HLS 20RS-1054 ORIGINAL

2020 Regular Session

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

HOUSE STUDY REQUEST NO. 1

BY REPRESENTATIVES MOORE, HILFERTY, MAGEE, PHELPS, AND DAVIS

CRIMINAL/VICTIMS: Requests a study of the various provisions of Louisiana law applicable to survivors of sexual assault and sexual assault cases

A STUDY REQUEST

To authorize and request the House Committee on the Administration of Criminal Justice, or a subcommittee thereof, to review provisions of Louisiana law applicable to victims of sexual assault and sexual assault cases, and to compare and identify differences between provisions of Louisiana law and the provisions of the federal Sexual Assault Survivors' Rights Act and similar laws from other states relative to sexual assault victims. WHEREAS, sexual assault is a serious and widespread problem affecting millions of people each year in the United States with one in three women and one in four men experiencing sexual assault involving physical contact during their lifetimes, and nearly one in five women and one in thirty-eight men experiencing completed or attempted rape; and WHEREAS, researchers know that these numbers underestimate this problem as many cases go unreported because victims may be ashamed, embarrassed, or afraid to report or because victims have been threatened with further harm if they report; and WHEREAS, by enacting laws that enable a victim of sexual assault to feel safe and supported while navigating the medical and legal processes resulting from the assault, it is more likely the victim will report the assault, the perpetrator will be held accountable, and the state will achieve safety for its communities and justice for the victim; and WHEREAS, in 2016 the United States Congress passed the Sexual Assault Survivors' Rights Act, also known as the sexual assault survivors' "bill of rights", which codifies the rights given under federal law to sexual assault victims; and

1 WHEREAS, in the wake of this federal legislation, a number of states have passed 2 similar laws modeled on the federal legislation to help protect the rights of sexual assault 3 victims; and 4 WHEREAS, the rights afforded to sexual assault victims in these "bill of rights" laws 5 include but are not limited to the following: 6 (1) The right to consult with a sexual assault counselor during any medical 7 evidentiary or physical examination, as well as the right to have a support person of the 8 victim's choosing present during any interview by a law enforcement official, prosecutor, 9 or defense attorney. 10 (2) The right to have counsel present during all stages of any medical examination, 11 interview, investigation, or other interaction with representatives from the legal or criminal 12 justice systems within the state. 13 (3) The right to prompt analysis of sexual assault forensic evidence and the right to 14 be informed of the results of the analysis through a secure and confidential message in 15 writing; and 16 WHEREAS, Louisiana law provides similar protections and rights to sexual assault 17 victims as well as protocols for the processing of sexual assault reports and cases throughout 18 various Titles of the Louisiana Revised Statutes and Codes; and 19 WHEREAS, such provisions include a standardized sexual assault collection kit and 20 protocols for forensic medical examinations, including requirements relative to the tracking 21 and reporting of the number of tested and untested collection kits; required procedures for 22 all licensed hospitals and healthcare providers when a person presents for treatment as a 23 victim of sexual assault; and provisions establishing the right of victims of sexual assault to 24 request the presence of a sexual assault advocate during the forensic medical examination 25 or interviews by law enforcement and the right to receive certain services, benefits, and other 26 forms of assistance provided by law; and 27 WHEREAS, although Louisiana law does provide for these protocols, procedures, 28 protections, and rights, it does so in separate provisions throughout various Titles of the

Louisiana Revised Statutes and Codes which could contribute to the uncertainty of a sexual

29

1

2 legal processes involved; and 3 WHEREAS, to address this issue and to enable a victim of sexual assault to feel safe 4 and supported while going through the medical evaluations and the process of seeking 5 justice for the assault, it is necessary to fully evaluate the Louisiana Revised Statutes and 6 Codes to identify the protections and rights afforded to victims of sexual assault under 7 Louisiana laws and to determine the relevant protocols and procedures applicable in sexual 8 assault cases from the perspective of the victim. 9 THEREFORE, the Legislature of Louisiana requests the House Committee on the 10 Administration of Criminal Justice, or a subcommittee thereof, to compile all provisions of 11 Louisiana law applicable to victims of sexual assault or in sexual assault cases, including but 12 not limited to provisions which accomplish the following: 13 (1) Establish the rights, services, benefits, or other forms of assistance to victims 14 including but not limited to medical treatment, civil causes of action, and protective orders 15 as well as the right to legal counsel and the presence of a sexual assault advocate or other 16 support person throughout various stages of the medical and legal processes. 17 (2) Establish the procedure adhered to by medical professionals when a victim of 18 sexual assault presents for treatment. 19 (3) Establish the procedure for the collection and analysis of sexual assault forensic 20 evidence, the procedure for tracking a sexual assault collection kit beginning at the time of 21 collection of the evidence and including receipt of the evidence by the crime laboratory, 22 testing of the forensic evidence, and completion of analysis by the crime laboratory. 23 THEREFORE, the Legislature of Louisiana further requests the House Committee 24 on the Administration of Criminal Justice, or a subcommittee thereof, to compare and 25 identify differences between provisions of Louisiana law and the provisions of the federal 26 Sexual Assault Survivors' Rights Act and similar sexual assault survivors' "bill of rights" 27 laws from other states, and to report its findings to the House of Representatives prior to the 28 convening of the 2021 Regular Session of the Legislature. 29 THEREFORE, in undertaking the study, the House Committee on the Administration 30 of Criminal Justice, or a subcommittee thereof, may seek input from various agencies and

assault victim in deciding whether to report the assault and in navigating the medical and

- 1 organizations and may request research, documents, or data, conduct public hearings, and
- 2 take any other actions it deems necessary to carry out its functions.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HSR 1 Original

2020 Regular Session

Moore

Requests the House Committee on the Administration of Criminal Justice, or a subcommittee thereof, to review provisions of La. law applicable to victims of sexual assault and sexual assault cases, and to compare and identify differences between provisions of La. law and the provisions of the federal Sexual Assault Survivors' Rights Act and similar laws from other states relative to sexual assault victims, and to report its findings prior to the convening of the 2021 R.S.