

RÉSUMÉ DIGEST

ACT 320 (HB 452)

2021 Regular Session

Davis

New law creates the La. Domestic Abuse Fatality Review Panel (review panel), within the La. Dept. of Health (LDH).

New law provides for membership of the review panel and those persons who shall serve. Provides that those members shall be the following:

- (1) The state health officer or his designee.
- (2) The secretary of LDH or his designee.
- (3) The secretary of the Dept. of Children and Family Services or his designee.
- (4) The assistant secretary of the office of behavioral health of LDH or his designee.
- (5) The director of the bureau of emergency medical services of LDH or his designee.
- (6) The director of the governor's office on women's policy or his designee.
- (7) The superintendent of state police or his designee.
- (8) The state registrar of vital records in the office of public health or his designee.
- (9) The attorney general or his designee.
- (10) A district attorney or assistant district attorney appointed by the Louisiana District Attorney's Association.
- (11) A sheriff appointed by the Louisiana Sheriff's Association.
- (12) A police chief appointed by the Louisiana Association of Chiefs of Police.
- (13) A coroner appointed by the president of the Louisiana Coroner's Association.
- (14) The executive director of the Louisiana Coalition Against Domestic Violence or his designee.
- (15) The executive director of a community-based domestic violence service organization or his designee.
- (16) The president of the Louisiana Clerks of Court Association or his designee.
- (17) A forensic pathologist certified by the American Board of Pathology and licensed to practice medicine in the state appointed by the La. State Board of Medical Examiners.
- (18) A representative of the La. Protective Order Registry appointed by the judicial administrator of the La. Supreme Court.
- (19) A representative of the legal services program funded by the Legal Services Corp. that regularly provides civil legal representation to survivors of domestic violence.
- (20) A director or a designee of a director of a local supervised visitation or safe exchange center who is professionally trained to identify the unique safety needs of domestic violence victims.

New law allows any additional persons to be appointed to the review panel who have relevant knowledge regarding domestic abuse and would be able to assist the review panel in its duties.

New law provides that the functions of the review panel shall include the following:

- (1) Identify and characterize the scope and nature of domestic abuse fatalities in this state. Require information about whether the decedent was pregnant at the time of death, whether there is medical evidence indicating that the decedent had been recently pregnant at the time of death, and whether the decedent was single, married, or divorced to be reported by the review panel if the decedent victim is female.
- (2) Research and review trends, data, or patterns that are observed surrounding domestic abuse fatalities.
- (3) Review past events and circumstances surrounding domestic abuse fatalities by reviewing records and other pertinent documents of public and private agencies that are responsible for investigating deaths or treating victims.
- (4) Research and revise, as necessary, operating rules and procedures for review of domestic abuse fatalities including but not limited to identification of cases to be reviewed, coordination among agencies and professionals involved, and improvement of the identification, data collection, and record-keeping of the causes of domestic violence fatalities.
- (5) Recommend systemic improvements to promote improved and integrated public and private systems serving victims of domestic abuse.
- (6) Recommend components for prevention and education programs.
- (7) Recommend training to improve the identification and investigation of domestic violence fatalities that occur in Louisiana.

New law authorizes that the review panel to establish local and regional panels to help review data of domestic abuse fatalities across this state and provides that the review panel may analyze data through any state system which would be helpful to decrease fatalities from domestic abuse.

New law allows the review panel to establish relationships with local and regional fatality review panels to accomplish its duties as outlined in new law.

New law states that notwithstanding any other provision of existing law, the review panel or any local or regional panel formed under the review panel shall have authority to access medical and vital records in the custody of physicians, hospitals, clinics, or other healthcare providers, and the office of public health or any law enforcement agency that may aid in the completion of any domestic abuse fatality review and allow the review panel to complete its duties.

New law authorizes the review panel to request from a person, agency, or entity any of the following information:

- (1) Medical information.
- (2) Mental health information.
- (3) Information from elder abuse reports and investigation reports which exclude the identity of persons who have made report, which shall not be disclosed.
- (4) Information from child abuse reports and investigations which exclude the identity of persons who have made reports and shall not be disclosed.
- (5) Summary of criminal history and criminal offender record information.
- (6) Information pertaining to reports by healthcare providers of persons suffering from physical injuries inflicted by means of a firearm or of persons suffering physical injury where the injury is a result of abusive conduct.
- (7) Information concerning a juvenile court proceeding.

- (8) Information maintained by a family court or the office of vital records.
- (9) Information provided by probation officers in the course of the performance of their duties including but not limited to the duty to prepare reports as well as the information on which these reports are based.
- (10) Records of in-home supportive services unless disclosure is prohibited by federal law.

New law provides that the disclosure of information requested by the review panel or a local or regional panel is allowed on a voluntary basis by the requested person, agency, or entity.

New law provides that all information and records obtained by the review panel or any local or regional panel or its agent thereof in accordance with the provisions of new law, as well as any results of any domestic abuse fatality report prepared, shall be confidential and shall not be available for subpoena. Provides that no such information be disclosed, discoverable, or compelled to be produced in any civil, criminal, administrative, or other proceeding or admissible as evidence in any civil, criminal, administrative, or other tribunal or court for any reason.

New law provides that no person, agency, or entity that furnishes information to the review panel or any local or regional panel or its agent thereof pursuant to new law shall be found liable or in violation of a duty of confidentiality if the person, agency, or entity has acted in good faith.

New law states that no member of the review panel or any local or regional panel or agent thereof may disclose any information that is deemed confidential pursuant to new law.

New law provides that any person who appears before the review panel or any local or regional panel or agent thereof, shall sign a confidentiality document stating that any information provided shall be deemed confidential. Any information identifying a victim or person's family members involved in domestic abuse shall not be disclosed in any report that is to be made public. Nothing in new law shall prohibit the review panel or any local or regional panel or agent thereof from publishing its findings pursuant to new law.

New law states that all information and records obtained during the review process shall be returned to the providing person, agency, or entity who furnished the information or records.

New law provides that the review panel shall report any recommendations on or before Jan. 30, 2023, and annually thereafter, to the governor, the speaker of the House of Representatives, and the president of the Senate.

New law authorizes LDH to secure financial and human resources from, or create partnerships with, external entities in order to fulfil requirements of new law.

New law provides that any information, documents, or records received by the review panel or any local or regional panel of the La. Domestic Abuse Fatality Panel shall be exempt from existing law known as the Public Records Law (R.S. 44:1 et seq.).

New law shields any person, agency, or entity furnishing information, documents, or reports in accordance with new law from liability for disclosure.

Effective upon availability of sufficient funds through nongovernmental sources or specific appropriation by the legislature.

(Adds R.S. 36:259(B)(38), R.S. 40:2024.1-2024.7, and R.S. 44:4(59))