

Support policies that create change for the better.

Please do not hesitate to contact LaFASA to learn more details about these bills.

Updates that concern
sexual assault and
related violence

2021 Legislation

HB 55 (Rep. Aimee A. Freeman)

Allows survivors to petition a civil court for a protective order by simple written affirmation (i.e., merely the survivor's signature with one witness signature), as opposed to formerly requiring a notarized signature. Effective August 1, 2021.

HB 375 (Rep. Aimee A. Freeman)

Allows early residential lease termination to a sexual assault survivor in certain circumstances. Effective June 1, 2021. *(See other side for details regarding necessary conditions).*

HB 379 (Rep. Ed Larvadain III)

Allows for award of punitive damages in a civil lawsuit upon proof that damages suffered were caused by sexual assault in the workplace. Effective August 1, 2021.

HB 394 (Rep. Neil Riser)

Requires each public college and university to publish on its website a quarterly security report that contains updated campus security policies and campus crime statistics. Effective August 1, 2021.

HB 409 (Rep. Aimee A. Freeman)

Specifically defines who is required to report power-based violence on university campuses and imposes mandatory termination for those who fail to comply. Effective August 1, 2021.

HB 452 (Rep. Paula Davis)

Creates the Louisiana Domestic Abuse Fatality Review Team to review the scope of DV related homicides and make recommendations on systemic changes, prevention, education, training, etc. Effective upon provision of sufficient funds through non-governmental sources or specifically appropriated by the legislature.

HB 492 (Rep. Jason Hughes)

Removes any statute of limitations on civil lawsuits against a person for sexual abuse of a minor or for physical abuse of a minor resulting in permanent impairment, physical injury, or scarring. Also provides a three-year "look-back" period in which survivors of child sexual abuse can proceed with these claims that have heretofore been barred by the previous statute of limitations. Effective June 14, 2021.

SB 170 (Sen. Ronnie Johns)

Creates office of human trafficking prevention and places it in the Governor office. Also moves current commissions on human trafficking into the Governor's office. Effective June 17, 2021.

SB 211 (Sen. Katrina Jackson)

Requires in-service training for teachers and other school personnel on adverse childhood experiences and trauma-informed education. Effective June 17, 2021.

SB 230 (Sen. Beth Mizell)

Specifically defines who is required to report power-based violence on university campuses and imposes mandatory termination for those who fail to comply. Also provides specific compliance measures including annual reports regarding power-based violence. Effective June 22, 2021.

SB 232 (Sen. Regina Barrow)

Creates the Louisiana Power-Based Violence Review Panel to serve higher education institutions as an advisory body for Title IX and power-based violence issues. Effective June 22, 2021.

Despite diligent efforts during the 2021 Legislative Sessions, legislators and advocates did not succeed with passage of bills seeking to decriminalize sex work, standardize definition of domestic violence to include coercive and controlling behavior, improve tracking of sexual assault collection kits, and to make arbitration clauses (relative to sexual harassment) unlawful as a condition of employment. Stay tuned to LaFASA and member sexual assault crisis centers to stay involved and encourage passage of these and other measures vital to sexual assault survivors.

LaFASA | Louisiana Foundation
Against Sexual Assault

If you are a survivor of sexual assault, contact our confidential, anonymous, and free helpline: Talk 888.995.7273, Text 225.351.SAFE (7233), or Chat thru lafasa.org for free crisis intervention. Visit www.lafasa.org for helpful information or to find free counseling and free legal advocacy.



EARLY LEASE TERMINATION REQUIREMENTS

In order to receive early termination, according to La. R.S. 9:3261.2, the lessee shall do ALL of the following:

- Assert in writing to the lessor that the lessee is a victim of sexual assault and that the lessee seeks early termination under this law;
- Provide the "Reasonable Documentation" (see below) that lessee was victim of SA in Louisiana within the past sixty (60) days, provided that the SA occurred after the execution of the lease agreement;
- If the SA did not occur on the leased premises, then the lessee shall give a declaration of why continuing to reside in the leased premises may pose a threat to the victim's safety;
- Assert in writing that the lessee will not knowingly and voluntarily permit the sexual offender further access to, visitation on, or occupancy of the lessee's residential dwelling unit, any of which could result in eviction or termination of the lease.
- Otherwise meet or agree to fulfill all requirements of a lessee under the lease agreement.

If the lessee fulfills all of the above, the lessor shall grant the lessee the requested early termination. If lessee requests early termination, the lessor shall terminate lease on mutually agreed upon date within thirty (30) days of the written request for termination; lessee must vacate. As such, the lessee is liable only for rent paid through the early termination date. Any amount due shall be paid before the date lessee vacates the dwelling.

If the lessee or additional lessee is a SA offender named on "reasonable documentation" presented to the lessor, the lessor shall be entitled to immediate eviction of the offender upon presentation of the "reasonable documentation" to the court. When there are multiple lessees party to a lease agreement and early termination is requested and all elements are met, the entire lease shall terminate on the mutually agreed upon date.

"Reasonable Documentation"

- A completed certification of sexual assault (example set forth below), signed under oath by a "qualified third-party (defined below) OR
- A Uniform Abuse Prevention Order (aka "protective order")

"Qualified Third Party"

- Program Director of a sexual assault center (defined La. R.S. 46:2187(2));
- A sexual assault advocate (defined La. R.S. 46:2186(C)), provided the advocate is a licensed clinical social worker or licensed professional counselor;
- Any healthcare provider that conducted a forensic medical examination (defined La. R.S. 15:622(2));
- Prosecuting attorney;
- Investigating law enforcement officer who has personal involvement in the investigation or prosecution of any criminal case relative to the sexual assault;

Example of Written Certification:

"(Name of qualified third party and, if applicable, the name of their sexual assault center, office, or agency)

I have suffered sexual assault as defined in La. R.S. 9:3261.2.

(Briefly describe the incident giving rise to the claim of sexual assault):

The incident(s) that I rely on in support of this declaration occurred on the following date(s) and time(s): _____ and at the following location(s): _____.

The incident(s) that I rely on in support of this declaration was/were committed by the following person(s) (if known): _____.

I state under the penalties provided in La. R.S. 14:125 that the foregoing is true and correct. By submitting this statement, I do not waive any legally recognized privilege protecting any communications that I have with the agency or representative whose name appears below or with any other person or entity. I understand that my obligation to pay rent does not end until the early termination date of my lease as decided by the lessor or until I vacate the premises upon receiving agreement by the lessor to terminate my obligations under the lease early.

Dated at _____, Louisiana, this _____ day of _____ 20 ____.

(Signature of Lessee)

I verify under the penalties provided in La. R.S. 14:125 that I have provided services to the person whose signature appears above and that, based on information communicated to me by the person whose signature appears above, the individual has suffered sexual assault as defined by La. R.S. 9:3261.2, and that the individual informed me of the name of the alleged perpetrator of the actions (if known), giving rise to the claim, if known. This verification does not waive any legally recognized privilege that I, my agency, or any of its representatives have with the person whose signature appears above.

Dated this day of _____, 20____.

(Signature of qualified third party)

PRINTED NAME

(License number or organizational tax identification number)

(Organization name)

(Printed address)