

# **2018 Legislative Proposals with Potential Impact on Sexual Assault Survivors**

List updated 5/3/18 - an updated version will be distributed if needed.

## **HOUSE**

### **Bills that are progressing:**

#### **HB 896 (P. Smith) (previously HB 81)**

Adds domestic abuse battery (second offense or greater or enhanced), battery of a dating partner (second offense or greater or enhanced), and certain violations of protective orders to the list of "crimes of violence."

- Substituted by HB 896, which has passed House, been reported favorably out of Senate committee and awaiting final passage as of 5/3/18.

#### **HB 207 (Bagley)**

Requires anyone who serves a temporary restraining order or protective order to send proof of that service to the Louisiana Protective Order Registry.

- Passed House; pending in Senate Judiciary Committee "B" as of 5/3/18.

#### **HB 237 (Leopold)**

Increases certain penalties with regard to the crime of pornography involving juveniles.

- Passed House; reported favorably out of Senate Judiciary Committee "C;" scheduled for vote on 5/7/18.

#### **HB 261 (Marino)**

Prohibits harassment by text message.

- Passed House; reported favorably with amendments from Sen. Jud. C; scheduled for vote on 5/7/18.

#### **HB 270 (Foil)**

Exempts specified personally identifying information related to reports of violations of student codes of conduct or other policies intended for the safety of students or employees of postsecondary education institutions from the Public Records Law

- Passed House; reported favorably in committee; referred to Legislative Bureau as of 5/3/18.

#### **HB 899(Hilferty) (previously HB 235)**

Requires the Responsible Vendor Program to develop an informational pamphlet regarding methods of identifying and responding to rape, sexual assault, sexual harassment, and sex trafficking.

- Reported by substitute on 4/13/18; now HB 899.
- Pending Senate Judiciary B

**HB 307 (Thomas)**

Prohibits public entities from disclosing victim contact info.

- Passed House; pending final Senate passage; vote scheduled on 5/7/18.

**HB 389 (G. Carter)**

Increases the term of imprisonment for the crime of sexual battery of persons with infirmities and provides for enhanced penalties when the victim is the resident of a nursing home or other facility and the offender is an employee of the facility.

- Reported favorably from committee; scheduled for floor debate on 5/7/18.

**HB 397 (Moreno)/SB 101 (Sen. Morrell & Rep. Moreno)**

Creates membership and provides duties of the La. Sexual Assault Oversight Commission. Replaces the AG's S.A. Task Force.

- Moreno's HB 397 is still in committee
- SB 101 passed Senate; reported favorably out of Senate committee; awaiting final passage.

**HB 443 (P. Smith)**

Requires a healthcare provider to notify law enforcement when a person age seventeen or younger presents for treatment of a sexually-oriented criminal offense. (Increases age from 16 to 17, resolving previous conflict in the law regarding mandatory reporting of sexual assault of a minor).

- Passed House; reported favorably out of committee; awaiting final passage - vote scheduled on 5/7/18.

**HB 469 (P. Smith)**

Changes jurisdiction for hearings on sexual assault protection orders. Present law allows district courts empowered to hear civil matters to have jurisdiction over proceedings related to sexual assault protection orders. Proposed law changes present law to require that proceedings related to sexual assault protection orders be heard in courts empowered to hear family or juvenile matters.

- Passed House; referred to Senate Judiciary "B;" still there as of 5/3/18.

**HB 474 (P. Smith)**

Requires law enforcement officers to receive mandatory training on domestic violence.

- Passed House; referred to Senate Judiciary "B;" still there as of 5/3/18.

**HB 524 (Carpenter/Moreno)**

Requires policies prohibiting sexual harassment and annual training on preventing sexual harassment.

- Passed out of the House (unanimously); passed Senate with amendments; awaiting House concurrence.

**HB 612 (Stokes)**

Strengthens video voyeurism laws.

- Passed House; reported out of Senate committee with amendments; awaiting final passage - vote scheduled 5/7/18.

**Bills that are still pending in first committee:**

**HB 115 (P. Smith)**

Allows for retroactive application of parole eligibility rates and rates for diminution of time for certain offenders who commit a violent crimes or sex offense.

- Considered in House Administration of Criminal Justice committee on 4/5/18 and still pending as of 5/3/18.

**HB 282 (Moreno/G. Carter)**

Prohibits anyone who has a stalking protective order against them or who has been convicted of stalking from possessing firearms.

- Pending House Administration of Criminal Justice committee as of 5/3/18.

**Bills that have failed or likely won't progress:**

**HB 554 (P. Smith)**

Adds an exception to present law by authorizing the state Dept. of Education and the La. Dept. of Health to anonymously survey students about their risk behavior associated with chronic health conditions, including those related to sexual health.

