

SENATE BILL NO. 124

BY SENATOR MIZELL AND REPRESENTATIVES ADAMS, AMEDEE, BAYHAM, BILLINGS, BOYD, BRAUD, BROWN, CARRIER, CHASSION, CHENEVERT, COATES, DAVIS, DICKERSON, DOMANGUE, ECHOLS, EDMONSTON, FISHER, FREEMAN, GREEN, HEBERT, HUGHES, ILLG, JORDAN, KNOX, LACOMBE, LAFLEUR, MANDIE LANDRY, MARCELLE, MOORE, NEWELL, ORGERON, PHELPS, STAGNI, TAYLOR, WALTERS, WILDER, WYBLE AND ZERINGUE

1 AN ACT

2 To amend and reenact R.S. 40:1216.1 and R.S. 46:1845, relative to survivors of sexual
3 assaults; to provide regarding the maintenance of evidence; to provide regarding the
4 billing of services provided to the sexual assault survivor; to create a sexual assault
5 survivor bill of rights; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1216.1 is hereby amended and reenacted to read as follows:

8 §1216.1. Procedures for ~~victims~~ **survivors** of a sexually oriented criminal offense;
9 immunity; regional plans; maximum allowable costs; definitions;
10 documents requested by victim

11 A. All licensed hospitals and healthcare providers in Louisiana shall adhere
12 to the following procedures ~~in the event that a~~ **if a** person, ~~male or female,~~ presents
13 ~~himself or herself or is presented~~ for treatment as a ~~victim of a sexually oriented~~
14 ~~criminal offense~~ **sexual assault survivor**:

15 (1)~~(a)~~ ~~The victim~~ **Except as provided in Subparagraphs (b) and (c) of this**
16 **Paragraph, a survivor** shall ~~make the decision of~~ **decide** whether or not the incident
17 will be reported to law enforcement officials. No hospital or healthcare provider shall
18 require the ~~person~~ **survivor** to report the incident ~~in order~~ to receive medical
19 attention **or collect evidence.**

20 **(b) If a person under the age of eighteen presents for treatment as a**
21 **sexual assault survivor, the hospital or healthcare provider shall immediately**
22 **notify the appropriate law enforcement agency or any other official necessary**
23 **to fulfill any mandatory reporting obligation required by law.**

1 (c) If a survivor is physically or mentally incapable of making the
2 decision to report, the hospital or healthcare provider shall immediately notify
3 the appropriate law enforcement officials.

4 (2)(a) All sexual assault survivors shall be examined and treated, without
5 undue delay, in a private space required to ensure the health, safety, and
6 welfare of the survivor by a qualified healthcare provider. Examination and
7 treatment, including the forensic medical examination, shall be adapted as
8 necessary to address the unique needs and circumstances of each survivor. All
9 survivors shall be afforded an advocate whose communications are privileged
10 in accordance with the provisions of R.S. 46:2187, if one is available. With the
11 consent of the survivor, an advocate shall remain in the examination room
12 during the forensic medical examination. With the consent of the survivor, the
13 examination and treatment of all sexual assault survivors shall, at a minimum,
14 include all of the following:

15 (a) Examination of physical trauma.

16 (b) Patient interview, including medical history, triage, and consultation.

17 (c) Collection and evaluation of evidence, including but not limited to the
18 following:

19 (i) Photographic documentation.

20 (ii) Preservation and maintenance of chain of custody.

21 (iii) Medical specimen collection.

22 (iv) When determined necessary by the healthcare provider, an alcohol
23 or drug-facilitated sexual assault assessment and toxicology screening.

24 (d) Any testing related to the sexual assault or recommended by the
25 healthcare provider.

26 (e) Any medication provided during the forensic medical examination,
27 which may include emergency contraception and HIV or STI prophylaxis.

28 (3)(a) If the survivor wishes to report the incident to law enforcement,
29 the hospital or healthcare provider shall contact the appropriate law
30 enforcement agency having jurisdiction over the location where the crime

1 occurred. If the location where the crime occurred cannot be determined, the
2 hospital or healthcare provider shall contact the law enforcement agency having
3 jurisdiction over the location where the forensic medical examination is
4 performed to determine the appropriate investigating agency.

