

RÉSUMÉ DIGEST**SB 371****2024 Regular Session****Barrow**

New law provides that when an offender over the age of 17 years 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 existing 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. New law further provides that the procedure is contingent upon a determination by a court-appointed medical expert that the offender is an appropriate candidate for surgery, which determination must be made within 60 days of imposition of sentence. New 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.

New 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.

New law 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.

Prior law provides that a person convicted of an aggravated sex offense as defined in existing law may not be present or reside in certain locations when the victim was under the age of 13 years.

New law increases the maximum age of the victim of the underlying aggravated sex offense required as an element of the crime of unlawful presence of a sex offender from 13 years to 15 years. New law also adds the crime of pornography involving juveniles when the victim is under the age of 15 as an underlying offense to the crime of unlawful presence of a sex offender.

New law otherwise retains existing law.

Effective August 1, 2024.

(Amends R.S. 14:91.2(B)(intro. para.); adds R.S. 14:43.7)