- Involuntarily deferred in committee (in other words, dead).

**HB 578 (Johnson & Hunter)**

Prohibits an employer from mandating forced arbitration in sexual harassment or veteran discrimination claims.

- **BILL FAILED:** Voted down in the House (3/26/18)

**HB 400 (Bagneris)**

Requires a 10-day waiting period for buying or selling firearms.

- Considered in committee on 4/17/18; still in committee (where it will likely die).

**HB 448 (G. Carter)**

Allows police or prosecutors to obtain a warrant to seize weapons from anyone deemed a danger to themselves or others.

- Considered in committee on 4/5/18; still sits in committee (where it will likely die).

**HB 458** (James)

Requires coroners and law enforcement agencies to report violent deaths to the office of public health and authorizes state participation in the National Violent Death Reporting System.

- Considered in committee 3/29/18 and still pending there (where it will likely die).

**HB 499** (P. Smith)

Requires rather than authorizes sex education in public schools. Further, lays out guidelines for effective sex education.

- Involuntarily deferred in committee (in other words, dead).

## **SENATE**

### **Bills that are progressing:**

**SB 60** (Martiny)

Adds a dating partner as a person who may recover exemplary damages. Extends prescriptive period for a civil action for domestic abuse, family violence or sexual abuse.

- Passed Senate; reported favorably out of House committee; awaiting final House vote.

**SB 105** (Morrell)

Provides that a person cannot give consent to sexual conduct while in police custody.

- Passed Senate; reported out of House committee favorably; awaiting final House passage as of 5/3/18.

**SB 147** (Morrell)

Proposes that a court shall stay (pause) proceedings in cases of defamation of character, libel, slander, or damage to reputation brought by an alleged perpetrator of sexual misconduct against the alleged victim. Further provides that the stay shall remain until the completion of all investigations, hearings, or proceedings relating to the allegations of sexual misconduct.

Further proposes that if the court determines that the defamation claim brought by an alleged perpetrator is fraudulent or frivolous, the court shall order the plaintiff to pay all

court costs and reasonable attorney fees and the defendant is entitled to exemplary damages.

Further proposes that a defendant (the survivor) shall not be required to prepay costs to file an answer in a defamation of character, libel, slander, or damage to reputation claim brought pursuant to proposed law.

Further proposes that if the plaintiff (perpetrator) in a claim brought pursuant to proposed law is a person against whom a bill of information or indictment has been made for the pertinent sexual misconduct, there shall be an evidentiary presumption that no defamation of character, libel, slander, or damage to reputation occurred.

- Passed Senate; reported out of House committee favorably; awaiting final House passage as of 5/3/18.

#### **SB 231 (Morrell)**

Creates firearm relinquishment process. Requires mandatory reporting of attempts to purchase a firearm by a prohibited possessor.

- Passed Senate; reported out of House committee favorably; awaiting final House passage as of 5/3/18.

#### **SB 233 (Morrell)**

Nullifies nondisclosure agreements to conceal criminal activity.

- Passed Senate; reported out of House committee favorably; awaiting final House passage as of 5/3/18.

#### **SB 291 (Barrow)**

Extends Post Separation Family Violence Relief Act considerations into all custody proceedings.

- Passed Senate; reported out of House committee favorably; awaiting final House passage as of 5/3/18.

#### **SB 558(Barrow) (previously SB 374)**

The Dept. of Public Safety & Corrections (DPSC) and private vendors operating private correctional facilities will provide certain hygiene products and privacy provisions for incarcerated people.

- Substitute bill adopted on Senate floor; now SB 558.
- Pending House final passage

### **Bills that have failed or likely won't progress:**

#### **SB 79 (Gatti)**

Increases penalties for teachers who engage in sexual relationships with students.

- Considered in committee on 3/20/18; deferred to add amendments. Considered again 4/20/18; pending in Sen. Jud. C as of 5/3/18 (where it will likely die).

**SB 369** (Barrow)

Provides that documents or records of an investigation alleging a form of sex discrimination involving a public employee of any public body are exempt from the Public Records Law.

- Considered by committee on 4/4/18; pending in Senate Governmental Affairs committee (where it will likely die).

**SB 404** (Hewitt)

Establishes sexual harassment prevention policies and training for state officials and employees.

- Reported out of committee with amendments; more amendments on Senate floor and sent back to committee on 4/10/18. Considered by committee on 4/18/18 and pending there (where it will likely die).

**SB 447** (Barrow)

Requires annual sexual harassment training for all public servants.

- Reported out of committee with amendments; more amendments on Senate floor and sent back to committee on 4/10/18. Considered by committee on 4/18/18 and pending there (where it will likely die).