

2024 Regular Session

SENATE BILL NO. 371

BY SENATOR BARROW

CRIME/PUNISHMENT. Provides for surgical castration of persons convicted of certain crimes when the victim is under the age of thirteen. (8/1/24)

1 AN ACT

2 To enact R.S. 14:43.7, relative to sentencing for certain sex offenses; to provide relative to
3 the administration of surgical castration for sex offenses when the victim is under the
4 age of thirteen at the time of the offense; to provide for medical evaluations of the
5 offender conducted prior to treatment; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:43.7 is hereby enacted to read as follows:

8 **§43.7. Administration of surgical castration for certain sex offenders; failure to**
9 **comply with court order**

10 **A. Notwithstanding any other provision of law to the contrary, upon**
11 **conviction of any sex offense as defined in R.S. 15:541, occurring on or after**
12 **August 1, 2024, when the victim is under the age of thirteen at the time of the**
13 **offense, in addition to any other sentence imposed for the offense, the court may**
14 **sentence the offender to be surgically castrated, to be administered by the**
15 **Department of Public Safety and Corrections by a licensed physician. The**
16 **department shall provide the services necessary to perform the castration.**

17 **B.(1) An order of the court sentencing a defendant to surgical castration**

1 under this Section shall be contingent upon a determination by a court
 2 appointed medical expert that the defendant is an appropriate candidate for
 3 surgery. Notwithstanding Paragraph (2) of this Subsection, this determination
 4 shall be made not later than sixty days from the imposition of sentence.

5 (2) In all cases involving a defendant sentenced to a period of
 6 incarceration or confinement in an institution, the procedure shall be
 7 performed not later than one week prior to the defendant's release from the
 8 institution.

9 (3) If a defendant fails to appear as required by court order for purposes
 10 of the procedure, or refuses to allow the procedure, then the defendant shall be
 11 charged with a violation of the provisions of this Section. Upon conviction, the
 12 offender shall be imprisoned, with or without hard labor, for not less than three
 13 years nor more than five years without benefit of probation, parole, or
 14 suspension of sentence.

15 C. Nothing in this Section shall be construed to require the surgical
 16 castration when it is not medically appropriate.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jonathon Wagner.

DIGEST

SB 371 Engrossed

2024 Regular Session

Barrow

Proposed law provides that when an offender commits a sex offense against a victim who is under the age of 13 at the time of the offense, the court may sentence the offender to surgical castration, to be performed by a licensed physician.

Proposed law further provides that the procedure is contingent upon a determination by a court appointed medical expert that the defendant is an appropriate candidate for surgery, which must be made within 60 days of imposition of sentence. Proposed law further provides that when the offender is sentenced to a period of incarceration or confinement in an institution, the procedure must be performed no later than one week prior to the release of the offender.

Proposed law requires the Dept. of Public Safety and Corrections to provide the services necessary to complete the procedure, but the procedure will not be performed if it is not medically appropriate.

Proposed law further provides that if an offender fails to appear or refuses to undergo the procedure, the offender may be charged with failure to comply with the court order and

sentenced to imprisonment between three and five years, without benefit of parole, probation, or suspension of sentence.

Effective August 1, 2024.

(Adds R.S. 14:43.7)