

2024 Second Extraordinary Session

SENATE BILL NO. 9

BY SENATOR MIZELL AND REPRESENTATIVES MIKE JOHNSON AND VENTRELLA

CRIMINAL PROCEDURE. Provides time limitations for the initiation of prosecution of certain sex offenses. (gov sig)(Item #22)

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Art. 572(B)(1) and (2), relative to
3 limitations upon institution of prosecutions; to provide relative to newly discovered
4 photographic or video evidence of certain offenses; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Art. 572(B)(1) and (2) are hereby amended
8 and reenacted to read as follows:

9 Art. 572. Limitation of prosecution of noncapital offenses

10 * * *

11 B.(1) Notwithstanding the provisions of Article 571.1 and Paragraph A of
12 this Article, prosecutions for any sex offense may be commenced beyond the time
13 limitations set forth in this Title if the identity of the offender is established after the
14 expiration of such time limitation through the use of a DNA profile or newly
15 discovered photographic or video evidence.

16 (2) A prosecution under the exception provided by this Paragraph shall be
17 commenced within three years from the date on which the identity of the suspect is

1 established by DNA testing **or by the use of newly discovered photographic or**
 2 **video evidence.**

3 * * *

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

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Jonathon Wagner.

DIGEST

SB 9 Engrossed

2024 Second Extraordinary Session

Mizell

Present law allows the prosecution of any sex crime to be initiated outside of the existing time limitations when the identity of a suspect is established by DNA testing.

Proposed law allows the prosecution of any sex crime to be initiated outside of the current time limitations when the identity of a suspect is established using newly discovered photographic or video evidence.

Proposed law otherwise retains present law.

Present law provides that a prosecution for a sex crime initiated outside of the existing time limitation must commence within three years of when the identity of the suspect is established by DNA testing.

Proposed law retains present law and adds that a prosecution for a sex crime initiated outside of the existing time limitation must commence within three years of when the identity of the suspect is established using newly discovered photographic or video evidence.

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

(Amends C.Cr.P. Art. 572(B)(1) and (2))