

**ACT No. 184**

2015 Regular Session

HOUSE BILL NO. 139

BY REPRESENTATIVE HODGES AND SENATORS DORSEY-COLOMB AND MORRELL

1 AN ACT

2 To amend and reenact R.S. 13:2106(B), R.S. 14:2(B)(9), (10), and (11), 30(A)(1),  
3 30.1(A)(2), 32.6(A)(2), 42(A)(introductory paragraph) and (D)(1),  
4 42.1(A)(introductory paragraph) and (B), 43(A)(introductory paragraph) and (B),  
5 43.6(A) and (B)(1), 50.2, and 107.2(A), R.S. 15:302, 469.1, 541(2)(a), (b), and (c)  
6 and (24)(a), 542(A)(2) and (3)(a) and (b), 571.3(B)(3)(b), (c), and (d),  
7 574.4(D)(1)(h), 708(C), 711(G)(1), 811(C) and (E), 831(D), 832(C)(2), 833(B)(3),  
8 833.2(B), 893.1(1), and 1111(I)(1), R.S. 40:1300.13(E)(6), R.S. 48:261(E)(2), Code  
9 of Criminal Procedure Articles 336.1, 465(A)(39) and (40), 571, 814(A)(8), (8.1),  
10 (9), (10), (11), (12), and (13), 890.1(D)(9), (10), and (11), 893.3(E)(1)(b), and  
11 905.4(A)(1) and (3), Code of Evidence Article 412.1, and Children's Code Articles  
12 305(A)(1)(introductory paragraph) and (b), (B)(1)(b) and (2)(f) and (g), 855(B)(7)(a)  
13 and (b), 857(A)(4) and (8) and (C), 858(B), 879(B)(2), 884.1(A)(1) and (2),  
14 897(B)(1)(c), 897.1(A), and 901(E) and to enact R.S. 14:42(E), 42.1(C), and 43(C),  
15 relative to rape; to provide relative to the crimes of aggravated rape, forcible rape,  
16 and simple rape; to change all references of "aggravated rape" to "first degree rape";  
17 to change all references of "forcible rape" to "second degree rape"; to change all  
18 references of "simple rape" to "third degree rape"; to provide relative to the effects  
19 of these changes; and to provide for related matters.

20 Be it enacted by the Legislature of Louisiana:

1 Section 1. R.S. 14:2(B)(9), (10), and (11), 30(A)(1), 30.1(A)(2), 32.6(A)(2),  
2 42(A)(introductory paragraph) and (D)(1), 42.1(A)(introductory paragraph) and (B),  
3 43(A)(introductory paragraph) and (B), 43.6(A) and (B)(1), 50.2, and 107.2(A) are hereby  
4 amended and reenacted and R.S. 14:42(E), 42.1(C), and 43(C) are hereby enacted to read  
5 as follows:

6 §2. Definitions

7 \* \* \*

8 B. In this Code, "crime of violence" means an offense that has, as an  
9 element, the use, attempted use, or threatened use of physical force against the  
10 person or property of another, and that, by its very nature, involves a substantial risk  
11 that physical force against the person or property of another may be used in the  
12 course of committing the offense or an offense that involves the possession or use  
13 of a dangerous weapon. The following enumerated offenses and attempts to commit  
14 any of them are included as "crimes of violence":

15 \* \* \*

16 (9) Aggravated or first degree rape.

17 (10) Forcible or second degree rape.

18 (11) Simple or third degree rape.

19 \* \* \*

20 §30. First degree murder

21 A. First degree murder is the killing of a human being:

22 (1) When the offender has specific intent to kill or to inflict great bodily  
23 harm and is engaged in the perpetration or attempted perpetration of aggravated  
24 kidnapping, second degree kidnapping, aggravated escape, aggravated arson,  
25 aggravated or first degree rape, forcible or second degree rape, aggravated burglary,  
26 armed robbery, assault by drive-by shooting, first degree robbery, second degree  
27 robbery, simple robbery, terrorism, cruelty to juveniles, or second degree cruelty to  
28 juveniles.

29 \* \* \*

1 §30.1. Second degree murder

2 A. Second degree murder is the killing of a human being:

3 \* \* \*

4 (2) When the offender is engaged in the perpetration or attempted  
5 perpetration of aggravated or first degree rape, forcible or second degree rape,  
6 aggravated arson, aggravated burglary, aggravated kidnapping, second degree  
7 kidnapping, aggravated escape, assault by drive-by shooting, armed robbery, first  
8 degree robbery, second degree robbery, simple robbery, cruelty to juveniles, second  
9 degree cruelty to juveniles, or terrorism, even though he has no intent to kill or to  
10 inflict great bodily harm.

11 \* \* \*

12 §32.6. First degree feticide

13 A. First degree feticide is:

14 \* \* \*

15 (2) The killing of an unborn child when the offender is engaged in the  
16 perpetration or attempted perpetration of aggravated or first degree rape, forcible or  
17 second degree rape, aggravated arson, aggravated burglary, aggravated kidnapping,  
18 second degree kidnapping, assault by drive-by shooting, aggravated escape, armed  
19 robbery, first degree robbery, second degree robbery, cruelty to juveniles, second  
20 degree cruelty to juveniles, terrorism, or simple robbery, even though he has no  
21 intent to kill or inflict great bodily harm.

