

SENATE FLOOR AMENDMENTS

2015 Regular Session

Amendments proposed by Senator Morrell to Engrossed Senate Bill No. 117 by Senator Gary Smith

1 AMENDMENT NO. 1

2 On page 1, line 3, after "43.1(A)," insert "R.S. 15:541(2)(a), (b) and (c) and 24(a) and
3 542(A)(3)(a) and (b), and Children's Code Art. 884.1(A)(1) and (2),"

4 AMENDMENT NO. 2

5 On page 1, line 6, after "battery;" insert "to provide for transitional phrasing;"

6 AMENDMENT NO. 3

7 On page 4, between lines 18 and 19, insert the following:

8 "Section 2. R.S. 15:541(2)(a), (b) and (c) and 24(a) and 542(A)(3)(a) and (b) are
9 hereby amended and reenacted to read as follows:

10 §541. Definitions

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

12 * * *

14 (2) "Aggravated offense" means a conviction for the perpetration or attempted
15 perpetration of, or conspiracy to commit, any of the following:

16 (a)(i) Aggravated rape (R.S. 14:42), **which occurred prior to August 1, 2015, and**
17 which shall include convictions for the perpetration or attempted perpetration of, or
18 conspiracy to commit, aggravated oral sexual battery (formerly R.S. 14:43.4, Repealed by
19 Acts 2001, No. 301, §2) occurring prior to August 15, 2001.

20 **(ii) First degree rape (R.S. 14:42), which occurred on or after August 1, 2015.**

21 (b)(i) Forcible rape (R.S. 14:42.1) **which occurred prior to August 1, 2015.**

22 **(ii) Second degree rape (R.S.14:42.1) which occurred on or after August 1, 2015.**

23 (c)(i) Simple rape under the provisions of R.S. 14:43(A)(1) and (2) **which occurred**
24 **on or after August 1, 2015.**

25 **(ii) Third degree rape under the provisions of R.S. 14:43(A)(1) and (2) which**
26 **occurred on or after August 1, 2015.**

27 * * *

28 (24)(a) "Sex offense" means deferred adjudication, adjudication withheld, or
29 conviction for the perpetration or attempted perpetration of or conspiracy to commit human
30 trafficking when prosecuted under the provisions of R.S. 14:46.2(B)(2), R.S. 14:46.3
31 (trafficking of children for sexual purposes), R.S. 14:89 (crime against nature), R.S. 14:89.1
32 (aggravated crime against nature), R.S. 14:89.2(B)(3) (crime against nature by solicitation),
33 R.S. 14:80 (felony carnal knowledge of a juvenile), R.S. 14:81 (indecent behavior with
34 juveniles), R.S.14:81.1 (pornography involving juveniles), R.S. 14:81.2 (molestation of a
35 juvenile or a person with a physical or mental disability), R.S. 14:81.3 (computer-aided
36 solicitation of a minor), R.S. 14:81.4 (prohibited sexual conduct between an educator and
37 student), R.S. 14:82.1 (prostitution; persons under eighteen), R.S. 14:82.2(C)(4) and (5)
38 (purchase of commercial sexual activity), R.S. 14:92(A)(7) (contributing to the delinquency
39 of juveniles), R.S. 14:93.5 (sexual battery of the infirm), R.S. 14:106(A)(5) (obscenity by
40 solicitation of a person under the age of seventeen), R.S. 14:283 (video voyeurism), R.S.
41 14:41 (rape), R.S. 14:42 (aggravated rape **or first degree rape**), R.S. 14:42.1 (forcible rape
42 **or second degree rape**), R.S. 14:43 (simple rape **or third degree rape**), R.S. 14:43.1
43 (sexual battery), R.S. 14:43.2 (second degree sexual battery), R.S. 14:43.3 (oral sexual
44 battery), R.S. 14:43.5 (intentional exposure to AIDS virus), or a second or subsequent
45 conviction of R.S. 14:283.1 (voyeurism), committed on or after June 18, 1992, or committed
46 prior to June 18, 1992, if the person, as a result of the offense, is under the custody of the
47 Department of Public Safety and Corrections on or after June 18, 1992. A conviction for any

1 offense provided in this definition includes a conviction for the offense under the laws of
2 another state, or military, territorial, foreign, tribal, or federal law which is equivalent to an
3 offense provided for in this Chapter, unless the tribal court or foreign conviction was not
4 obtained with sufficient safeguards for fundamental fairness and due process for the accused
5 as provided by the federal guidelines adopted pursuant to the Adam Walsh Child Protection
6 and Safety Act of 2006.

7 * * *

8 §542. Registration of sex offenders and child predators

9 A. The following persons shall be required to register and provide notification as a
10 sex offender or child predator in accordance with the provisions of this Chapter:

11 * * *

12 (3) Any juvenile, who has attained the age of fourteen years at the time of
13 commission of the offense, who has been adjudicated delinquent based upon the
14 perpetration, attempted perpetration, or conspiracy to commit any of the following offenses:

15 (a) Aggravated **or first degree** rape (R.S. 14:42), which shall include those that have
16 been adjudicated delinquent based upon the perpetration, attempted perpetration, or
17 conspiracy to commit aggravated oral sexual battery (formerly R.S. 14:43.4, Repealed by
18 Acts 2001, No. 301, §2) occurring prior to August 15, 2001.

19 (b) Forcible **or second degree** rape (R.S. 14:42.1).

20 * * *

21 Section 3. Children's Code Art. 884.1(A)(1) and (2) is hereby amended and
22 reenacted to read as follows:

23 Art. 884.1. Informing the child of sex offender registration and notification
24 requirements; form

25 A. When the child has admitted the allegations of the petition or when adjudicated
26 delinquent for any of the following offenses, the court shall provide him with written notice
27 of the requirements for registration as a sex offender:

28 (1) Aggravated **or first degree** rape as defined in R.S. 14:42.

29 (2) Forcible **or second degree** rape as defined in R.S. 14:42.1."

30 * * *

31 AMENDMENT NO. 4

32 On page 4, line 19, change "Section 2." to "Section 4."

33 AMENDMENT NO. 5

34 On page 4, line 21, change "Section 1" to "Sections 1, 2 and 3"

35 AMENDMENT NO. 6

36 On page 4, line 23, change "Section 1" to "Sections 1, 2 and 3"