

2026 Regular Session

HOUSE BILL NO. 92

BY REPRESENTATIVES SCHLEGEL AND ECHOLS

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AN ACT

To amend and reenact Code of Criminal Procedure Articles 465(A)(introductory paragraph), 573.4, and 814(A)(11), to enact R.S. 14:42(A)(8) and Code of Criminal Procedure Article 465(A)(47), and to repeal R.S. 14:43.3, relative to sex offenses; to provide for an additional circumstance that constitutes first degree rape; to provide relative to specific indictments for forcible or second degree rape; to provide relative to responsive verdicts for first degree rape; to repeal the crime of oral sexual battery; to provide for the time limitations to institute prosecution for third degree rape; to provide for technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:42(A)(8) is hereby enacted to read as follows:

§42. First degree rape

A. First degree rape is a rape committed upon a person sixty-five years of age or older or where the anal, oral, or vaginal sexual intercourse is deemed to be without lawful consent of the victim because it is committed under any one or more of the following circumstances:

* * *

(8) When the victim is prevented from resisting the act because of the offender's application of force that overpowers the victim's ability to resist.

* * *

1 Section 2. Code of Criminal Procedure Articles 465(A)(introductory paragraph),
2 573.4, and 814(A)(11) are hereby amended and reenacted and Code of Criminal Procedure
3 Article 465(A)(47) is hereby enacted to read as follows:

4 Art. 465. Specific indictment forms

5 A. The following forms of charging offenses may be used, but any other
6 forms authorized by this ~~title~~ Title may also be used:

7 * * *

8 47. Forcible Rape or Second Degree Rape--A.B. committed forcible or
9 second degree rape upon C.D.

10 * * *

11 Art. 573.4. Running of time limitations; exception; third degree rape

12 ~~The time limitations established by Article 572 shall not commence to run~~
13 ~~as to the crime of third degree rape (R.S. 14:43) until the crime is discovered by the~~
14 ~~victim. Notwithstanding the provisions of Article 572(A) and except as provided by~~
15 Articles 571.1, 572(B), or any other provision of law that establishes a longer period
16 of limitation, the time within which to institute prosecution of the crime of third
17 degree rape (R.S. 14:43) shall be ten years. This period shall not commence to run
18 until the crime is discovered by the victim.

19 * * *

20 Art. 814. Responsive verdicts; in particular

21 A. The only responsive verdicts which may be rendered when the indictment
22 charges the following offenses are:

23 * * *

24 11. First degree rape (formerly titled aggravated rape) except where the
25 victim is a child under the age of thirteen:

26 Guilty.

27 Guilty of attempted first degree rape.

28 Guilty of second degree rape.

29 Guilty of attempted second degree rape.

30 ~~Guilty of sexual battery.~~

1 Guilty of third degree rape.

2 Guilty of attempted third degree rape.

3 ~~Guilty of oral sexual battery.~~

4 Guilty of sexual battery.

5 Guilty of attempted sexual battery.

6 Not guilty.

7 * * *

8 Section 3. R.S. 14:43.3 is hereby repealed in its entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____