5 (b) Upon completion of the forensic medical examination, the sexual
6 assault collection kit shall be turned over to the investigating law enforcement
7 agency. No sexual assault collection kit shall remain at a hospital or medical
8 facility if the hospital or medical facility is unable to store the sexual assault kit
9 in a secure location that ensures proper chain of custody. If a hospital or
10 medical facility has a secure location to store the sexual assault collection kit
11 that ensures proper chain of custody, the investigating law enforcement agency
12 shall take possession of the sexual assault collection kit within seventy-two hours
13 upon notification of completion of the sexual assault collection kit by the
14 hospital or healthcare provider. A healthcare provider working for a coroner's
15 office may store the sexual assault collection kit in a secure location maintained
16 by the coroner.

17 (4) If the victim **survivor** does not wish to report the incident to law
18 enforcement, officials, the victim **the hospital or healthcare provider** shall, be
19 examined and treated as any other patient. Any injuries requiring medical attention
20 shall be treated in the standard manner. Tests and treatments exclusive to a victim
21 of a sexually oriented criminal offense shall be explained and offered to the patient.
22 The patient shall decide whether or not such tests shall be conducted.

23 (b) Any examination and treatment shall include the preservation, in strict
24 confidentiality, for a period of at least one year from the time the victim is presented
25 for treatment, of tests or procedures, or both, and samples that may serve as potential
26 evidence. The patient shall be informed of the length of time for which the
27 specimens will be preserved. If the victim does not wish to report the incident to law
28 enforcement authorities, the responsibilities of the hospital or healthcare provider,
29 beyond medical treatment, shall be limited to the collection of tests, procedures, or
30 samples that may serve as potential evidence.

1 ~~(c) Any evidence collected shall be assigned a code number, and the hospital~~
2 ~~or healthcare provider that performed the forensic medical exam shall maintain code~~
3 ~~records for a period of at least one year from the date the victim is presented for~~
4 ~~treatment. The hospital or healthcare provider that performed the forensic medical~~
5 ~~exam shall assign the code number by affixing to the evidence container a code to~~
6 ~~be used in lieu of the victim's identifying information to maintain confidentiality.~~
7 ~~The code number~~ **upon completion of the forensic medical examination, contact**
8 **the law enforcement agency having jurisdiction over the location where the**
9 **forensic medical examination was performed to transfer possession of the**
10 **unreported sexual assault collection kit for storage. The unreported sexual**
11 **assault collection kit shall not be identified or labeled with the survivor's**
12 **identifying information. The hospital or healthcare provider shall maintain a**
13 **record of the sexual assault collection kit number in the survivor's record that**
14 ~~shall be used for identification should the victim~~ **survivor** later choose to report the
15 incident. The healthcare provider shall provide all information required by the
16 statewide tracking system operated by the office of state police, pursuant to R.S.
17 15:624.1. **No sexual assault collection kit shall remain at a hospital or medical**
18 **facility if the hospital or medical facility is unable to store the sexual assault kit**
19 **in a secure location that ensures proper chain of custody. If a hospital or**
20 **medical facility has a secure location that ensures proper chain of custody, the**
21 **law enforcement agency having jurisdiction over the location where the forensic**
22 **medical examination was performed shall take possession of the unreported**
23 **sexual assault collection kit within seventy-two hours upon notification of**
24 **completion of the sexual assault collection kit by the hospital or healthcare**
25 **provider. A healthcare provider working for a coroner's office may secure the**
26 **unreported sexual assault collection kit in a secured location maintained by the**
27 **coroner. The law enforcement agency shall not destroy or dispose of an**
28 **unreported sexual assault collection kit for a period of at least twenty years**
29 **after the forensic medical examination was performed. If a healthcare provider**
30 **working for a coroner's office chooses to store an unreported sexual assault**

1 collection kit at a coroner's office, the healthcare provider shall not destroy or
2 dispose of an unreported sexual assault collection kit for period of at least
3 twenty years after the forensic medical examination was performed.

