

2021 Regular Session

SENATE BILL NO. 232

BY SENATORS BARROW, ABRAHAM, ALLAIN, BERNARD, BOUDREAUX, BOUIE, CARTER, CATHEY, CLOUD, CONNICK, CORTEZ, FIELDS, FOIL, HEWITT, JACKSON, LUNEAU, MCMATH, MILLIGAN, FRED MILLS, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, PETERSON, POPE, PRICE, REESE, SMITH, TALBOT, WARD AND WOMACK AND REPRESENTATIVES CARPENTER, EDMONSTON, MOORE AND WHITE

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 Panel. (gov sig)

1 AN ACT

2 To enact R.S. 17:3399.13(4) and 3399.18, relative to power-based violence on college and
3 university campuses; to create the Power-Based Violence Review Panel; to provide
4 for membership, duties, and functions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 17:3399.13(4) and 3399.18 are hereby enacted to read as follows:

7 §3399.13. Definitions

8 For the purposes of this Part, the following terms shall have the following
9 meanings unless the context clearly indicates otherwise:

10 * * *

11 **(4) "Power-based violence" means any form of interpersonal violence**
12 **intended to control or intimidate another person through the assertion of power**
13 **over them and shall include, at a minimum, the following:**

14 **(a) Dating violence (R.S. 46:2151(C)).**

15 **(b) Domestic abuse and family violence (R.S. 46:2132(3) and 2121.1(2)).**

16 **(c) Nonconsensual observation of another person's sexuality without the**
17 **other person's consent, including voyeurism (R.S. 14:283.1), video voyeurism**

1 (R.S. 14:283), nonconsensual disclosure of a private image (R.S. 14:283.2), and
2 peeping tom activities (R.S. 14:284).

3 (d) Sexual assault (R.S. 14:41, 42 through 43.5, 89, 89.1, and 106).

4 (e) "Sexual exploitation" which means an act attempted or committed
5 by a person for sexual gratification, financial gain, or other advancement
6 through the abuse of another person's sexuality including prostituting another
7 person (R.S. 14:46.2 and 82 through 86).

8 (f) "Sexual harassment" which means unwelcome sexual advances,
9 requests for sexual favors, and other verbal, physical, or inappropriate conduct
10 of a sexual nature when the conduct explicitly or implicitly affects an
11 individual's employment or education, unreasonably interferes with an
12 individual's work or educational performance, or creates an intimidating,
13 hostile, or offensive work or educational environment and has no legitimate
14 relationship to the subject matter of a course or academic research.

15 (g) Stalking (R.S. 14:40.2) and cyberstalking (R.S. 14:40.3).

16 (h) Unlawful communications (R.S. 14:285).

17 (i) Unwelcome sexual or sex- or gender-based conduct that is objectively
18 offensive, has a discriminatory intent, and lacks a bona fide academic purpose.

19 * * *

20 §3399.18. Louisiana Power-Based Violence Review Panel

21 A. The Louisiana Power-Based Violence Review Panel is hereby created
22 under the jurisdiction of the Board of Regents.

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

24 (1) The president of the Louisiana Senate or his designee.

25 (2) The speaker of the Louisiana House of Representatives or his
26 designee.

27 (3) The chair of the Louisiana Senate Select Committee on Women and
28 Children or his designee.

29 (4) The chair of the Louisiana House Select Committee on Women and

1 Children or his designee.

2 (5) The attorney general or his designee.

3 (6) The commissioner of higher education or his designee.

4 (7) The president of each public postsecondary education management
5 board or his designee.

6 (8) A student representative from each of the postsecondary management
7 boards appointed by the respective board's president.

8 (9) The superintendent of the Louisiana State Police or his designee.

9 (10) The president of the Louisiana Association of Chiefs of Police or his
10 designee.

11 (11) A member of the Domestic Violence Prevention Commission
12 appointed by the secretary of the Department of Children and Family Services.

13 (12) A licensed social worker with experience related to power-based
14 violence appointed by the president of the Board of Directors of the Louisiana
15 Chapter, National Association of Social Workers.

16 (13) A licensed psychologist with experience related to power-based
17 violence, appointed by the chair of the Louisiana State Board of Examiners of
18 Psychologists.

19 (14) The executive director of the Louisiana Foundation Against Sexual
20 Assault or his designee.

21 (15) The president of Sexual Trauma Awareness and Response or his
22 designee.

23 C. Members shall serve without compensation, except for per diem or
24 reimbursement of expenses to which they may be entitled as members of the
25 constituent organizations.

26 D. A majority of the total membership shall constitute a quorum of the
27 panel, and any official action taken by the panel shall require an affirmative
28 vote of the majority of the quorum present and voting.

