
DIGEST

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Richard

HB No. 226

Abstract: Creates the crime of prohibited sexual contact by a psychotherapist and provides for elements of the crime, definitions, exceptions, and criminal penalties for the commission of the offense.

Proposed law provides that it shall be unlawful for any psychotherapist, or any person who fraudulently represents himself as or purports to be a psychotherapist, to engage in sexual contact with either of the following:

- (1) A client or patient.
- (2) A former client or patient, when the relationship was terminated primarily for the purpose of engaging in the sexual contact.

When the victim is a former client or former patient, proposed law provides that the sexual contact is not prohibited if it occurs more than one year after the termination of the relationship and the psychotherapist has referred the former patient or former client to an independent and objective psychotherapist, recommended by a third-party psychotherapist, for treatment.

Proposed law provides that the consent of the patient or client shall not be a defense.

Proposed law provides definitions for "psychotherapist", "sexual contact", and "therapeutic deception".

Proposed law provides for the following penalties:

- (1) Imprisonment for not more than 10 years, fined not more than \$10,000, or both.
- (2) If the sexual contact occurs by means of "therapeutic deception" - imprisonment for not more than 15 years, fined not more than \$20,000, or both.

(Adds R.S. 14:89.7)