HLS 24RS-450 ENGROSSED

2024 Regular Session

HOUSE BILL NO. 130

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BY REPRESENTATIVE BAYHAM

CRIME/SEX OFFENSES: Provides relative to the crime of molestation of a juvenile

AN ACT

2	To amend and reenact R.S. 14:81.2(B)(2) and (3)(a), relative to the crime of molestation of
3	a juvenile; to provide for penalties for molestation of a juvenile in certain
4	circumstances; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 14:81.2(B)(2) and (3)(a) are hereby amended and reenacted to read
7	as follows:
8	§81.2. Molestation of a juvenile or a person with a physical or mental disability
9	* * *
10	В.
11	* * *
12	(2) Whoever commits the crime of molestation of a juvenile, when the victim
13	is thirteen years of age or older but has not yet attained the age of seventeen, and
14	when the offender has control or supervision over the juvenile, shall be fined not
15	more than ten thousand dollars, or imprisoned, with or without hard labor, for not
16	less than five ten years nor more than twenty years, or both. The defendant shall not
17	be eligible to have his conviction set aside or his prosecution dismissed in
18	accordance with Code of Criminal Procedure Article 893.
19	(3)(a) Whoever commits the crime of molestation of a juvenile, when the
20	victim is thirteen years of age or older but has not yet attained the age of seventeen,

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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and when the offender is in a position of supervision or entrusted with a supervisory role of the juvenile that includes but is not limited to a religious, charitable, scientific, educational, athletic, or youth-serving purpose or is an educator of the juvenile, shall be fined not more than ten thousand dollars, or imprisoned, with or without hard labor, for not less than five ten years nor more than forty years, or both. At least five ten years of the sentence imposed shall be without the benefit of parole, probation, or suspension of sentence, and the defendant shall not be eligible to have his conviction set aside or his prosecution dismissed in accordance with Code of Criminal Procedure Article 893.

## 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 130 Engrossed

2024 Regular Session

Bayham

**Abstract:** Provides relative to penalties for the crime of molestation of a juvenile.

Present law provides for the crime of molestation of a juvenile.

Proposed law retains present law.

<u>Present law</u> provides that when the offender has control or supervision over the juvenile and commits the crime of molestation of a juvenile when the victim is 13 years of age or older but has not yet attained the age of 17, he shall be fined not more than \$10,000, or imprisoned, with or without hard labor, for not less than five years nor more than 20 years, or both.

<u>Proposed law</u> increases the minimum penalty <u>from</u> five years <u>to</u> 10 years.

<u>Present law</u> provides that when an educator commits the crime of molestation of a juvenile when the victim is 13 years of age or older but has not yet attained the age of 17, he shall be fined not more than \$10,000, or imprisoned, with or without hard labor, for not less than five years nor more than 40 years, or both.

<u>Proposed law</u> amends <u>present law</u> to include a person in a position of supervision or entrusted with a supervisory role of the juvenile that includes but is not limited to a religious, charitable, scientific, educational, athletic, or youth-serving purpose.

<u>Present law</u> further provides that at least five years of the sentence imposed shall be without the benefit of parole, probation, or suspension of sentence, and the defendant shall not be eligible to have his conviction set aside or his prosecution dismissed in accordance with <u>present law</u> (C.Cr.P. Art. 893).

<u>Proposed law</u> increases the minimum penalty <u>from</u> five years <u>to</u> 10 years and provides that at least 10 years of the sentence imposed, <u>rather than</u> five years, shall be without the benefit of parole, probation, or suspension of sentence.

(Amends R.S. 14:81.2(B)(2) and (3)(a))

## Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on Administration of Criminal Justice</u> to the <u>original</u> bill:

- 1. Make technical changes.
- 2. Specify that the crime of molestation of a juvenile applies to a person who is in a position of supervision or entrusted with a supervisory role of the juvenile that includes but is not limited to a religious, charitable, scientific, educational, athletic, or youth-serving purpose.
- 3. Remove provisions of <u>proposed law</u> relative to application of <u>present law</u> involving clergymen and recreational instructors.