

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 BRYANT, CARPENTER, CARRIER, ROBBY CARTER, WILFORD CARTER, COX, DUPLESSIS, EDMONSTON, FONTENOT, FREEMAN, FREIBERG, GAROFALO, HILFERTY, HUGHES, JAMES, JEFFERSON, JENKINS, TRAVIS JOHNSON, LANDRY, LYONS, MARCELLE, MOORE, NEWELL, PIERRE, RISER, SCHLEGEL, SELDERS, THOMPSON, WHITE AND WILLARD

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

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AN ACT

To amend and reenact R.S. 39:100.101(D) and enact R.S. 17:3399.13(4) and 3399.18, 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. R.S. 17:3399.13(4) and 3399.18 are hereby enacted to read as follows:

§3399.13. Definitions

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

\* \* \*

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

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

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

**For the purposes of this Part, domestic abuse shall also include any act or threat to act that is intended to coerce, control, punish, intimidate, or exact revenge on the other party, for the purpose of preventing the victim from reporting to law enforcement or requesting medical assistance or emergency victim services, or for the purpose of depriving the victim of the means or ability to resist the abuse**

1 or escape the relationship.

2 (c) Nonconsensual observation of another person's sexuality without the  
 3 other person's consent, including voyeurism (R.S. 14:283.1), video voyeurism  
 4 (R.S. 14:283), nonconsensual disclosure of a private image (R.S. 14:283.2), and  
 5 peeping tom activities (R.S. 14:284).

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

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

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

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

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

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

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23 §3399.18. Louisiana Power-Based Violence Review Panel

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

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

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

28 (2) The speaker of the Louisiana House of Representatives or his  
 29 designee.

30 (3) The chair of the Louisiana Senate Select Committee on Women and

1           Children or his designee.

2                   (4) The chair of the Louisiana House Select Committee on Women and  
3           Children or his designee.

4                   (5) The attorney general or his designee.

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

6                   (7) The president of each public postsecondary education management  
7           system or his designee.

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

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

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

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

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

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

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

23                  (15) The president of Sexual Trauma Awareness and Response or his  
24           designee.

25                  (16) The governor or his designee.

26                  (17) A Title IX coordinator representing a public postsecondary  
27           education system. The Title IX coordinator shall serve for one year, and the  
28           membership shall rotate between the higher education systems in the following  
29           order: the Louisiana State University System, the Southern University System,  
30           the University of Louisiana System, and the Louisiana Community and

1           Technical College System. Each coordinator shall be appointed by his system  
2           president.

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

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

9           E. The commissioner of higher education shall call an organizational  
10          meeting of the panel by August 15, 2021. The panel shall elect a chairman, and  
11          any other officers deemed necessary, from among the membership.

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

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

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

17          I. The panel shall:

18          (1) Evaluate policies and practices of institutions of public postsecondary  
19          education, public postsecondary education management boards, and the Board  
20          of Regents regarding reporting, investigating, and adjudicating power-based  
21          violence by and against students and recommend revisions to improve such  
22          policies and practices.

23          (2) Advise and assist institutions of public postsecondary education,  
24          public postsecondary education management boards, and the Board of Regents  
25          in coordinating procedures to provide power-based violence prevention  
26          programs.

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

30          J. To the extent permitted by and in accordance with the Public Records

1           Law, the Board of Regents, each public postsecondary education management  
2           board, each public postsecondary education institution, and each law  
3           enforcement or criminal justice agency located within a parish with a public  
4           postsecondary education institution campus shall make available all facts,  
5           records, information, and data required by the panel and in all ways cooperate  
6           with the panel in carrying out the functions and duties imposed by this Part.

7           Section 2. R.S. 39:100.101(D) is hereby amended and reenacted to read as follows:  
8           §100.101. Power-Based Fund; purpose

9   \*           \*           \*

10                           D. Monies in the fund shall be appropriated and used for the establishment  
11                           of Title IX offices at every public postsecondary institution in the state. The Board  
12                           of Regents shall develop a plan ~~and promulgate rules~~ for the distribution of funds.

13           Section 3. The provisions of Section 2 of this Act propose to amend and reenact R.S.  
14           39:100.101(D) as enacted by the Act which originated as House Bill No. 515 of this 2021  
15           Regular Session of the Legislature. If the Louisiana State Law Institute renumbers R.S.  
16           39:100.101 when incorporating it into the Louisiana Revised Statutes of 1950, it shall make  
17           the change proposed by Section 2 of this Act to the corresponding provision of the statutes.

18           Section 4. 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.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_