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Governor Jindal Signs Bills to Protect and Support Victims of Sexual Assault

BATON ROUGE—Today, Governor Jindal signed four bills into law that will further protect and support victims of sexual assault. The pieces of legislation, HB 835, HB 143, SB 255, and SB 37 were included in Governor Jindal's 2015 Legislative Package. Over the past nine months, the administration collaborated with victims' advocates, legislators, law enforcement and Department of Health and Hospital (DHH) officials to produce a detailed plan to address concerns regarding the provision of services following a sexual assault. Collectively, these new laws ensure that no victim is directly billed for a sexual assault examination, that each victim has access to the same level of care and services in every parish and that all of the components of these systems—from hospitals and university campuses to advocate groups and law enforcement—have the relevant information and procedures in place to effectively execute sexual assault prevention, treatment, investigation and prosecution.

Governor Jindal said, "I'm proud to sign these crucial pieces of legislation into law that support and empower victims of sexual assault. These bills will ensure that victims of these horrendous crimes receive the medical services they deserve—all without having to worry about the unnecessary burdens and expenses that come with those tests."

DHH Secretary Kathy H. Kliebert said, "I am grateful for the leadership of Rep. Moreno, Sen. Morrell and many other members of the Louisiana Legislature who authored and passed legislation to support survivors of sexual assault. While it is my hope and prayer that no individual must ever endure sexual assault, I believe these changes will support their recovery and the possible prosecution of their attackers without imposing on them the high cost of gathering forensic evidence necessary to do so. Our Department is proud to continue to facilitate the discussions of regional response plans and to support Louisiana women and men who have survived these terrible crimes."

Stand and Support Survivors (SASS) Bill by Representative Helena Moreno

HB 835 by Rep. Moreno protects sexual assault victims and ensures that hospitals do not directly bill these individuals for medical exams and tests associated with sexual assault forensic medical

exams (FME). This law removes the requirement that victims report the crime to law enforcement within 72 hours of the incident in order to be eligible to apply for reparations from the Crime Victims Reparations Board (CVRB). Additionally, this law requires criminal justice agencies to submit sexual assault kits for testing within 30 days of receiving a request from a prosecuting agency or when there is an unknown suspect.

Rep. Helena Moreno said, "This legislation is a big step forward to ensure that victims of sexual assault not only receive the care they deserve, but also can begin the difficult road to recovery without having to carry the burden of related medical expenses. This will finally bring us towards providing victims effective, consistent and coordinated treatment all across the state."

In addition, this law empowers victims by:
1. Ensuring that hospitals utilize standardized billing definitions of a FME, developed by DHH, and that the evidence collection kits used for the FME meet standards that are developed jointly by DHH and Louisiana State Police (LSP).
2. Clarifying that a coroner or his designee is responsible for the sexual assault examinations regardless of whether or not the incident has been reported to police or is under investigation. An examination by the coroner or his designee ensures that an individual who does not immediately report the assault still has the option to report the assault later and will have the same standard of evidence collection as an individual who decides to report right away.
3. Ensuring that a victim's past sexual history cannot prevent or disqualify a victim from receiving reparations from the CVRB.

Additional Funding For Sexual Assault Medical Services by Representative Moreno:

HB 143 by Representative Moreno adds an additional source of funding specifically for the payment of services for sexual assault victims by directing funds from unclaimed and expired slot machine tickets, minus the amount paid in taxes by the casinos, into the Crime Victims Reparation Fund (CVRF). This unclaimed property is designated specifically to pay for sexual assault exams and tests from the CVRF.

Campus Sexual Assault Legislation by Senator Morrell

SB 255 by Senator Morrell requires annual sexual assault climate surveys on public postsecondary campuses and requires the Board of Regents to develop a Uniform Sexual Assault Policy that includes providing confidential and knowledgeable advisors to victims that are trained in all of the various options a student has in filing a report on sexual assault. This codifies in law the uniform policy called for by Governor Jindal's executive order in fall 2014. The bill also provides for a higher education transfer policy that requires institutions to communicate with each other regarding transfer of students against whom disciplinary action has been taken, or is pending, regarding a sexually-oriented criminal offense. Further, this law requires law enforcement and campus personnel to develop Memoranda of Understanding that facilitate the flow of confidential information to identify trends and work together to improve responses to incidents of sexual assault, while protecting personally identifiable information.

SB 37 by Senator Morrell requires the Peace Officer Standards and Training (POST) Council to develop a sexual assault awareness training program (as well as a homicide investigator training program) for college or university police officers. Furthermore, it requires all peace officers to complete the training.

Senator JP Morrell said, "We truly moved the ball forward this session when it comes to combating sexual assault. We've created the first framework for a Victim's Bill of Rights in Higher Education and our mandated statewide, anonymous campus climate survey is crucial to understanding the scope of sexual assault and to properly address the problem on college campuses in Louisiana. It's also essential that we've ensured that law enforcement that is investigating and adjudicating sexual

assault cases have proper training. Mandating training and climate surveys through legislation is the most effective way to produce results and we now lead the country in this area. ”

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