

2020 Regular Session

SENATE BILL NO. 32

BY SENATOR CONNICK

CRIME/PUNISHMENT. Provides relative to the penalty for second degree rape. (8/1/20)

1 AN ACT

2 To amend and reenact R.S. 14:42.1(B), relative to the crime of second degree rape; to

3 provide that any sentence of imprisonment upon conviction of second degree rape

4 is to be without benefit of probation, parole, or suspension of sentence; and to

5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:42.1(B) is hereby amended and reenacted to read as follows:

8 §42.1. Second degree rape

9 * * *

10 B. Whoever commits the crime of second degree rape shall be imprisoned at

11 hard labor, **without benefit of probation, parole, or suspension of sentence**, for

12 not less than five nor more than forty years. ~~At least two years of the sentence~~

13 ~~imposed shall be without benefit of probation, parole, or suspension of sentence.~~

14 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

DIGEST

SB 32 Original 2020 Regular Session Connick

Present law provides that second degree rape is rape committed when the anal, oral, or vaginal sexual intercourse is deemed to be without the lawful consent of the victim because it is committed under any one or more of the following circumstances:

- (1) When the victim is prevented from resisting the act by force or threats of physical violence under circumstances where the victim reasonably believes that such resistance would not prevent the rape.
- (2) When the victim is incapable of resisting or of understanding the nature of the act by reason of stupor or abnormal condition of the mind produced by a narcotic or anesthetic agent or other controlled dangerous substance administered by the offender and without the knowledge of the victim.

Proposed law retains present law.

Present law provides that whoever commits the crime of second degree rape is to be imprisoned at hard labor for not less than five nor more than 40 years, and at least two years of the sentence must be without benefit of parole, probation, or suspension of sentence.

Proposed law provides that the entire sentence of imprisonment for the commission of second degree rape must be served without benefit of parole, probation, or suspension of sentence. Proposed law otherwise retains present law.

Effective August 1, 2020.

(Amends R.S. 14:42.1(B))