
DIGEST

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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".