

2021 Regular Session

HOUSE BILL NO. 251

BY REPRESENTATIVE JONES

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/PROCEDURE: Provides relative to time limitations for instituting prosecution for crimes with victims with infirmities

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 573.1, relative to time limitations
3 for instituting prosecutions; to provide relative to time limitations in which to
4 institute prosecution for crimes related to victims with infirmities; to provide for
5 definitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 573.1 is hereby amended and
8 reenacted to read as follows:

9 Art. 573.1. Running of time limitations; exception; ~~exploitation of~~ persons with
10 infirmities

11 A. The time limitations established by Article 572 of this Code shall not
12 commence to run as to ~~the~~ any crime of exploitation of persons wherein the victim
13 is a person with infirmities (~~R.S. 14:93.4~~) until the crime is discovered by a
14 competent victim, or in the case of an incompetent victim, by a ~~competent third~~
15 ~~person~~ law enforcement officer. This shall include but is not limited to the crimes
16 of simple battery of persons with infirmities (R.S. 14:35.2), cruelty to persons with
17 infirmities (R.S. 14:93.3), exploitation of persons with infirmities (R.S. 14:93.4),
18 sexual battery of persons with infirmities (R.S. 14:93.5), and abuse of persons with
19 infirmities through electronic means (R.S. 14:283.3).

1 B.(1) "Persons with infirmities" shall mean a person who suffers from a
 2 mental or physical disability, including those associated with advanced age, which
 3 renders the person incapable of adequately providing for their personal care. The
 4 term "persons with infirmities" may include but is not limited to any individual who
 5 is an outpatient or resident of a nursing home, facility for persons with intellectual
 6 disabilities, mental health facility, hospital, or other residential facility, or a recipient
 7 of home or community-based care or services.

8 (2) "Law enforcement officer" shall mean any employee of the state, a
 9 political subdivision, a municipality, a sheriff, or other public agency whose
 10 permanent duties include the making of arrests, the performing of searches and
 11 seizures, or the execution of criminal warrants, and who is responsible for the
 12 prevention or detection of crime or for the enforcement of the penal, traffic, or
 13 highway laws of this state.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 251 Original

2021 Regular Session

Jones

Abstract: Provides relative to the running of time limitations when the victim is a person with infirmities and provides for definitions.

Present law (C.Cr.P. Art. 572) provides that no person shall be prosecuted, tried, or punished for an offense not punishable by death or life imprisonment, unless the prosecution is instituted within the following periods of time after the offense has been committed:

- (1) Six years, for a felony necessarily punishable by imprisonment at hard labor.
- (2) Four years, for a felony not necessarily punishable by imprisonment at hard labor.
- (3) Two years, for a misdemeanor punishable by a fine, or imprisonment, or both.
- (4) Six months, for a misdemeanor punishable only by a fine or forfeiture.

Present law (C.Cr.P. Art. 573.1) provides for an exception to these present law time limitations for the crime of exploitation of persons with infirmities, which shall not commence to run until the crime is discovered by a competent victim, or in the case of an incompetent victim, by a competent third person.

Proposed law provides that the time limitations established by present law (C.Cr.P. Art. 572) shall not commence to run as to any crime wherein the victim is a person with infirmities until the crime is discovered by a competent victim, or in the case of an incompetent victim,

by a law enforcement officer. Further provides that the exception to the present law time limitations shall include the following present law crimes: simple battery of persons with infirmities, cruelty to persons with infirmities, exploitation of persons with infirmities, sexual battery of persons with infirmities, and abuse of persons with infirmities through electronic means.

Proposed law provides for definitions for the terms of "persons with infirmities" and "law enforcement officer".

(Amends C.Cr.P. Art. 573.1)