

2025 Regular Session

HOUSE BILL NO. 76

BY REPRESENTATIVES MOORE AND BILLINGS

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

CRIME/SEX OFFENSES: Creates the crime of felony intentional infection of a sexually transmitted disease

1 AN ACT

2 To amend and reenact R.S. 15:541(24)(a) and to enact R.S. 14:43.5.1, relative to sex
3 offenses; to create the crime of felony intentional infection of an incurable sexually
4 transmitted disease; to provide for elements; to provide for penalties; to provide with
5 respect to sex offender registration and notification requirements; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:43.5.1 is hereby enacted to read as follows:

9 §43.5.1. Felony intentional infection of an incurable sexually transmitted disease

10 A. No person shall knowingly and intentionally infect another human with
11 an incurable transmitted disease through sexual contact without the knowing and
12 lawful consent of the victim, if at the time of exposure, the infected person knew he
13 had an incurable sexually transmitted disease, through any of the following:

14 (1) Sexual intercourse or sodomy with another individual.

15 (2) Selling or donating one's own blood, blood products, semen, tissue,
16 organs, or other bodily fluids.

17 (3) Sharing with another individual a hypodermic needle, syringe, or both.

18 B. No person shall knowingly and intentionally infect another human with
19 an incurable sexually transmitted disease through any means or contact without the

1 knowing and lawful consent of the victim, if at the time of the infection, the infected
2 person knew he had an incurable sexually transmitted disease.

3 C.(1) Whoever commits the crime of felony intentional infection of an
4 incurable sexually transmitted disease shall be fined not more than five thousand
5 dollars, imprisoned with or without hard labor for not more than ten years, or both.

6 (2) Whoever commits the crime of felony intentional infection of an
7 incurable sexually transmitted disease, when the victim is under the age of thirteen
8 years when the offense occurred and the offender is seventeen years of age or older,
9 shall be imprisoned at hard labor for not less than twenty-five years nor more than
10 ninety-nine. At least twenty-five years of the sentence shall be served without
11 benefit of parole, probation, or suspension of sentence.

12 (3) Whoever commits the crime of felony intentional infection of an
13 incurable sexually transmitted disease when the victim is under the age of eighteen
14 years and there is an age difference greater than two years shall be fined not more
15 than ten thousand dollars, imprisoned with or without hard labor for not less than ten
16 nor more than twenty-five years, or both. At least ten years of the sentence shall be
17 served without benefit of parole, probation, or suspension of sentence.

18 (4) Whoever commits the crime of felony intentional infection of an
19 incurable sexually transmitted disease when the victim is sixty-five years of age or
20 older shall be fined not more than twenty thousand dollars, imprisoned with or
21 without hard labor for not more than twenty-five years, or both.

22 (5) Whoever commits the crime of felony intentional infection of an
23 incurable sexually transmitted disease when the victim has previously been
24 diagnosed as having an intellectual disability shall be fined no more than ten
25 thousand dollars, imprisoned with or without hard labor for not more than fifteen
26 years, or both.

27 D.(1) It is an affirmative defense that the person infected with an incurable
28 sexually transmitted disease knew the infected person was infected and knew the

1 action could result in infection with an incurable sexually transmitted disease and
2 gave consent to the action with that knowledge.

3 (2) It is an affirmative defense that the person infected with an incurable
4 sexually transmitted disease disclosed his status to the victim and took practical
5 means to prevent transmission as advised by a physician or other healthcare provider
6 or is a healthcare provider who was following professionally accepted infection
7 control procedures.