4 ~~(d) For unreported cases, once a code number has been assigned, custody of~~
5 ~~the evidence shall be transferred to an appropriate criminal justice agency or the~~
6 ~~local law enforcement agency having jurisdiction in the parish in which the crime~~
7 ~~occurred or to the appropriate criminal justice agency or local law enforcement~~
8 ~~agency having jurisdiction in the parish in which the hospital or healthcare provider~~
9 ~~is located, if the jurisdiction of the crime is unknown, and responsibility for the~~
10 ~~custody of the evidence shall belong to that criminal justice agency or local law~~
11 ~~enforcement agency. The law enforcement agency shall retrieve from the hospital or~~
12 ~~healthcare provider the evidence no later than seven days after receiving notification~~
13 ~~that a code number has been assigned to the evidence. The hospital or healthcare~~
14 ~~provider shall coordinate the transfer of the evidence with the criminal justice agency~~
15 ~~or law enforcement agency in a manner designed to protect its evidentiary integrity.~~
16 ~~Evidence which is transferred to the custody of the appropriate criminal justice~~
17 ~~agency or local law enforcement agency shall bear only the code number assigned~~
18 ~~by the hospital or healthcare provider.~~

19 ~~(3) If the victim wishes to report the incident to law enforcement officials,~~
20 ~~the hospital staff or healthcare provider shall contact the appropriate law~~
21 ~~enforcement agency. After the incident has been reported, the victim shall be~~
22 ~~examined and treated as any other patient, any injuries requiring medical attention~~
23 ~~shall be treated in the standard manner, and specimens shall be kept for evidence.~~
24 ~~The evidence shall be turned over to the law enforcement officers when they arrive~~
25 ~~to assume responsibility for investigation of the incident and in no event shall the~~
26 ~~evidence remain at the hospital more than seven days after the law enforcement~~
27 ~~agency receives the notification from the hospital.~~

28 ~~(4)(a) Notwithstanding any other provisions of this Section, if any person~~
29 ~~seventeen years old or younger presents himself or herself or is presented for~~
30 ~~treatment as a victim of a sexually oriented criminal offense, the hospital or~~

1 healthcare provider shall immediately notify the appropriate law enforcement
 2 official. The appropriate law enforcement official shall have seven days from the
 3 receipt of the notification to retrieve any evidence collected by the hospital pursuant
 4 to this Subparagraph.

5 (b) ~~The coroner of the parish, the district attorney, appropriate law~~
 6 ~~enforcement officials, hospital personnel, and healthcare providers may develop~~
 7 ~~procedures pursuant to R.S. 15:440.1 through 440.6 to make a videotape of the~~
 8 ~~person provided for in Subparagraph (a) of this Paragraph when a person fourteen~~
 9 ~~years old or younger has been the victim of physical or sexual abuse. The costs of~~
 10 ~~such videotaping may be allocated among the agencies and facilities involved.~~

11 (5) ~~Notwithstanding any other provisions of this Section, if the victim is~~
 12 ~~physically or mentally incapable of making the decision to report, the hospital or~~
 13 ~~healthcare provider shall immediately notify the appropriate law enforcement~~
 14 ~~officials.~~

15 ~~(6)~~**(5)** No hospital or healthcare provider shall directly bill a **victim survivor**
 16 of a sexually oriented criminal offense for any healthcare services rendered in
 17 conducting a forensic medical examination, ~~as provided for in R.S. 15:622. The~~
 18 ~~expenses shall include the following~~ **including the healthcare services rendered**
 19 **in accordance with Paragraph (2) of this Subsection and the following:**

20 (a) Forensic examiner and hospital or healthcare facility services directly
 21 related to the exam, including integral forensic supplies.

22 (b) Scope procedures directly related to the forensic exam including but not
 23 limited to anoscopy and colposcopy.