29 E. The commissioner of higher education shall call an organizational

1 meeting of the panel by August 15, 2021. The panel shall elect a chairman, and
2 any other officers deemed necessary, from among the membership.

3 F. The panel shall meet at least two times per year up to a maximum of
4 four times per year, and may meet at other times upon the call of the chair or
5 as provided by panel rules.

6 G. The panel may adopt rules of procedures for its operation.

7 H. The Board of Regents shall provide staff support to the panel.

8 I. The panel shall:

9 (1) Evaluate policies and practices of institutions of public postsecondary
10 education, public postsecondary education management boards, and the Board
11 of Regents regarding reporting, investigating, and adjudicating power-based
12 violence by and against students and recommend revisions to improve such
13 policies and practices.

14 (2) Advise and assist institutions of public postsecondary education,
15 public postsecondary education management boards, and the Board of Regents
16 in coordinating procedures to provide power-based violence prevention
17 programs.

18 (3) Serve as an advisory agency to the legislature, the governor, the
19 Board of Regents, and the public postsecondary education management boards
20 regarding power-based violence.

21 J. To the extent permitted by and in accordance with the Public Records
22 Law, the Board of Regents, each public postsecondary education management
23 board, each public postsecondary education institution, and each law
24 enforcement or criminal justice agency located within a parish with a public
25 postsecondary education institution campus shall make available all facts,
26 records, information, and data required by the panel and in all ways cooperate
27 with the panel in carrying out the functions and duties imposed by this Part.

28 Section 2. This Act shall become effective upon signature by the governor or, if not
29 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 3 effective on the day following such approval.

The original instrument was prepared by Jerry J. Guillot. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

DIGEST

SB 232 Reengrossed

2021 Regular Session

Barrow

Proposed law creates the Louisiana Power-Based Violence Review Panel under the jurisdiction of the Board of Regents composed of the following members:

- (1) The president of the Louisiana Senate or his designee.
- (2) The speaker of the Louisiana House of Representatives or his designee.
- (3) The chair of the Louisiana Senate Select Committee on Women and Children or his designee.
- (4) The chair of the Louisiana House Select Committee on Women and Children or his designee.
- (5) The attorney general or his designee.
- (6) The commissioner of higher education or his designee.
- (7) The president of each public postsecondary education management board or his designee.
- (8) A student representative from each of the postsecondary management boards appointed by the respective board's president.
- (9) The superintendent of the Louisiana State Police or his designee.
- (10) The president of the Louisiana Association of Chiefs of Police or his designee.
- (11) A member of the Domestic Violence Prevention Commission appointed by the secretary of the Department of Children and Family Services.
- (12) A licensed social worker with experience related to power-based violence appointed by the president of the Board of Directors of the Louisiana Chapter, National Association of Social Workers.
- (13) A licensed psychologist with experience related to power-based violence, appointed by the chair of the Louisiana State Board of Examiners of Psychologists.
- (14) The executive director of the Louisiana Foundation Against Sexual Assault or his designee.
- (15) The president of Sexual Trauma Awareness and Response or his designee.

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 commissioner of education call the first meeting of the panel by August 15, 2021.

Requires the panel to meet at least two times per year up to a maximum of 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 to adopt rules of procedure for its operation.

Requires that the panel:

- (1) Evaluate policies and practices of institutions of public postsecondary education, public postsecondary education management boards, 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 public postsecondary education, public postsecondary education management boards, 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, and the public postsecondary education management boards regarding power-based violence.

Requires that to the extent permitted by and in accordance with the Public Records Law, the Board of Regents, each public postsecondary education management board, each public postsecondary education institution, and each local law enforcement or criminal justice agency located within a parish with a public postsecondary education 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" as any form of interpersonal violence intended to control or intimidate another person through the assertion of power over them including sexual harassment, sexual assault, sexual exploitation, domestic abuse and family violence, dating violence, nonconsensual observation, stalking, unlawful communications, and unwelcomed sexual or sex- or gender-based conduct.

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

(Adds R.S. 17:3399.13(4) and 3399.18)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Recodifies provisions.
2. Clarifies the definition of "power-based violence".
3. Provides for the membership of the panel and places the panel under the jurisdiction of the Board of Regents.
4. Requires the commissioner of higher education to call the first meeting of the review panel by August 1, 2021.
5. Makes technical corrections.
6. Makes effective upon signature of the governor.

Senate Floor Amendments to engrossed bill

1. Changes the required date of the first meeting from Aug. 1 to Aug. 15, 2021.
2. Reduces the number of required meetings from 4 to "2 times per year up to a maximum of 4".
3. Makes technical changes.