

2016 Regular Session

HOUSE BILL NO. 992

BY REPRESENTATIVE CONNICK

CRIME/SEX OFFENSES: Amends certain definitions for purposes of sex offender registration and notification requirements

1 AN ACT

2 To amend and reenact R.S. 15:541(2)(c), (k) through (q) and (25)(n) and to enact R.S.
3 15:541(2)(r) and (25)(o), relative to the registration of sex offenders; to provide
4 relative to registration and notification requirements imposed on sex offenders; to
5 amend the definitions of "aggravated offense" and "sexual offense against a victim
6 who is a minor"; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:541(2)(c), (k) through (q) and (25)(n) are hereby amended and
9 reenacted and R.S. 15:541(2)(r) and (25)(o) are hereby enacted to read as follows:

10 §541. Definitions

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

13 * * *

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

16 * * *

17 (c)(i) Simple rape under the provisions of R.S. 14:43(A)(1) and (2) which
18 occurred prior to August 1, 2015.

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

21 * * *

1 (k) Crime against nature when prosecuted under the provisions of R.S.
 2 14:89(B)(2) or (3).

3 ~~(k)~~(l) Molestation of a juvenile or a person with a physical or mental
 4 disability prosecuted under the provisions of R.S. 14:81.2(C)(1), (D)(1), or (D)(2).

5 ~~(l)~~(m) Aggravated crime against nature (R.S. 14:89.1(A)(1)).

6 ~~(m)~~(n) Sexual battery of persons with infirmities (R.S. 14:93.5).

7 ~~(n)~~(o) Trafficking of children for sexual purposes (R.S. 14:46.3).

8 ~~(o)~~(p) Human trafficking (R.S. 14:46.2) when the trafficking involves a
 9 person under the age of eighteen years or when the services include commercial
 10 sexual activity or any sexual conduct constituting a crime under the laws of this state.

11 ~~(p)~~(q) Purchase of commercial sexual activity with a person under the age
 12 of eighteen years or with a victim of human trafficking (R.S. 14:82.2(C)(4) and (5)).

13 ~~(q)~~(r) Any offense under the laws of another state, or military, territorial,
 14 foreign, tribal, or federal law which is equivalent to the offenses listed in
 15 Subparagraphs (a) through ~~(p)~~ (q) of this Paragraph.

16 * * *

17 (25) "Sexual offense against a victim who is a minor" means a conviction for
 18 the perpetration or attempted perpetration of, or conspiracy to commit, any of the
 19 following:

20 * * *

21 ~~(n)~~ Crime against nature prosecuted under the provisions of R.S. 14:89 other
 22 than R.S. 14:89(B)(2) or (3) and the victim of the offense has not attained the age of
 23 eighteen.

24 ~~(n)~~(o) Any conviction for an offense under the laws of another state, or
 25 military, territorial, foreign, tribal, or federal law which is equivalent to the offenses
 26 listed in Subparagraphs (a) through ~~(m)~~ (n) of this Paragraph.

27 * * *

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 992 Reengrossed

2016 Regular Session

Connick

Abstract: Amends the definitions of "aggravated offense" and "sexual offense against a victim who is a minor" to include crime against nature and provides relative to the registration requirements of persons convicted of third degree rape.

Present law provides for sex offender notification and registration requirements. Those requirements, and the time period in which an offender must comply with those requirements, differ depending upon the offense committed. Persons convicted of an "aggravated offense" must comply with these requirements for their lifetime and persons convicted of a "sexual offense against a victim who is a minor" must comply for 25 years. Other sex offenders must comply for 15 years.

Present law defines "aggravated offense" and "sexual offense against a victim who is a minor" for the purposes of present law.

Proposed law adds the crime against nature to those definitions, depending upon which element of the crime the sex offender is convicted.

Present law requires certain persons convicted of third degree rape to register and provide notification pursuant to present law for the duration of their lifetime only when either of the following occur:

- (1) The victim is incapable of resisting or of understanding the nature of the act by reason of a stupor or abnormal condition of mind produced by an intoxicating agent or any cause and the offender knew or should have known of the victim's incapacity.
- (2) The victim, through unsoundness of mind, is temporarily or permanently incapable of understanding the nature of the act and the offender knew or should have known of the victim's incapacity.

Proposed law amends present law to require all persons convicted of third degree rape to register for the duration of their lifetime regardless of whether the victim is incapable of resisting due to an intoxicating agent or unsoundness of mind.

(Amends R.S. 15:541(2)(c), (k)-(q) and (25)(n); Adds R.S. 15:541(2)(r) and (25)(o))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Add a provision to amend present law to make application of sex offender registration and notification requirements consistent among persons convicted of third degree rape prior to Aug. 1, 2015, and persons convicted on or after Aug. 1, 2015.