The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry J. Guillot.

DIGEST

SB 289 Engrossed | 2016 Regular Session | Johns

Present law provides that it is malfeasance in office for any of the following persons to engage in sexual intercourse or any other sexual conduct with a person who is under their supervision and who is confined in a prison, jail, work release facility, or correctional institution, or who is under the supervision of the division of probation and parole:

(1) A law enforcement officer, which includes commissioned police officers, sheriffs, deputy sheriffs, marshals, deputy marshals, correctional officers, constables, wildlife enforcement agents, state park wardens, and probation and parole officers.

(2) An officer, employee, contract worker, or volunteer of the Department of Public Safety and Corrections or any prison, jail, work release facility, or correctional institution.

Present law provides a penalty of a fine of not more than $10,000 or imprisonment at hard labor for not more than 10 years, or both.

Proposed law retains present law.

Proposed law prohibits any law enforcement officer, as defined above in present law, while on duty, to entice, compel, or coerce any person to engage in sexual intercourse or any other sexual conduct with the officer.

Proposed law provides a penalty of a fine up to $5,000, imprisonment with or without hard labor for not less than five years, or both.

Present law requires that any adult residing in this state who has pled guilty to, has been convicted of, or where adjudication has been deferred or withheld for the perpetration or attempted perpetration of, or any conspiracy to commit certain offenses, including a sex offense as defined in present law to register and provide notification as a sex offender in accordance with present law.

Proposed law includes R.S. 14:134.1 (malfeasance in office, sexual conduct prohibited with persons in the custody and supervision of the Department of Public Safety and Corrections) and R.S. 14:134.4 (malfeasance in office by law enforcement officer; sexual conduct) as sex offenses requiring registry and notification. Otherwise retains present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 15:541(24)(a); adds R.S. 14:134.4)