

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 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. Intentional infection of an incurable sexually transmitted disease

10 A. Intentional infection of an incurable sexually transmitted disease is when
11 a person has the specific intent to infect another human with an incurable transmitted
12 disease without the knowing and lawful consent of the victim, the offender knew he
13 had an incurable sexually transmitted disease at the time of infection, and the
14 offender engaged in any of the following:

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

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

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

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

1 (2) Whoever commits the crime of intentional infection of an incurable
2 sexually transmitted disease, when the victim is under the age of thirteen years when
3 the offense occurred and the offender is seventeen years of age or older, shall be
4 imprisoned at hard labor for not less than twenty-five years nor more than ninety-
5 nine years. At least twenty-five years of the sentence shall be served without benefit
6 of parole, probation, or suspension of sentence. Lack of knowledge of the victim's
7 age shall not be a defense.

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

15 (4) Whoever commits the crime of intentional infection of an incurable
16 sexually transmitted disease when the victim is sixty-five years of age or older shall
17 be fined not more than twenty thousand dollars, imprisoned with or without hard
18 labor for not more than twenty-five years, or both. Lack of knowledge of the
19 victim's age shall not be a defense.

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

24 C.(1) It is an affirmative defense that the victim knew the infected person
25 was infected and knew the action could result in infection with an incurable sexually
26 transmitted disease and gave consent to the action with that knowledge.

27 (2) It is an affirmative defense that the person infected with an incurable
28 sexually transmitted disease disclosed his status to the victim and took practical
29 means to prevent transmission as advised by a physician or other healthcare provider

1 or is a healthcare provider who was following professionally accepted infection
2 control procedures.

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

4 §541. Definitions

5 For the purposes of this Chapter, the definitions of terms in this Section shall
6 apply:

7 * * *

8 (24)(a) "Sex offense" means deferred adjudication, adjudication withheld,
9 or conviction for the perpetration or attempted perpetration of or conspiracy to
10 commit human trafficking when prosecuted under the provisions of R.S.
11 14:46.2(B)(2), R.S. 14:46.3 (trafficking of children for sexual purposes), R.S. 14:89
12 (crime against nature), R.S. 14:89.1 (aggravated crime against nature), R.S.
13 14:89.2(B)(3) (crime against nature by solicitation), R.S. 14:80 (felony carnal
14 knowledge of a juvenile), R.S. 14:81 (indecent behavior with juveniles), R.S. 14:81.1
15 (pornography involving juveniles), R.S. 14:81.2 (molestation of a juvenile or a
16 person with a physical or mental disability), R.S. 14:81.3 (computer-aided
17 solicitation of a minor), R.S. 14:81.4 (prohibited sexual conduct between an educator
18 and student), R.S. 14:82.1 (prostitution; persons under eighteen), R.S. 14:82.2(C)(4)
19 and (5) (purchase of commercial sexual activity), R.S. 14:92(A)(7) (contributing to
20 the delinquency of juveniles), R.S. 14:93.5 (sexual battery of persons with
21 infirmities), R.S. 14:106(A)(5) (obscenity by solicitation of a person under the age
22 of seventeen), R.S. 14:283 (video voyeurism), R.S. 14:41 (rape), R.S. 14:42
23 (aggravated or first degree rape), R.S. 14:42.1 (forcible or second degree rape), R.S.
24 14:43 (simple or third degree rape), R.S. 14:43.1 (sexual battery), R.S. 14:43.2
25 (second degree sexual battery), R.S. 14:43.3 (oral sexual battery), R.S. 14:43.5
26 (intentional exposure to HIV), R.S. 14:43.5.1 (intentional infection of an incurable
27 sexually transmitted disease), a second or subsequent conviction of R.S. 14:283.1
28 (voyeurism), or a second or subsequent conviction of R.S. 14:89.3 (sexual abuse of
29 an animal), committed on or after June 18, 1992, or committed prior to June 18,

1 1992, if the person, as a result of the offense, is under the custody of the Department
 2 of Public Safety and Corrections on or after June 18, 1992. A conviction for any
 3 offense provided in this definition includes a conviction for the offense under the
 4 laws of another state, or military, territorial, foreign, tribal, or federal law which is
 5 equivalent to an offense provided for in this Chapter, unless the tribal court or
 6 foreign conviction was not obtained with sufficient safeguards for fundamental
 7 fairness and due process for the accused as provided by the federal guidelines
 8 adopted pursuant to the Adam Walsh Child Protection and Safety Act of 2006.

9 * * *

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 Reengrossed

2025 Regular Session

Moore

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

Proposed law provides that the crime of intentional infection of a sexually transmitted disease is when a person has the specific intent to infect another human with an incurable transmitted disease without the knowing and lawful consent of the victim, the offender knew he had an incurable sexually transmitted disease at the time of infection, and the offender engaged in certain conduct

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 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 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".

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Redefine the elements of proposed law.
3. Provide that lack of knowledge of the victim's age shall not be a defense when the proposed law offense is committed against certain individuals.
4. Relative to the raising of an affirmative defense, change "person infected with an incurable sexually transmitted disease" to "victim".