

SENATE BILL NO. 94

BY SENATORS DONAHUE, APPEL, BROOME, CROWE, DORSEY, DUPLESSIS, MORRELL, SMITH, THOMPSON AND WALSWORTH AND REPRESENTATIVES HENRY BURNS, CHAMPAGNE, FOIL, LITTLE, MILLS, PERRY, ROBIDEAUX, SIMON, SMILEY, JANE SMITH AND THIBAUT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

AN ACT

To amend and reenact R.S. 17:15(E) and to enact R.S. 14:81.2(F), relative to molestation of a juvenile; to provide for the crime of molestation of a juvenile involving an educator; to provide for penalties; to provide for definitions; to provide for reporting of criminal history; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:81.2(F) is hereby enacted to read as follows:

§81.2. Molestation of a juvenile

\* \* \*

**F.(1) Whoever commits the crime of molestation of a juvenile, when the victim is thirteen years of age or older but has not yet attained the age of seventeen, and when the offender is an educator of the juvenile, shall be fined not more than ten thousand dollars, or imprisoned, with or without hard labor, for not less than five nor more than forty years, or both. At least five years of the sentence imposed shall be without the benefit of parole, probation, or suspension of sentence and the defendant shall not be eligible to have his conviction set aside or his prosecution dismissed in accordance with Code of Criminal Procedure Article 893.**

**(2) For purposes of this Subsection, "educator" means any teacher or instructor, administrator, staff person, or employee of any public or private elementary, secondary, vocational-technical training, special, or post secondary school or institution, including any teacher aide, paraprofessional, school bus driver, food service worker, and other clerical, custodial, or maintenance**

1 personnel employed by a private, city, parish, or other local public school  
2 board.

3 Section 2. R.S. 17:15(E) is hereby amended and reenacted to read as follows:

4 §15. Criminal history review

5 \* \* \*

6 E.(1) A teacher or any other school employee upon his final conviction or  
7 plea of guilty or nolo contendere to any criminal offense, excluding traffic offenses,  
8 shall report the fact of his conviction or plea to his employer within forty-eight hours  
9 of the conviction or plea of guilty or nolo contendere.

10 (2) Any person who fails to report a conviction or plea of guilty or nolo  
11 contendere of any criminal offense listed in the provisions of R.S. 15:587.1(C)(1)  
12 shall be fined not more than five hundred dollars or imprisoned for not more  
13 than six months, with or without hard labor, or both.

14 Section 3. This Act shall become effective upon signature by the governor or, if not  
15 signed by the governor, upon expiration of the time for bills to become law without signature  
16 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
17 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
18 effective on the day following such approval.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_