

RÉSUMÉ DIGEST

ACT 103 (HB 92)

2026 Regular Session

Schlegel

Existing law (R.S. 14:42) provides for the crime of first degree rape.

New law adds that rape committed when the victim is prevented from resisting the act because of the offender's application of force that overpowers the victim's ability to resist constitutes first degree rape.

Existing law (C.Cr.P. Art. 465) provides for specific indictment forms.

New law adds a specific indictment form for forcible rape or second degree rape.

Prior law (C.Cr.P. Art. 573.4) provided for an exception to the running of time limitations in existing law (C.Cr.P. Art. 572) to prosecute the crime of third degree rape and provided that the time limitations did not run until the crime was discovered by the victim.

New law repeals prior law and provides for a time limitation of 10 years to prosecute the crime of third degree rape unless another provision of law establishes a longer period.

Existing law (C.Cr.P. Art. 814) provides for responsive verdicts. Further provides for a responsive verdict for the crime of first degree rape.

New law amends the responsive verdict for first degree rape to provide an exception for when a victim is under the age of 13, makes technical revisions relative to the order in which the offenses are listed, adds attempted sexual battery as a lesser offense, and removes the reference to the prior law crime of oral sexual battery.

Prior law (R.S. 14:43.3) provided for the crime of oral sexual battery.

New law repeals prior law.

Effective August 1, 2026.

(Amends C.Cr.P. Arts. 465(A)(intro. para.), 573.4, and 814(A)(11); Adds R.S. 14:42(A)(8) and C.Cr.P. Art. 465(A)(47); Repeals R.S. 14:43.3)