24 ~~(c) Laboratory testing directly related to the forensic examination, including~~
 25 ~~drug screening, urinalysis, pregnancy screening, syphilis screening, chlamydia~~
 26 ~~culture, gonorrhea coverage culture, blood test for HIV screening, hepatitis B and C,~~
 27 ~~herpes culture, and any other sexually transmitted disease testing directly related to~~
 28 ~~the forensic examination.~~

29 (d) ~~Any medication provided during the forensic medical examination.~~

30 ~~(7)~~**(6)** The healthcare provider who performed the forensic medical exam and

1 the hospital or healthcare facility shall submit a claim for payment for conducting
 2 a forensic medical exam directly to the Crime Victim Reparations Board to be paid
 3 in strict accordance with the provisions of R.S. 46:1822. A ~~victim~~ survivor of a
 4 sexually oriented criminal offense shall not be billed directly or indirectly for the
 5 performance of any forensic medical exam. The provisions of this Paragraph shall
 6 not be interpreted or construed to apply to either of the following:

7 (a) A healthcare provider billing for any medical services that are not
 8 specifically set forth in this Section or provided for diagnosis or treatment of the
 9 ~~victim~~ survivor for injuries related to the sexual assault.

10 (b) A ~~victim~~ survivor of a sexually oriented criminal offense seeking
 11 reparations in accordance with the Crime Victims Reparations Act, R.S. 46:1801 et
 12 seq., for the costs for any medical services that are not specifically set forth in this
 13 Section or provided for the diagnosis or treatment of the ~~victim~~ survivor for injuries
 14 related to the sexual assault.

15 ~~(8)(7)~~ The department shall make available to every hospital and healthcare
 16 provider licensed under the laws of this state a pamphlet containing an explanation
 17 of the billing process for services rendered pursuant to this Section. Every hospital
 18 and healthcare provider shall provide a copy of the pamphlet to any person presented
 19 for treatment as a ~~victim~~ survivor of a sexually oriented criminal offense.

20 ~~(9)(a)(8)(a)~~ The ~~victim~~ survivor shall be provided with information about
 21 emergency contraception which shall be developed and made available electronically
 22 to all licensed hospitals in this state through the Louisiana Department of Health's
 23 website and by paper form upon request to the department.

24 (b) The treating healthcare provider shall inform the ~~victim~~ survivor of the
 25 option to be provided emergency contraception at the hospital or healthcare facility
 26 and, upon the completion of a pregnancy test yielding a negative result, shall provide
 27 emergency contraception upon the request of the ~~victim~~ survivor.

28 B.(1) These procedures shall constitute minimum standards for the operation
 29 and maintenance of hospitals under the provisions of this Part and failure to comply
 30 with the standards shall constitute grounds for denial, suspension, or revocation of

1 license under provisions of this Part.

2 (2) Failure to comply with the provisions of this Section may constitute
3 grounds for denial, suspension, or revocation of the healthcare provider's license by
4 the appropriate licensing board or commission.

5 C. ~~When a licensed hospital or healthcare provider fails to examine and treat~~
6 ~~a person, male or female, who has presented himself or herself or who has been~~
7 ~~presented as a victim of a sexually oriented criminal offense, the coroner of the~~
8 ~~parish or his designee shall examine the alleged victim and, if necessary, make~~
9 ~~arrangements for the treatment of the victim. The coroner may select the hospital or~~
10 ~~healthcare provider named as the lead entity for sexual assault examinations in the~~
11 ~~regional plan required by this Section as his designee to perform the forensic medical~~
12 ~~examination. No coroner~~ **hospital or healthcare provider** shall refuse to examine
13 and assist ~~an alleged victim~~ **a survivor** on the grounds the alleged offense occurred
14 outside of or the ~~victim~~ **survivor** is not a resident of the jurisdiction. ~~Nothing in this~~
15 ~~Subsection shall relieve a licensed hospital or healthcare provider of its obligations~~
16 ~~under Subsections A and B of this Section.~~

17 D.(1) Any member of the hospital staff or a healthcare provider who in good
18 faith notifies the appropriate law enforcement official pursuant to ~~Paragraphs (A)(4)~~
19 ~~and (A)(5)~~ **Paragraph (A)(1)** of this Section shall have immunity from any civil
20 liability that otherwise might be incurred or imposed because of the notification. The
21 immunity shall extend to participation in any judicial proceeding resulting from the
22 report.

