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

DIGEST

SB 105 Original | 2018 Regular Session | Morrell

Present law provides relative to the crimes of rape and sexual battery. Present law further provides that lack of consent is an element of these crimes under certain circumstances.

Proposed law retains present law and adds that for purposes of the present law crimes of rape and sexual battery, a person is deemed incapable of consent when the person is under arrest or otherwise in the actual custody of a police officer or other law enforcement official and the offender is a police officer or other law enforcement official who either:

(1) Arrested the person or was responsible for maintaining the person in actual custody.

(2) Knows or reasonably should know that the person is under arrest or otherwise in actual custody.

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

(Adds R.S. 14:41.1)