

2018 Regular Session

HOUSE BILL NO. 389

BY REPRESENTATIVES GARY CARTER, AMEDEE, BAGLEY, BAGNERIS, BOUIE, CHAD BROWN, COX, DUPLESSIS, FALCONER, HODGES, HOLLIS, HORTON, HOWARD, JAMES, LEBAS, LYONS, MACK, MARCELLE, JAY MORRIS, PEARSON, PIERRE, REYNOLDS, RICHARD, SMITH, THIBAUT, AND WRIGHT AND SENATORS ALARIO, CARTER, MILLS, MORRELL, PEACOCK, GARY SMITH, THOMPSON, AND WALSWORTH

1 AN ACT

2 To amend and reenact R.S. 14:93.5(B) and (D), relative to sexual battery of persons with
3 infirmities; to provide relative to the crime of sexual battery of persons with
4 infirmities; to increase the penalties for the crime of sexual battery of persons with
5 infirmities; to provide penalties for the crime when the victim is the resident of a
6 nursing home or residential facility and the offender is an employee of such facility;
7 and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:93.5(B) and (D) are hereby amended and reenacted to read as
10 follows:

11 §93.5. Sexual battery of persons with infirmities

12 * * *

13 B. For purposes of this Section, "sexual acts" mean either of the following:

14 (1) The touching of the anus or genitals of the victim by the offender using
15 any instrumentality or any part of the body of the offender; ~~or,~~

16 (2) The touching of the anus or genitals of the offender by the victim using
17 any instrumentality or any part of the body of the victim.

18 * * *

1 D.(1) ~~Whoever~~ Except as provided in Paragraph (2) of this Subsection,
 2 whoever commits the crime of sexual battery of persons with infirmities shall be
 3 punished by imprisonment, with or without hard labor, for not more than ~~ten~~ twenty
 4 years.

5 (2) If the victim is a resident of a nursing home, facility for persons with
 6 intellectual disabilities, mental health facility, hospital, or other residential facility
 7 and the offender is an employee of such home or facility, the offender shall be
 8 punished by imprisonment, with or without hard labor, for not more than twenty-five
 9 years.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____