law.

Defines "power-based violence" means any form of interpersonal violence intended to control or intimidate another person through the assertion of power over them including sexual harassment, sexual assault, domestic violence, dating violence, and stalking.

Effective August 1, 2021.

(Adds R.S. 17:3399.41-3399.45)