

CONFERENCE COMMITTEE REPORT

SB 371

2024 Regular Session

Barrow

May 31, 2024

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill No. 371 by Senator Barrow, recommend the following concerning the Reengrossed bill:

1. That the set of House Floor Amendments, designated as HFASB371 4274 4803, proposed by Representative Boyd and adopted by the House of Representatives on May 22, 2024, be adopted.
2. That the set of House Floor Amendments, designated as HFASB371 4274 5048, proposed by Representative Boyd and adopted by the House of Representatives on May 22, 2024, be rejected.
3. That all House Floor Amendments proposed by Representative Hilferty and adopted by the House of Representatives on May 22, 2024, be rejected.
4. That the following amendments to the reengrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 2, after "To" insert "amend and reenact the introductory paragraph of R.S. 14:91.2(B) and to"

AMENDMENT NO. 2

On page 1, line 5, after "treatment;" insert:

"to provide an exception; to provide relative to the crime of unlawful presence of a sex offender; to raise the maximum age of the victim of the underlying offense under certain circumstances;"

AMENDMENT NO. 3

On page 1, line 7, before "R.S. 14:43.7" insert "The introductory paragraph of R.S. 14:91.2(B) is hereby amended and reenacted and"

AMENDMENT NO. 4

On page 2, after line 18, insert:

"D. The provisions of this Section shall not apply to an offender who is under the age of seventeen years.

* * *

§91.2. Unlawful presence of a sex offender

* * *

B. The following acts, when committed by a person convicted of **either** an aggravated offense as defined in R.S. 15:541 when the victim is under the age of **thirteen fifteen** years, **or pornography involving juveniles as defined in R.S.**

14:81.1 when the victim is under the age of fifteen years, shall constitute the crime of unlawful residence or presence of a sex offender:

* * *"

Respectfully submitted,

Senators:

Representatives:

Senator Regina Ashford Barrow

Representative Debbie Villio

Senator Mark Abraham

Representative Delisha Boyd

Senator John C. "Jay" Morris III

Representative Stephanie Hilferty

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

CONFERENCE COMMITTEE REPORT DIGEST

SB 371

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Keyword and summary of the bill as proposed by the Conference Committee

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

Report adopts House amendments to:

1. Provide that proposed law does not apply to an offender under the age of 17 years.
2. Make technical changes.

Report rejects House amendments which would have:

1. Raised the the maximum age of the victim of a sex offense underlying the crime of unlawful presence of a sex offender from 13 years to 14 years.

Report amends the bill to:

1. Raise the maximum age of the victim of the underlying aggravated sex offense required as an element of the crime of unlawful presence of a sex offender from 13 years to 15 years.
2. Add the crime of pornography involving juveniles when the victim is under the age of 15 as an underlying offense to the crime of unlawful presence of a sex offender.

Digest of the bill as proposed by the Conference Committee

Proposed law provides that when an offender over the age of 17 years commits a sex offense against a victim under the age of 13 years, and the sex offense is also an aggravated offense as defined in present law, except for (1) sexual battery of a victim under the age of 13 years when the offender is 17 years of age or older and (2) second degree sexual battery, the court may sentence the offender to surgical castration. Proposed law further provides that the procedure is contingent upon a determination by a court-appointed medical expert that the offender is an appropriate candidate for surgery, which determination 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, 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 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 for between three and five years without benefit of parole, probation, or suspension of sentence.

Present law provides that a person convicted of an aggravated sex offense as defined in present law may not be present or reside in certain locations when the victim was under the age of 13 years.

Proposed law increases the maximum age of the victim of the underlying aggravated sex offense required as an element of the crime of unlawful presence of a sex offender from 13 years to 15 years. Proposed law also adds the crime of pornography involving juveniles

when the victim is under the age of 15 as an underlying offense to the crime of unlawful presence of a sex offender.

Proposed law otherwise retains present law.

Effective August 1, 2024.

(Amends R.S. 14:91.2(B)(intro. para.); adds R.S. 14:43.7)