

Regular Session, 2012

SENATE BILL NO. 190

BY SENATOR DORSEY-COLOMB

CRIME/PUNISHMENT. Criminalizes the failure of an employee of any public college, university, or vo-tech school who has witnessed the sexual abuse of a child or student to report the incident to law enforcement or school administration. (gov sig)

1 AN ACT

2 To enact R.S. 14:403(A)(4), relative to abuse of children; to criminalize and make a felony  
3 the failure of any employee of a public postsecondary education institution who has  
4 witnessed the sexual abuse of a child or student to report such abuse to law  
5 enforcement or school administration; to provide for penalties; and to provide for  
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:403(A)(4) is hereby enacted to read as follows:

9 §403. Abuse of children; reports; waiver of privilege

10 A. \* \* \*

11 (4) Notwithstanding any other provision of this Subsection, any  
12 employee of a public postsecondary education institution who witnesses the  
13 sexual abuse of a child or student and knowingly and willfully fails to report the  
14 sexual abuse to law enforcement or school administration shall be guilty of a  
15 felony, and upon conviction shall be imprisoned, with or without hard labor, for  
16 not more than six months. A conviction pursuant to this Paragraph shall be  
17 considered prima facie evidence of the person's liability in any civil action that

1           **arises out of such failure to report.**

2   \*     \*     \*

3           Section 2. 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.

The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Present law requires certain persons to report the abuse, neglect, or sexual abuse of a child.

Proposed law makes it a felony for any employee of a public postsecondary education institution who witnesses the sexual abuse of a child or student to knowingly and willfully fail to report the sexual abuse to law enforcement or school administration.

Proposed law further provides that upon conviction, such person will be imprisoned, with or without hard labor, for not more than six months.

Proposed law further provides that a conviction pursuant to proposed law is prima facie evidence of liability in any civil action that arises out of such failure to report.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 14:403(A)(4))