23 (2) The hospital or healthcare provider staff member who notifies the
24 appropriate law enforcement official shall document the date, time, and method of
25 notification and the name of the official who received the notification.

26 (3) On or before January first of each year, each law enforcement agency
27 shall provide each hospital located in its respective jurisdiction with the name of the
28 responsible contact person along with the responsible person's contact information
29 in order to comply with the provisions of this Section.

30 E.(1) The Louisiana Department of Health, through the medical directors of

1 each of its nine regional health service districts, shall coordinate an annual sexual
2 assault response plan for each district. Each district shall submit a proposed plan for
3 review by the secretary no later than November first of each year. An approved plan
4 shall become effective February first of the following year.

5 (2) When developing the annual response plan, each district shall incorporate
6 a sexual assault response team protocol, ~~to the extent possible; however, at a~~
7 ~~minimum, each~~ **Each** district shall develop the annual plan to do all of the following:

8 (a) Provide an inventory of all available resources and existing infrastructure
9 in the region and clearly outline how the resources and infrastructure will be
10 incorporated in the most effective manner.

11 (b) Clearly outline the entity responsible for the purchase of sexual assault
12 collection kits and the standards and procedures for the storage of the kits prior to
13 use in a forensic medical examination.

14 (c) Clearly outline the standards and procedures for a ~~victim~~ **survivor** to
15 receive a forensic medical examination, as defined in R.S. 15:622, to ensure access
16 to such an examination in every parish. The plan shall designate a hospital or
17 healthcare provider to be the lead entity for sexual assault examinations for adult
18 ~~victims~~ **survivors** and a hospital or healthcare provider to be the lead entity for
19 sexual assault examinations for pediatric ~~victims~~ **survivors**. The plan shall also
20 include specific details directing first responders in the transport of ~~victims~~
21 **survivors** of a ~~sexually-oriented~~ **sexually oriented** crime, the appropriate party to
22 perform the forensic medical examination, and any required training for a person
23 performing a forensic medical examination.

24 (d) Clearly outline the standards and procedures for the handling and
25 payment of medical bills related to the forensic medical examination to clarify and
26 ensure that those standards and procedures are in compliance with this Section and
27 any other applicable section of law.

28 (e) Clearly outline the standards and procedures for the transfer of sexual
29 assault collection kits ~~for both reported and unreported crimes to an appropriate~~
30 ~~criminal justice agency or the local law enforcement agency having jurisdiction in~~

1 ~~the parish in which the crime was committed, if known, or if unknown, to an~~
 2 ~~appropriate criminal justice agency or the local law enforcement agency having~~
 3 ~~jurisdiction in the parish in which the hospital or healthcare provider is located. The~~
 4 ~~plan shall include a maximum time period for the transfer to occur not to exceed~~
 5 ~~seven days after the criminal justice agency or local law enforcement agency~~
 6 ~~receives a request for the transfer from the hospital or healthcare provider.~~ **pursuant**
 7 **to this Section and any other applicable section of law.**

8 (3) When developing the annual response plan, the department shall solicit
 9 the input of interested stakeholders in the region including but not limited to all of
 10 the following:

11 (a) The sheriff for each parish within the region.

12 (b) The chief of police for any political subdivision located within the region.

13 (c) All hospitals located within the region.

14 (d) The coroner for each parish within the region.

15 (e) First responder organizations located within the region.

16 (f) Higher education institutions located within the region.

17 (g) The school board for each parish located within the region.

18 (h) Sexual assault advocacy organizations and children's advocacy centers
 19 providing services within the region.

20 (i) The district attorney for each parish within the region or his designee.

21 (j) Each crime lab located within the region.

22 (4) The annual response plan shall be approved by the stakeholders as
 23 provided for in Paragraph (3) of this Subsection.

24 **(5) The department shall include an appendix in each regional plan that**
 25 **provides a copy of all notices sent to stakeholders about the sexual response plan**
 26 **meeting, a list of the individuals and organizations that were provided notice,**
 27 **the method and timing of the notice provided, and a list of the individuals and**
 28 **organizations in attendance at the meeting.**

29 **(6) The department shall record all meetings and make the recordings**
 30 **and annual plans available through the Louisiana Department of Health's**

1 website.

