

SENATE BILL NO. 144

BY SENATORS N. GAUTREAUX, AMEDEE, DORSEY, DUPLESSIS AND MOUNT

1 AN ACT

2 To enact R.S. 14:43.6, relative to certain sex offenses; to authorize the administration of
3 medroxyprogesterone acetate for persons convicted of certain sex offenses; to require
4 the administration of medroxyprogesterone acetate for persons convicted of more
5 than one sex offense; to provide for a determination by a medical expert; to provide
6 for criminal penalties for noncompliance; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:43.6 is hereby enacted to read as follows:

9 **§43.6. Administration of medroxyprogesterone acetate (MPA) to certain sex**
10 **offenders**

11 **A. Notwithstanding any other provision of law to the contrary, upon a**
12 **first conviction of R.S. 14:42 (aggravated rape), R.S. 14:42.1 (forcible rape),**
13 **R.S. 14:43.2 (second degree sexual battery), R.S. 14:78.1 (aggravated incest),**
14 **R.S. 14:81.2(E) (molestation of a juvenile when the victim is under the age of**
15 **thirteen), and R.S. 14:89.1 (aggravated crime against nature), the court may**
16 **sentence the offender to be treated with medroxyprogesterone acetate (MPA),**
17 **according to a schedule of administration monitored by the Department of**
18 **Public Safety and Corrections.**

19 **B.(1) Notwithstanding any other provision of law to the contrary, upon**
20 **a second or subsequent conviction of R.S. 14:42 (aggravated rape), R.S. 14:42.1**
21 **(forcible rape), R.S. 14:43.2 (second degree sexual battery), R.S. 14:78.1**
22 **(aggravated incest), R.S. 14:81.2(E) (molestation of a juvenile when the victim**

1 is under the age of thirteen), and R.S. 14:89.1 (aggravated crime against
2 nature), the court shall sentence the offender to be treated with
3 medroxyprogesterone acetate (MPA) according to a schedule of administration
4 monitored by the Department of Public Safety and Corrections.

5 (2) If the court sentences a defendant to be treated with
6 medroxyprogesterone acetate (MPA), this treatment may not be imposed in lieu
7 of, or reduce, any other penalty prescribed by law. However, in lieu of
8 treatment with medroxyprogesterone acetate (MPA), the court may order the
9 defendant to undergo physical castration provided the defendant file a written
10 motion with the court stating that he intelligently and knowingly, gives his
11 voluntary consent to physical castration as an alternative to the treatment.

12 C.(1) An order of the court sentencing a defendant to
13 medroxyprogesterone acetate (MPA) treatment under this Section, shall be
14 contingent upon a determination by a court appointed medical expert, that the
15 defendant is an appropriate candidate for treatment. This determination shall
16 be made not later than sixty days from the imposition of sentence. An order of
17 the court sentencing a defendant to medroxyprogesterone acetate (MPA)
18 treatment shall specify the duration of treatment for a specific term of years, or
19 in the discretion of the court, up to the life of the defendant.

20 (2) In all cases involving defendants sentenced to a period of
21 incarceration or confinement in an institution, the administration of treatment
22 with medroxyprogesterone acetate (MPA) shall commence not later than one
23 week prior to the defendant's release from prison or such institution.

24 (3) The Department of Public Safety and Corrections shall provide the
25 services necessary to administer medroxyprogesterone acetate (MPA)
26 treatment. Nothing in this Section shall be construed to require the continued
27 administration of medroxyprogesterone acetate (MPA) treatment when it is not
28 medically appropriate.

29 (4) If a defendant whom the court has sentenced to be treated with
30 medroxyprogesterone acetate (MPA) fails to appear as required by the

1 Department of Public Safety and Corrections for purposes of administering the
 2 medroxyprogesterone acetate (MPA) or who refuses to allow the administration
 3 of medroxyprogesterone acetate (MPA), then the defendant shall be charged
 4 with a violation of the provisions of this Section. Upon conviction, the offender
 5 shall be imprisoned, with or without hard labor, for not less than three years
 6 nor more than five years without benefit of probation, parole, or suspension of
 7 sentence.

8 (5) If a defendant whom the court has sentenced to be treated with
 9 medroxyprogesterone acetate (MPA) or ordered to undergo physical castration
 10 takes any drug or other substance to reverse the effects of the treatment, he
 11 shall be held in contempt of court.

12 Section 2. This Act shall become effective upon signature by the governor or, if not
 13 signed by the governor, upon expiration of the time for bills to become law without signature
 14 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 15 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 16 effective on the day following such approval.

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____