
DIGEST

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HB 238 Original

2021 Regular Session

Moore

Abstract: Creates the crimes of felony and misdemeanor intentional exposure to a sexually transmitted disease, provides elements of the offenses and criminal penalties, provides relative to the electric monitoring of the offender, and authorizes the Dept. of Public Safety and Corrections to develop, adopt, and promulgate rules.

Proposed law creates the crimes of felony and misdemeanor intentional exposure to a sexually transmitted disease.

Proposed law provides the following penalties for felony intentional exposure to a sexually transmitted disease:

- (1) A fine of not more than \$5,000, imprisonment with or without hard labor for not more than 10 years, or both.
- (2) Imprisonment at hard labor for not less than 25 years nor more than 99 years when the victim is under the age of 13 years and the offender is 18 years of age or older. At least 25 years of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.
- (3) A fine of not more than \$10,000, imprisonment with or without hard labor for not less than five nor more than 25 years, or both when the victim is under the age of 18 and there is an age difference greater than two years. At least 10 years of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.
- (4) A fine of not more than \$20,000, imprisonment with or without hard labor for not more than 25 years, or both when the victim is 65 years of age or older.
- (5) A fine of not more than \$10,000, imprisonment with or without hard labor for not more than 15 years, or both when the offender been diagnosed as having an intellectual disability.

Proposed law provides penalties of a fine not more than \$5,000, imprisonment of not more than 6 months, or both for the crime of misdemeanor intentional exposure to a sexually transmitted disease.

Proposed law provides affirmative defenses to felony intentional exposure to a sexually transmitted disease.

Proposed law requires that the offender shall be monitored by the Dept. of Public Safety and Corrections through the use of electric monitoring for the remainder of his natural life upon completion of the term of imprisonment as provided by proposed law.

Proposed law requires the Dept. of Public Safety and Corrections to develop, adopt, and promulgate rules with regard to proposed law.

(Adds R.S. 14:43.5.1 and 43.5.2)