
DIGEST

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Richard

HB No. 215

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

Proposed law provides that it shall be unlawful for any psychotherapist to engage in sexual contact with a former client or patient, when the relationship was terminated primarily for the purpose of engaging in the sexual contact.

Relative to former clients and former patients, proposed law provides that it shall not be a violation if the client is at least 17 years of age, the sexual contact was consensual, and the psychotherapist formally terminated the psychotherapist-client relationship as required by the ethical standards and guidelines established by the licensing or governing board of his profession.

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)