
DIGEST

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HB 268 Original

2019 Regular Session

Norton

Abstract: Extends the period of time within which to institute prosecution for sex offenses, and provides for an extension of such periods when new and material evidence is discovered prior to its expiration.

Present law provides for certain time limitations within which prosecution is required to be instituted for certain offenses.

In this regard, present law (C.Cr.P. Art. 572) provides as follows:

- (1) Six years, for a felony necessarily punishable by imprisonment at hard labor.
- (2) Four years, for a felony not necessarily punishable by imprisonment at hard labor.
- (3) Two years, for a misdemeanor punishable by a fine, or imprisonment, or both.
- (4) Six months, for a misdemeanor punishable only by a fine or forfeiture.

For any crime which is punishable by death or life imprisonment, or for the crime of second degree rape, present law (C.Cr.P. Art. 571) provides that there is no time limitation upon the institution of prosecution.

Present law (C.Cr.P. Art. 571.1) further provides for a 30-year period in which to institute prosecution for the following sex offenses when the victim is under the age of 17: attempted first degree rape, attempted second degree rape, sexual battery, second degree sexual battery, oral sexual battery, human trafficking, trafficking of children for sexual purposes, felony carnal knowledge of a juvenile, indecent behavior with juveniles, pornography involving juveniles, molestation of a juvenile, prostitution of persons under eighteen, enticing persons into prostitution, crime against nature, aggravated crime against nature, and crime against nature by solicitation. Present law further provides that this 30-year period begins to run when the victim attains the age of 18.

Present law (C.Cr.P. Art. 572(B)) provides that prosecutions for any sex offense may be commenced beyond the time limitations set forth in present law if the identity of the offender is established after the expiration of such time limitation through the use of a DNA profile. When this exception applies, present law requires prosecution of the offense within three years from the date on which the identity of the suspect is established by DNA testing.

Proposed law amends present law to provide that, except as provided by present law (C.C.P. Art. 571.1) relative to sex offenses committed against a victim who is under the age of 17, the time within which to institute prosecution of a sex offense is ten years, regardless of whether the crime involves force, serious physical injury, death, or is punishable by imprisonment at hard labor. Proposed law further provides that this ten-year period may be extended for an additional 15 years if new and material evidence is discovered prior to the expiration of the ten-year period.

With regard to the present law (C.C.P. Art. 571.1) time limit within which to institute prosecution of a sex offense committed against a victim who is under the age of 17, proposed law extends the 30-year period for an additional 15 years if new and material evidence is discovered prior to the expiration of the 30-year period. In no case shall the time within which to institute prosecution extend beyond 45 years from the date on which the victim attains the age of 18.

Proposed law retains present law with regard to the prosecution of second degree rape (C.Cr.P. Art. 571) and the exception provided for the prosecution of sex offenses after the expiration of the present law time periods when the identity of the offender is established through a DNA profile (C.Cr.P. Art. 572(B)).

(Amends C.Cr.P. Art. 571.1 and 572(A)(intro. para.) and (B)(1); Adds C.Cr.P. Art. 572.1)