

SENATE BILL NO. 232

BY SENATOR CHEEK

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. 15:544 (D)(1), (2), (3)(e), (4)(a) and (b) and to enact Chapter 3-C of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:555 and 556, relative to sex offenses; to provide for notification and registration of offenders; to create a sexual assault task force and provide for the membership, and powers, duties, and functions of the task force; to provide for a termination date of the task force; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:544 (D)(1), (2), (3)(e), (4)(a) and (b) are hereby amended and reenacted and Chapter 3-C of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:555 and 556 is hereby enacted to read as follows:

§544. Duration of registration and notification period

* * *

D.(1) The registration period of fifteen years established in Subsection A of this Section may be reduced to a period of ten years if the offender maintains a clean record for the entire ten-year period of registration upon petition to be relieved of the sex offender registration to the court of conviction for those convicted in Louisiana, or the court of the parish of residence for those convicted under the laws of another state, or military, territorial, foreign, tribal, or federal law which have been determined to be comparable to a Louisiana offense requiring a fifteen-year registration period by the bureau pursuant to the provisions of R.S. 15:542.1.3. **The petition shall be accompanied by a certification from the office of state police of the offender's history of registration in Louisiana.**

(2) The lifetime registration period established in Paragraph (B)(2) of this Section may be reduced to a period of twenty-five years if the offender was adjudicated delinquent for the offense which requires registration and maintains a clean record for twenty-five years upon petition to be relieved of the sex offender

1 registration to the court of adjudication for those adjudicated in Louisiana, or court
2 of the parish of residence for those adjudicated under the laws of another state, or
3 military, territorial, foreign, tribal, or federal law. **The petition shall be**
4 **accompanied by a certification from the office of state police of the offender's**
5 **history of registration in Louisiana.**

6 (3) For purposes of this Subsection, an offender maintains a "clean record"
7 by:

8 * * *

9 (e) Complying with all sex offender registration and notification requirements
10 **in Louisiana for the prescribed period of time** pursuant to the provisions of this
11 Chapter.

12 (4) The following procedures shall apply to the provisions of Paragraphs (1)
13 and (2) of this Subsection:

14 (a) The district attorney shall be served with a copy of the petition **and the**
15 **Louisiana Department of Public Safety and Corrections, office of state police**
16 **and the Department of Justice shall be given notice of the filing with a copy of**
17 **the pleading.**

18 (b) The court shall order a contradictory hearing to determine whether the
19 offender is entitled to be relieved of the registration and notification requirements
20 pursuant to the provisions of Paragraphs (1) and (2) of this Subsection. **The**
21 **Louisiana Department of Public Safety and Corrections, office of state police**
22 **and the Department of Justice shall be given notice of the hearing date.**

23 * * *

24 **CHAPTER 3-C. LOUISIANA SEXUAL ASSAULT TASK FORCE**

25 **§555. Sexual Assault Task Force; creation; membership; meetings**

26 **A. The Louisiana Sexual Assault Task Force is hereby created within the**
27 **Department of Justice, office of the attorney general. The task force shall consist**
28 **of twenty-five members as follows:**

29 **(1) The executive director of the Louisiana District Attorneys**
30 **Association or his designee.**

1 (2) The executive director of the Louisiana Foundation Against Sexual
2 Assault or her designee.

3 (3) The Sexual Assault Nurse Examiner/Sexual Assault Response Team
4 (SANE/SART) program coordinator of the Louisiana Foundation Against
5 Sexual Assault or her designee.

6 (4) The executive director of the Louisiana Sheriffs Association, or his
7 designee.

8 (5) The executive director of the Louisiana Association of Chiefs of
9 Police, or his designee.

10 (6) The president of the Louisiana District Judges Association, or his
11 designee.

12 (7) The executive director of the Louisiana Commission on Law
13 Enforcement and the Administration of Criminal Justice, or his designee.

14 (8) The president of the Louisiana Coroners Association, or his designee.

15 (9) The director of the Louisiana State Police Crime Laboratory, or his
16 designee.

17 (10) The president of the Louisiana Association of Forensic Scientists,
18 or his designee.

19 (11) The president of the Louisiana Hospitals Association, or her
20 designee.

21 (12) The secretary of the Department of Health and Hospitals, or his
22 designee.

23 (13) The executive director of the Louisiana State Board of Nursing, or
24 his designee.

25 (14) The executive director of the Louisiana CASA Association, or his
26 designee.

27 (15) The president of the Louisiana Children's Advocacy Center, or his
28 designee.

29 (16) The secretary of the Department of Children and Family Services,
30 or his designee.

1 (17) The deputy secretary of programs of the Department of Children
2 and Family Services, or his designee.

3 (18) The medical director of the Child At Risk Evaluation Center at
4 Children's Hospital of New Orleans, or his designee.

5 (19) The attorney general, or his designee.

6 (20) A member of the Association of Criminal Defense Lawyers selected
7 by its chief executive officer, or his designee.

8 (21) The superintendent of state police, or his designee.

9 (22) The director of the Louisiana Coalition Against Domestic Violence,
10 or his designee.

11 (23) The president of the Louisiana Juvenile Judges Association, or his
12 designee.

13 (24) A member of the House of Representatives appointed by the
14 speaker of the House of Representatives, or his designee.

15 (25) A member of the Senate appointed by the president of the Senate,
16 or his designee.

17 B. Members of the task force shall serve at the pleasure of the
18 appointing authority. The attorney general shall serve as chairman, and his
19 duties shall be established by the task force.

20 C. The task force shall fix a time and place for its regular meeting and
21 shall meet at least once during each calendar month. Additional special or
22 regular meetings may be held upon the call of the chairman.

23 D. A majority of the membership present shall constitute a quorum and
24 shall be necessary to take action.

25 §556. Duties of the task force

26 The task force shall examine issues relating to forensic examination of
27 sexual assault victims and investigation of sexual assault cases, including but not
28 limited to the following:

29 (1) The task force shall review and analyze all applicable state and
30 federal laws, rules, regulations, policies, procedures, and practices pertaining

1 to all of the following:

2 (a) What entities are performing and should perform forensic
3 examinations of sexual assault victims.

4 (b) What entities are financially responsible and should be financially
5 responsible for the forensic evidence collection from the victim of a sexual
6 assault.

7 (c) Which entities are being billed for the forensic examinations and
8 which entities should be billed for such examinations.

9 (d) What evidence is collected from the victim, how it is preserved, how
10 it is analyzed, and what are the best practices in these areas.

11 (e) What standards are being followed in the investigation of sexual
12 assault cases and what standards should be followed.

13 (f) What training is provided and what training should be provided to
14 law enforcement officers and staff of the Department of Children and Family
15 Services investigating sexual assault cases or cases of suspected sexual assault.

16 (g) What criteria are used and what criteria should be used in
17 designating cases as unfounded or in reclassifying cases involving completed or
18 attempted illegal sexual activity.

19 (h) The current reporting requirements and those recommended by the
20 Department of Children and Family Services regarding the number of
21 allegations of sexual abuse or assault reported and investigated and the number
22 of those which are validated or not validated.

23 (i) Reports by teachers, ministers, and other mandatory reporters to the
24 Department of Children and Family Services and law enforcement agencies,
25 standards for dual investigations and whether mandatory reporters should
26 report to both law enforcement agencies and the Department of Children and
27 Family Services.

28 (2) The task force shall report its findings and recommendations to the
29 governor, the president of the Senate, and the speaker of the House of
30 Representatives not later than December 31, 2012.

1 Section 2. The task force created by this Act shall terminate sixty days after the
2 report of findings and recommendations has been submitted.

3 Section 3. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____