8 Section 2. R.S. 15:541(24)(a) is hereby amended and reenacted to read as follows:

9 §541. Definitions

10 For the purposes of this Chapter, the definitions of terms in this Section shall
11 apply:

12 * * *

13 (24)(a) "Sex offense" means deferred adjudication, adjudication withheld,
14 or conviction for the perpetration or attempted perpetration of or conspiracy to
15 commit human trafficking when prosecuted under the provisions of R.S.
16 14:46.2(B)(2), R.S. 14:46.3 (trafficking of children for sexual purposes), R.S. 14:89
17 (crime against nature), R.S. 14:89.1 (aggravated crime against nature), R.S.
18 14:89.2(B)(3) (crime against nature by solicitation), R.S. 14:80 (felony carnal
19 knowledge of a juvenile), R.S. 14:81 (indecent behavior with juveniles), R.S. 14:81.1
20 (pornography involving juveniles), R.S. 14:81.2 (molestation of a juvenile or a
21 person with a physical or mental disability), R.S. 14:81.3 (computer-aided
22 solicitation of a minor), R.S. 14:81.4 (prohibited sexual conduct between an educator
23 and student), R.S. 14:82.1 (prostitution; persons under eighteen), R.S. 14:82.2(C)(4)
24 and (5) (purchase of commercial sexual activity), R.S. 14:92(A)(7) (contributing to
25 the delinquency of juveniles), R.S. 14:93.5 (sexual battery of persons with
26 infirmities), R.S. 14:106(A)(5) (obscenity by solicitation of a person under the age
27 of seventeen), R.S. 14:283 (video voyeurism), R.S. 14:41 (rape), R.S. 14:42
28 (aggravated or first degree rape), R.S. 14:42.1 (forcible or second degree rape), R.S.
29 14:43 (simple or third degree rape), R.S. 14:43.1 (sexual battery), R.S. 14:43.2

1 (second degree sexual battery), R.S. 14:43.3 (oral sexual battery), R.S. 14:43.5
 2 (intentional exposure to HIV), R.S. 14:43.5.1 (felony intentional infection of an
 3 incurable sexually transmitted disease), a second or subsequent conviction of R.S.
 4 14:283.1 (voyeurism), or a second or subsequent conviction of R.S. 14:89.3 (sexual
 5 abuse of an animal), committed on or after June 18, 1992, or committed prior to June
 6 18, 1992, if the person, as a result of the offense, is under the custody of the
 7 Department of Public Safety and Corrections on or after June 18, 1992. A conviction
 8 for any offense provided in this definition includes a conviction for the offense under
 9 the laws of another state, or military, territorial, foreign, tribal, or federal law which
 10 is equivalent to an offense provided for in this Chapter, unless the tribal court or
 11 foreign conviction was not obtained with sufficient safeguards for fundamental
 12 fairness and due process for the accused as provided by the federal guidelines
 13 adopted pursuant to the Adam Walsh Child Protection and Safety Act of 2006.

14 * * *

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 76 Engrossed

2025 Regular Session

Moore

Abstract: Creates the crime of felony intentional infection of a sexually transmitted disease and designates this crime as a sex offense.

Proposed law provides that the crime of felony intentional infection of a sexually transmitted disease is when a person with an incurable sexually transmitted disease knowingly and intentionally infects another person through sexual contact or any means or contact without that person's knowledge.

Proposed law provides penalties based on the age of the victim and offender or on a diagnosed intellectual disability of the victim.

Proposed law provides affirmative defenses to the crime of felony intentional infection to a sexually transmitted disease.

Present law (R.S. 15:541(24)(a)) defines the term "sex offense".

Proposed law amends present law to include the proposed law crime of felony intentional infection of a sexually transmitted disease within the term "sex offense".

(Amends R.S. 15:541(24)(a); Adds R.S. 14:43.5.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes.
2. Clarify that proposed law applies to incurable sexually transmitted diseases (STD).
3. Clarify that the state of mind for this crime is when the conduct is committed knowingly and intentionally.
4. Add, as an element of proposed law, infection of an STD through any means or contact if the infected person knew he had an incurable STD at the time of the exposure and the victim had not given consent.
5. Clarify that certain penalties of proposed law apply when the victim, rather than the offender, has been diagnosed with an intellectual disability.
6. Remove the burden of proof for asserting an affirmative defense relative to the knowledge of the person exposed to the STD.
7. Remove proposed law provisions relative to lifetime supervision of the offender upon release from imprisonment.
8. Designate the felony violation of proposed law as a sex offense.
9. Provide that proposed law applies to "infection" rather than "exposure".