

2024 Regular Session

SENATE BILL NO. 371

BY SENATOR BARROW

CRIME/PUNISHMENT. Provides for surgical castration of persons convicted of certain crimes when the victim is under the age of thirteen. (8/1/24)

1 AN ACT
2 To enact R.S. 14:43.7, relative to sentencing for certain sex offenses; to provide relative to
3 the administration of surgical castration for sex offenses when the victim is under the
4 age of thirteen at the time of the offense; to provide for medical evaluations of the
5 offender conducted prior to treatment; and to provide for related matters.
6 Be it enacted by the Legislature of Louisiana:
7 Section 1. R.S. 14:43.7 is hereby enacted to read as follows:
8 **§43.7. Administration of surgical castration for certain sex offenders; failure to**
9 **comply with court order**
10 **A. Notwithstanding any other provision of law to the contrary, upon**
11 **conviction of any sex offense as defined in R.S. 15:541 that is also an aggravated**
12 **offense as defined in R.S. 15:541, except sexual battery prosecuted under R.S.**
13 **14:43.1(C)(2) and second degree sexual battery, occurring on or after August**
14 **1, 2024, when the victim is under the age of thirteen at the time of the offense,**
15 **in addition to any other sentence imposed for the offense, the court may**
16 **sentence the offender to be surgically castrated, to be administered by the**
17 **Department of Public Safety and Corrections by a licensed physician. The**

1 department shall provide the services necessary to perform the castration.

2 B.(1) An order of the court sentencing a defendant to surgical castration
 3 under this Section shall be contingent upon a determination by a court
 4 appointed medical expert that the defendant is an appropriate candidate for
 5 surgery. Notwithstanding Paragraph (2) of this Subsection, this determination
 6 shall be made not later than sixty days from the imposition of sentence.

7 (2) In all cases involving a defendant sentenced to a period of
 8 incarceration or confinement in an institution, the procedure shall be
 9 performed not later than one week prior to the defendant's release from the
 10 institution.

11 (3) If a defendant fails to appear as required by court order for purposes
 12 of the procedure, or refuses to allow the procedure, then the defendant shall be
 13 charged with a violation of the provisions of this Section. Upon conviction, the
 14 offender shall be imprisoned, with or without hard labor, for not less than three
 15 years nor more than five years without benefit of probation, parole, or
 16 suspension of sentence.

17 C. Nothing in this Section shall be construed to require the surgical
 18 castration when it is not medically appropriate.

The original instrument was prepared by Jonathon Wagner. The following digest, which does not constitute a part of the legislative instrument, was prepared by Alden A. Clement, Jr.

SB 371 Reengrossed

DIGEST
2024 Regular Session

Barrow

Proposed law provides that when an offender commits a sex offense against a victim under the age of 13 years, and the sex offense is also an aggravated offense as defined in present law, except for (1) sexual battery of a victim under the age of 13 years when the offender is 17 years of age or older and (2) second degree sexual battery, the court may sentence the offender to surgical castration. Proposed law further provides that the procedure is contingent upon a determination by a court-appointed medical expert that the defendant is an appropriate candidate for surgery, which determination must be made within 60 days of imposition of sentence. Proposed law further provides that when the offender is sentenced to a period of incarceration or confinement, the procedure must be performed no later than one week prior to the release of the offender.

Proposed law requires the Dept. of Public Safety and Corrections to provide the services necessary to complete the procedure, but the procedure will not be performed if it is not

medically appropriate.

Proposed law further provides that if an offender fails to appear or refuses to undergo the procedure, the offender may be charged with failure to comply with the court order and sentenced to imprisonment for between three and five years, without benefit of parole, probation, or suspension of sentence.

Effective August 1, 2024.

(Adds R.S. 14:43.7)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Provide that proposed law only applies to sex offenses that are also "aggravated offenses" under present law.