

SENATE BILL NO. 105

BY SENATORS MORRELL, BARROW, BISHOP AND CARTER

1 AN ACT

2 To enact R.S. 14:41.1, relative to rape and sexual battery; to provide that a person is deemed
3 incapable of consent to sexual conduct with a police officer when the person is under
4 arrest or otherwise in police custody; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:41.1 is hereby enacted to read as follows:

7 **§41.1. Consent; victim in police custody**

8 **For purposes of this Subpart, a person is deemed incapable of consent**
9 **when the person is under arrest or otherwise in the actual custody of a police**
10 **officer or other law enforcement official and the offender is a police officer or**
11 **other law enforcement official who either:**

12 **(1) Arrested the person or was responsible for maintaining the person in**
13 **actual custody.**

14 **(2) Knows or reasonably should know that the person is under arrest or**
15 **otherwise in actual custody.**

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____