

Proposed law retains present law and adds that the prohibited touching can occur directly or through clothing.

Proposed law creates the crime of misdemeanor sexual battery.

Proposed law provides that misdemeanor sexual battery is the intentional touching of the breasts or buttocks of the victim by the offender using any instrumentality or any part of the body of the offender, directly or through clothing, or the intentional touching of the breasts or buttocks of the offender by the victim using any instrumentality or any part of the body of the victim, directly or through clothing, when the offender acts without the consent of the victim.

Proposed law provides that misdemeanor sexual battery is punishable by a fine of up to \$1,000, or imprisonment for up to six months, or both. Proposed law further provides that an offender convicted of misdemeanor sexual battery cannot have his conviction set aside and prosecution dismissed in accordance with certain provisions of present law. Proposed law further provides that an offender convicted of misdemeanor sexual battery is not subject to any provisions of present law that are applicable exclusively to sex offenders, including but not limited to provisions of present law that require the registration of the offender and notice to the public.

Proposed law authorizes and directs the La. Law Institute to change all references to the crimes of "aggravated rape", "forcible rape", and "simple rape" in present law, not already amended by proposed law, in the manner it deems appropriate in order to make those provisions consistent with the provisions of proposed law.

Relative to registration sex offenders, proposed law includes an effective date of occurrence of the offense such that the terms "first degree rape", "second degree rape", and "third degree rape" apply only to occurrences on or after August 1, 2015.

Proposed law adds the terms "first degree rape", "second degree rape", and "third degree rape" to the enumeration of "sexual offenses" in the present law.

Proposed law provides that those found guilty of "first degree rape", "second degree rape", and "third degree rape" shall be subject to the requirement to register as a sex offender or a child predator.

Proposed law amends the Children's Code to provide for children who admit an allegation or are adjudicated delinquent based upon the offense of "first degree rape" or "second degree rape" shall be informed of the requirements for registration as a sex offender.

Effective August 1, 2015.

(Amends R.S. 14:42(A)(intro para) and 42(D)(1), 42.1, 43, and 43.1(A), R.S. 15:541(2)(a), (b) and (c) and (24)(a) and 542(A)(3)(a) and (b), and Children's Code Art. 884.1(A)(1) and (2); adds R.S. 14:43.1.1)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Adds that third degree rape under proposed law is committed when the offender acts without the consent of the victim.
2. Changes a possible penalty for third degree rape from imprisonment with or without hard labor to imprisonment at hard labor.

Senate Floor Amendments to engrossed bill

1. Revises present law regarding registration of sex offenders to include proposed law.