

2025 Regular Session

HOUSE BILL NO. 67

BY REPRESENTATIVE HORTON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME/SEX OFFENSES: Provides relative to sex offenses committed against minors

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 571.1 and Code of Evidence
3 Article 804(B)(5) and to enact R.S. 14:42.1(A)(3), relative to sex offenses involving
4 minors; to provide for an additional circumstance that constitutes second degree
5 rape; to provide relative to the time limitations upon which to institute prosecution
6 for certain sex offenses; to provide relative to hearsay exceptions in certain
7 circumstances; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:42.1(A)(3) is hereby enacted to read as follows:

10 §42.1. Second degree rape

11 A. Second degree rape is rape committed when the anal, oral, or vaginal
12 sexual intercourse is deemed to be without the lawful consent of the victim because
13 it is committed under any one or more of the following circumstances:

14 * * *

15 (3) When the offender acts without the consent of the victim, the victim is
16 thirteen years of age or older but less than seventeen years of age, and the offender
17 is at least seventeen years of age.

18 * * *

19 Section 2. Code of Criminal Procedure Article 571.1 is hereby amended and
20 reenacted to read as follows:

1 Art. 571.1. Time limitation for certain sex offenses

2 Except as provided by Article 571, 572, or any other provision of law that
3 establishes a longer period of limitation, the time within which to institute
4 prosecution of the ~~following sex offenses, regardless of whether the crime involves~~
5 ~~force, serious physical injury, death, or is punishable by imprisonment at hard labor~~
6 ~~shall be thirty years: attempted first degree rape, also formerly titled aggravated rape~~
7 ~~(R.S. 14:27, R.S. 14:42), attempted second degree rape, also formerly titled forcible~~
8 ~~rape (R.S. 14:27, R.S. 14:42.1), sexual battery (R.S. 14:43.1), second degree sexual~~
9 ~~battery (R.S. 14:43.2), oral sexual battery (R.S. 14:43.3), human trafficking (R.S.~~
10 ~~14:46.2(B)(2) or (3)), trafficking of children for sexual purposes (R.S. 14:46.3),~~
11 ~~felony carnal knowledge of a juvenile (R.S. 14:80), indecent behavior with juveniles~~
12 ~~(R.S. 14:81), pornography involving juveniles (R.S. 14:81.1), prostitution of persons~~
13 ~~under eighteen (R.S. 14:82.1), enticing persons into prostitution (R.S. 14:86), crime~~
14 ~~against nature (R.S. 14:89), aggravated crime against nature (R.S. 14:89.1), crime~~
15 ~~against nature by solicitation (R.S. 14:89.2(B)(3)) that involves a victim under~~
16 ~~eighteen years of age. perpetration or attempted perpetration of, conspiracy to~~
17 commit, or commission of any sex offense as defined in R.S. 15:541(24) that
18 involves a victim under eighteen years of age shall be thirty years. This thirty-year
19 period begins to run when the victim attains the age of eighteen.

20 Section 3. Code of Evidence Article 804(B)(5) is hereby amended and reenacted to
21 read as follows:

22 Art. 804. Hearsay exceptions; declarant unavailable

23 * * *

24 B. Hearsay exceptions. The following are not excluded by the hearsay rule
25 if the declarant is unavailable as a witness:

26 * * *

- 1 (5) Complaint of sexually assaultive behavior. A statement made by a
 2 person under the age of ~~twelve~~ thirteen years and the statement is one of initial or
 3 otherwise trustworthy complaint of sexually assaultive behavior.

4 * * *

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 67 Engrossed

2025 Regular Session

Horton

Abstract: Provides relative to sex offenses involving minors.

Present law (R.S. 14:42.1) provides for the crime of second degree rape.

Proposed law retains present law generally.

Present law (R.S. 14:42.1) provides that second degree rape is rape committed when the anal, oral, or vaginal sexual intercourse is deemed to be without the lawful consent of the victim because it is committed under any one or more of the following circumstances:

- (1) When the victim is prevented from resisting the act by force or threats of physical violence under circumstances where the victim reasonably believes that such resistance would not prevent the rape.
- (2) When the victim is incapable of resisting or of understanding the nature of the act by reason of stupor or abnormal condition of the mind produced by a narcotic or anesthetic agent or other controlled dangerous substance administered by the offender and without the knowledge of the victim.

Proposed law retains present law and adds that rape committed when the offender acts without the consent of the victim, the victim is 13 years of age or older but less than 17 years of age, and the offender is at least 17 years of age constitutes second degree rape.

Present law (C.Cr.P. Art. 571.1) provides for a 30-year time period, commencing from when the victim attains the age of 18, to prosecute the following present law offenses when the offense involves a victim under the age of 18:

- (1) Attempted first degree rape, also formerly titled aggravated rape (R.S. 14:27, R.S. 14:42).
- (2) Attempted second degree rape, also formerly titled forcible rape (R.S. 14:27, R.S. 14:42.1).
- (3) Sexual battery (R.S. 14:43.1).
- (4) Second degree sexual battery (R.S. 14:43.2).
- (5) Oral sexual battery (R.S. 14:43.3).
- (6) Human trafficking (R.S. 14:46.2(B)(2) or (3)).

- (7) Trafficking of children for sexual purposes (R.S. 14:46.3).
- (8) Felony carnal knowledge of a juvenile (R.S. 14:80).
- (9) Indecent behavior with juveniles (R.S. 14:81).
- (10) Pornography involving juveniles (R.S. 14:81.1).
- (11) Prostitution of persons under 18 (R.S. 14:82.1).
- (12) Enticing persons into prostitution (R.S. 14:86).
- (13) Crime against nature (R.S. 14:89).
- (14) Aggravated crime against nature (R.S. 14:89.1).
- (15) Crime against nature by solicitation (R.S. 14:89.2(B)(3)).

Proposed law changes the applicable crimes in the list from the enumerated present law offenses to the perpetration or attempted perpetration of, conspiracy to commit, or commission of any sex offense as defined in present law (R.S. 15:541(24)) that involves a victim under 18 years of age.

Present law (C.E. Art. 804) provides for exceptions to the hearsay rule.

Proposed law retains present law generally.

Present law (C.E. Art. 804(B)(5)) provides that a statement made by a person under 12 years of age that is one of initial or otherwise trustworthy complaint of sexually assaultive behavior is an exception to the hearsay rule when the declarant is unavailable as a witness.

Proposed law amends present law to change the age from 12 years to 13 years.

(Amends C.Cr.P. Art. 571.1 and C.E. Art. 804(B)(5); Adds R.S. 14:42.1(A)(3))