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

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DIGEST

SB 236 Engrossed2018 Regular SessionMorrell

Present law provides that crime against nature includes the unnatural carnal copulation by a human being with another of the same sex or opposite sex or with an animal.

Proposed law deletes unnatural carnal copulation by a human being with an animal from the definition of crime against nature.

Proposed law otherwise retains present law.

Proposed law creates the crime of sexual abuse of an animal. Proposed law provides that any person who willfully commits any of the following acts is guilty of sexual abuse of an animal:

- (1) Engages in sexual contact with an animal.
- (2) Possesses, sells, transfers, purchases, or otherwise obtains an animal with the intent that it be subject to sexual contact.
- (3) Organizes, promotes, conducts, aids or abets, or participates in as an observer, any act involving sexual contact with an animal.
- (4) Causes, coerces, aids, or abets another person to engage in sexual contact with an animal.
- (5) Permits sexual contact with an animal to be conducted on any premises under his charge or control.
- (6) Advertises, solicits, offers, or accepts the offer of an animal with the intent that it be used for sexual contact.

Proposed law provides the following definitions:

- (1) "Animal" means any nonhuman creature, whether alive or dead.
- (2) "Sexual contact" means:
  - (a) Any act committed for the purpose of sexual arousal or sexual gratification, abuse, or financial gain, between a person and an animal involving contact between the sex organs or anus of one and the mouth, sex organs, or anus of the other.
  - (b) The insertion, however slight, of any part of the body of a person or any object into

the vaginal or anal opening of an animal, touching by a person of the sex organs or anus of an animal, or the insertion of any part of the animal's body into the vaginal or anal opening of the person.

Proposed law does not apply to the following:

- (1) Accepted veterinary practices.
- (2) Artificial insemination of an animal for reproductive purposes.
- (3) Accepted animal husbandry practices, including grooming, raising, breeding, or assisting with the birthing process of animals or any other procedure that provides care for an animal.
- (4) Generally accepted practices related to the judging of breed conformation.

Proposed law provides the following penalties:

- (1) Whoever commits the offense of sexual abuse of an animal is to be fined up to \$2,000, imprisoned with or without hard labor for up to five years, or both.
- (2) Whoever causes serious bodily injury or death to an animal during a violation of proposed law, or who commits a second or subsequent offense of sexual abuse of an animal, is to be fined between \$5,000 and \$25,000, or imprisoned with or without hard labor for between one year and 10 years, or both.

Proposed law provides that in addition to any other penalty imposed, a person convicted of violating proposed law is to be ordered to:

- (1) Relinquish custody of all animals.
- (2) Not harbor, own, possess, or exercise control over any animal.
- (3) Not reside in any household where an animal is present, engage in an occupation, whether paid or unpaid, involving animals, or participate in a volunteer position at any establishment where animals are present, for any length of time deemed appropriate by the court, but not less than five years.
- (4) Undergo a psychological evaluation for sex offenders and participate in any recommended psychological treatment, and any costs associated with any evaluation or treatment ordered by the court must be paid by the defendant.
- (5) If the convicted person is not the owner, reimburse the owner for any expenses incurred for medical treatment or rehabilitation of the victimized animal.

Proposed law provides that any law enforcement officer investigating a violation of proposed law

may lawfully take possession of an animal that he has reason to believe has been victimized under proposed law in order to protect the health or safety of the animal or the health or safety of others, and to obtain evidence of the offense.

Proposed law provides that any animal seized pursuant to proposed law is to be promptly taken to a shelter facility or veterinary clinic to be examined by a veterinarian for evidence of sexual contact.

Proposed law provides that with respect to an animal seized and impounded, all provisions of present law relative to animals treated cruelly apply to the seizure, impoundment, and disposition of the animal.

Proposed law provides that prosecution under proposed law does not preclude prosecution under any other applicable provision of present law.

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

(Amends R.S. 14:89(A)(1); adds R.S. 14:89.3)