2 F. All sexual assault collection kits used in a forensic medical examination
3 shall meet the standards developed by the Louisiana Department of Health and the
4 Department of Public Safety and Corrections.

5 G.(1) Upon request of a competent adult ~~victim~~ survivor of a sexually
6 oriented criminal offense, the healthcare provider that performed the forensic
7 medical exam shall provide a reproduction of any written documentation which is
8 in the possession of the healthcare provider resulting from the forensic medical exam
9 of the ~~victim~~ survivor. The documentation shall be provided to the ~~victim~~ survivor
10 no later than fourteen days after the healthcare provider receives the request or the
11 healthcare provider completes the documentation, whichever is later.

12 (2) The reproduction of written documentation provided for in this
13 Subsection shall be made available at no cost to the ~~victim~~ survivor and may only
14 be released at the direction of the ~~victim~~ survivor who is a competent adult. This
15 release does not invalidate the ~~victim's~~ survivor's reasonable expectation of privacy
16 nor does the record become a public record after the release to the ~~victim~~ survivor.

17 H. For purposes of this Section the following definitions apply:

18 (1) "Emergency contraception" means only drugs approved by the United
19 States Food and Drug Administration with mechanisms of action that likely include
20 the prevention of ovulation, sperm capacitation, or fertilization after sexual
21 intercourse and do not meet the definition of a legend drug as defined in R.S.
22 40:1060.11.

23 (2) "Forensic medical examination" has the same meaning as defined in R.S.
24 15:622.

25 (3) "Healthcare provider" means either of the following:

26 (a) A physician, sexual assault nurse examiner, or other healthcare
27 practitioner licensed, certified, registered, or otherwise authorized and trained to
28 perform ~~specified healthcare services consistent with state law~~ a forensic medical
29 examination.

30 (b) A facility or institution providing healthcare services, including but not

1 limited to a hospital or other licensed inpatient center; ambulatory surgical or
 2 treatment center; skilled nursing facility; inpatient hospice facility; residential
 3 treatment center; diagnostic, laboratory, or imaging center or rehabilitation or other
 4 therapeutic health setting.

5 (4) "Healthcare services" means services, items, supplies, or drugs for the
 6 diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury,
 7 or disease ancillary to a sexually oriented criminal offense.

8 **(5) "Sexual assault collection kit" includes all evidence collected during**
 9 **a forensic medical examination.**

10 ~~(5)~~**(6)** "Sexually oriented criminal offense" has the same meaning as defined
 11 in R.S. 15:622.

12 **(7) "Unreported sexual assault collection kit" means a sexual assault**
 13 **collection kit where a law enforcement agency has not received a related report**
 14 **or complaint alleging that a sexual assault has occurred.**

15 Section 2. R.S. 46:1845 is hereby amended and reenacted to read as follows:

16 §1845. ~~Additional rights for victims of sexual assaults, notification of rights~~ **Sexual**

17 **Assault Survivor Bill of Rights**

18 A.(1) **The legislature hereby finds and declares the urgent need to**
 19 **establish a comprehensive sexual assault survivor bill of rights. A bill of rights**
 20 **is of paramount importance in addressing the alarming under-reporting of**
 21 **sexual assault cases and ensuring that survivors receive the support, protection,**
 22 **and justice they deserve.**

23 **(2) The legislature further finds that transparency is a core principle that**
 24 **our justice system should uphold. By enacting a Sexual Assault Survivor Bill of**
 25 **Rights, barriers that prevent survivors from coming forward and seeking**
 26 **justice can be eliminated. Transparency allows survivors to share their**
 27 **experiences openly, without fear of judgment or retribution. Transparency**
 28 **empowers survivors to reclaim their narratives and break free from the chains**
 29 **of shame and secrecy. Access to records is essential for transparency and for**
 30 **survivors to navigate the often complex and overwhelming legal process. It is**

1 a matter of justice and fairness that survivors have the right to access their
 2 records, including medical reports, forensic evidence, and legal documentation.
 3 This access enables survivors to make informed decisions about their
 4 healthcare, legal options, and support services. Granting survivors access to
 5 records empowers them to actively participate in their healing and seek the
 6 justice they so rightfully deserve.

