

2024 Regular Session

HOUSE BILL NO. 453

BY REPRESENTATIVE KERNER

JUVENILES: Eliminates the statute of limitations to prosecute the crime of molestation of a juvenile

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 571 and 571.1, relative to
3 limitations upon the institution of prosecution; to provide that there is no time
4 limitation upon the institution of prosecution for the crime of molestation of a
5 juvenile or a person with a physical or mental disability; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Articles 571 and 571.1 are hereby amended
9 and reenacted to read as follows:

10 Art. 571. Crimes for which there is no time limitation

11 There is no time limitation upon the institution of prosecution for any crime
12 for which the punishment may be death or life imprisonment or for the crime of
13 forcible or second degree rape (R.S. 14:42.1) or molestation of a juvenile or a person
14 with a physical or mental disability (R.S. 14:81.2).

15 Art. 571.1. Time limitation for certain sex offenses

16 Except as provided by Article 572, the time within which to institute
17 prosecution of the following sex offenses, regardless of whether the crime involves
18 force, serious physical injury, death, or is punishable by imprisonment at hard labor
19 shall be thirty years: attempted first degree rape, also formerly titled aggravated rape
20 (R.S. 14:27, R.S. 14:42), attempted second degree rape, also formerly titled forcible

1 rape (R.S. 14:27, R.S. 14:42.1), sexual battery (R.S. 14:43.1), second degree sexual
 2 battery (R.S. 14:43.2), oral sexual battery (R.S. 14:43.3), human trafficking (R.S.
 3 14:46.2(B)(2) or (3)), trafficking of children for sexual purposes (R.S. 14:46.3),
 4 felony carnal knowledge of a juvenile (R.S. 14:80), indecent behavior with juveniles
 5 (R.S. 14:81), pornography involving juveniles (R.S. 14:81.1), ~~molestation of a~~
 6 ~~juvenile or a person with a physical or mental disability (R.S. 14:81.2)~~, prostitution
 7 of persons under eighteen (R.S. 14:82.1), enticing persons into prostitution (R.S.
 8 14:86), crime against nature (R.S. 14:89), aggravated crime against nature (R.S.
 9 14:89.1), crime against nature by solicitation (R.S. 14:89.2(B)(3)), that involves a
 10 victim under eighteen years of age. This thirty-year period begins to run when the
 11 victim attains the age of eighteen.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 453 Engrossed

2024 Regular Session

Kerner

Abstract: Provides that there is no time limitation upon the institution of prosecution for the crime of molestation of a juvenile or a person with a physical or mental disability.

Present law (C.Cr.P. Art 571) provides that there is no time limitation upon the institution of prosecution for any crime for which the punishment may be death or life imprisonment or for the crime of forcible or second degree rape (R.S. 14:42.1).

Proposed law retains present law and adds that there is no time limitation upon the institution of prosecution for molestation of a juvenile or a person with a physical or mental disability (R.S. 14:81.2).

Present law (C.Cr.P. Art. 571.1) provides for a list of certain sex offenses that the time within which to institute prosecution begins to run for a period of 30 years from when the victim attains the age of 18, regardless of whether the crime involves force, serious physical injury, or death.

Proposed law removes molestation of a juvenile or a person with a physical or mental disability (R.S. 14:81.2) from this list.

(Amends C.Cr.P. Arts. 571 and 571.1)