1

SENATE BILL NO. 371

## BY SENATOR BARROW AND REPRESENTATIVE BOYD

2	To amend and reenact the introductory paragraph of R.S. 14:91.2(B) and to enact R.S.
3	14:43.7, relative to sentencing for certain sex offenses; to provide relative to the
4	administration of surgical castration for sex offenses when the victim is under the
5	age of thirteen at the time of the offense; to provide for medical evaluations of the
6	offender conducted prior to treatment; to provide an exception; to provide relative
7	to the crime of unlawful presence of a sex offender; to raise the maximum age of the
8	victim of the underlying offense under certain circumstances; and to provide for
9	related matters.
10	Be it enacted by the Legislature of Louisiana:
11	Section 1. The introductory paragraph of R.S. 14:91.2(B) is hereby amended and
12	reenacted and R.S. 14:43.7 is hereby enacted to read as follows:
13	§43.7. Administration of surgical castration for certain sex offenders; failure to
14	comply with court order
15	A. Notwithstanding any other provision of law to the contrary, upon
16	conviction of any sex offense as defined in R.S. 15:541 that is also an aggravated
17	offense as defined in R.S. 15:541, except sexual battery prosecuted under R.S.

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1	14:43.1(C)(2) and second degree sexual battery, occurring on or after August
2	1, 2024, when the victim is under the age of thirteen at the time of the offense,
3	in addition to any other sentence imposed for the offense, the court may
4	sentence the offender to be surgically castrated, to be administered by the
5	Department of Public Safety and Corrections by a licensed physician. The
6	department shall provide the services necessary to perform the castration.
7	B.(1) An order of the court sentencing an offender to surgical castration
8	under this Section shall be contingent upon a determination by a court
9	appointed medical expert that the offender is an appropriate candidate for
10	surgery. Notwithstanding Paragraph (2) of this Subsection, this determination
11	shall be made not later than sixty days from the imposition of sentence.
12	(2) In all cases involving an offender sentenced to a period of
13	incarceration or confinement in an institution, the procedure shall be
14	performed not later than one week prior to the offender's release from the
15	institution.
16	(3) If an offender fails to appear as required by court order for purposes
17	of the procedure, or refuses to allow the procedure, then the offender shall be
18	charged with a violation of the provisions of this Section. Upon conviction, the
19	offender shall be imprisoned, with or without hard labor, for not less than three
20	years nor more than five years without benefit of probation, parole, or
21	suspension of sentence.
22	C. Nothing in this Section shall be construed to require the surgical
23	castration when it is not medically appropriate.
24	D. The provisions of this Section shall not apply to an offender who is
25	under the age of seventeen years.
26	* * *
27	§91.2. Unlawful presence of a sex offender
28	* * *
29	B. The following acts, when committed by a person convicted of either an
30	aggravated offense as defined in R.S. 15:541 when the victim is under the age of

1 thirteen fifteen years, or pornography involving juveniles as defined in R.S.
2 14:81.1 when the victim is under the age of fifteen years, shall constitute the crime
3 of unlawful residence or presence of a sex offender:
4 \* \* \*

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_\_\_

**ENROLLED** 

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