7 (3) The recognition of rights for survivors is crucial in ensuring their
 8 well-being and recovery. The legislature finds that the experiences of survivors
 9 are valid, their voices matter, and they deserve to be treated with dignity,
 10 respect, and compassion.

11 (4) Subsection C of this Section shall be known and may be cited as the
 12 Sexual Assault Survivor Bill of Rights.

13 B.(1) The rights provided to ~~victims of sexual assault~~ survivors contained in
 14 this Section attach regardless of whether a ~~victim~~ survivor seeks the assistance of
 15 ~~either a law enforcement official or a healthcare provider.~~ A ~~victim of sexual assault~~
 16 survivor retains all the rights of these provisions regardless of whether the ~~victim~~
 17 survivor receives a forensic medical examination or whether a sexual assault
 18 collection kit is administered.

19 (2) Notwithstanding any other provision of law to the contrary, nothing in
 20 this Section shall be construed to negate or impair any provision of law relative to
 21 the mandatory reporting of crimes against children under the age of eighteen years
 22 or to negate or impair the investigation or prosecution of any crime against children
 23 under the age of eighteen.

24 (3) Notwithstanding any other provision of law to the contrary, a
 25 defendant or person accused or convicted of a crime against a survivor does not
 26 have standing to seek to have their conviction or sentence set aside for any
 27 violation of the Sexual Assault Survivors' Bill of Rights.

28 ~~B. C.~~ A ~~victim of sexual assault~~ survivor shall have the right to following
 29 rights:

30 (1) The right not to be prevented from, or charged for, receiving a

1 forensic medical exam as provided in R.S. 40:1216.1.

2 **(2) The right to have an unreported sexual assault collection kit**
 3 **preserved, without charge, for at least twenty years.**

4 **(3) The right to be informed of any results, updates, status, location, and**
 5 **tracking as provided in R.S. 15:624.1.**

6 **(4) The right to be informed in writing of policies governing the**
 7 **collection and preservation of a sexual assault collection kit.**

8 **(5) The right to be informed in writing from the appropriate official not**
 9 **later than sixty days before the date of the intended destruction or disposal of**
 10 **a sexual assault collection kit, and upon written request, the ability to be**
 11 **granted further preservation of the kit or its probative contents.**

12 **(6) The right to** ~~A victim of sexual assault shall be notified of the ability to~~
 13 ~~request the presence of a sexual assault advocate during~~ **before** ~~the administration~~
 14 ~~of a forensic medical examination or a scheduled interview by a law enforcement~~
 15 ~~official if a sexual assault advocate is reasonably available. Nothing in this Section~~
 16 ~~shall be construed to prohibit the conducting of a forensic medical examination or~~
 17 ~~an interview by a law enforcement official in the absence of a sexual assault~~
 18 ~~advocate. All victims of sexual assault shall~~

19 **(7) The right to** ~~have the right to access~~ **to** ~~and obtain a copy of their forensic~~
 20 ~~medical examination report at no cost to them pursuant to R.S. 40:1216.1(G).~~

21 **(8) The right not to be requested or required to submit to a polygraph**
 22 **examination as a condition of an investigation or prosecution as provided in**
 23 **R.S. 15:241.**

24 **(9) The right to receive, at no cost, a copy of any records or investigative**
 25 **reports from law enforcement when those records are provided to the defendant**
 26 **through discovery or a year after the offense was reported, whichever is sooner.**

27 **(10) The right to have privileged communications with a representative**
 28 **or employee of a sexual assault center as provided in R.S. 46:2187.**

29 **(11) The right not to have the survivor's DNA obtained from a sexual**
 30 **assault collection kit compared with other DNA records to investigate the**

1 survivor as provided in R.S. 15:622.1.

2 (12) The right to retain any other rights that a survivor may have under
3 any other law of this state.

4 D. Any complaint about a violation of this Section may be submitted
5 directly to the Senate Select Committee on Women and Children for legislative
6 oversight.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____