22 \* \* \*

23 §42. ~~Aggravated~~ First degree rape

24 A. ~~Aggravated~~ First degree rape is a rape committed upon a person sixty-five  
25 years of age or older or where the anal, oral, or vaginal sexual intercourse is deemed  
26 to be without lawful consent of the victim because it is committed under any one or  
27 more of the following circumstances:

28 \* \* \*



1           B. Whoever commits the crime of ~~simple~~ third degree rape shall be  
2 imprisoned, with or without hard labor, without benefit of parole, probation, or  
3 suspension of sentence, for not more than twenty-five years.

4           C. For all purposes, "simple rape" and "third degree rape" mean the offense  
5 defined by the provisions of this Section and any reference to the crime of simple  
6 rape is the same as a reference to the crime of third degree rape. Any act in violation  
7 of the provisions of this Section committed on or after August 1, 2015, shall be  
8 referred to as "third degree rape".

9   \*       \*       \*

10       §43.6. Administration of medroxyprogesterone acetate (MPA) to certain sex  
11 offenders

12           A. Notwithstanding any other provision of law to the contrary, upon a first  
13 conviction of R.S. 14:42 (aggravated or first degree rape), R.S. 14:42.1 (forcible or  
14 second degree rape), R.S. 14:43.2 (second degree sexual battery), R.S. 14:81.2(D)(1)  
15 (molestation of a juvenile when the victim is under the age of thirteen), and R.S.  
16 14:89.1 (aggravated crime against nature), the court may sentence the offender to be  
17 treated with medroxyprogesterone acetate (MPA), according to a schedule of  
18 administration monitored by the Department of Public Safety and Corrections.

19           B.(1) Notwithstanding any other provision of law to the contrary, upon a  
20 second or subsequent conviction of R.S. 14:42 (aggravated or first degree rape) , R.S.  
21 14:42.1 (forcible or second degree rape), R.S. 14:43.2 (second degree sexual  
22 battery), R.S. 14:81.2(D)(1) (molestation of a juvenile when the victim is under the  
23 age of thirteen), and R.S. 14:89.1 (aggravated crime against nature), the court shall  
24 sentence the offender to be treated with medroxyprogesterone acetate (MPA)  
25 according to a schedule of administration monitored by the Department of Public  
26 Safety and Corrections.

27   \*       \*       \*

1 §50.2. Perpetration or attempted perpetration of certain crimes of violence against  
2 a victim sixty-five years of age or older

3 The court in its discretion may sentence, in addition to any other penalty  
4 provided by law, any person who is convicted of a crime of violence or of an attempt  
5 to commit any of the crimes as defined in R.S. 14:2(B) with the exception of first  
6 degree murder (R.S. 14:30), second degree murder (R.S. 14:30.1), aggravated assault  
7 (R.S. 14:37), aggravated or first degree rape (R.S. 14:42), and aggravated kidnapping  
8 (R.S. 14:44); to an additional three years' imprisonment when the victim of such  
9 crime is sixty-five years of age or older at the time the crime is committed.

10 \* \* \*

11 §107.2. Hate crimes

12 A. It shall be unlawful for any person to select the victim of the following  
13 offenses against person and property because of actual or perceived race, age,  
14 gender, religion, color, creed, disability, sexual orientation, national origin, or  
15 ancestry of that person or the owner or occupant of that property or because of actual  
16 or perceived membership or service in, or employment with, an organization: first  
17 or second degree murder; manslaughter; battery; aggravated battery; second degree  
18 battery; aggravated assault with a firearm; terrorizing; mingling harmful substances;  
19 simple or third degree rape, forcible or second degree rape, or aggravated or first  
20 degree rape; sexual battery, second degree sexual battery; oral sexual battery; carnal  
21 knowledge of a juvenile; indecent behavior with juveniles; molestation of a juvenile  
22 or a person with a physical or mental disability; simple, second degree, or aggravated  
23 kidnapping; simple or aggravated arson; communicating of false information of  
24 planned arson; simple or aggravated criminal damage to property; contamination of  
25 water supplies; simple or aggravated burglary; criminal trespass; simple, first degree,  
26 or armed robbery; purse snatching; extortion; theft; desecration of graves;  
27 institutional vandalism; or assault by drive-by shooting.

28 \* \* \*

1 Section 2. R.S. 15:302, 469.1, 541(2)(a), (b), and (c) and (24)(a), 542(A)(2) and  
2 (3)(a) and (b), 571.3(B)(3)(b), (c), and (d), 574.4(D)(1)(h), 708(C), 711(G)(1), 811(C) and  
3 (E), 831(D), 832(C)(2), 833(B)(3), 833.2(B), 893.1(1), and 1111(I)(1) are hereby amended  
4 and reenacted to read as follows:

5 §302. Sentences to prison districts; persons excluded

6 Whenever prison districts have been established the rules of sentencing set  
7 forth below shall be followed:

8 ~~A.~~(1) The following persons shall be sentenced to prison districts:

9 ~~(1)~~(a) All persons convicted of misdemeanors and sentenced to  
10 imprisonment by any state court within the judicial district.

11 ~~(2)~~(b) All persons convicted of violations of state or parish laws by any  
12 municipal court within the judicial district.

13 ~~B.~~(2) The following persons may be sentenced to prison districts:

14 ~~(1)~~(a) Persons convicted of felonies by any state court within the judicial  
15 district notwithstanding the conviction ordinarily requires imprisonment in the  
16 penitentiary.

17 ~~(2)~~(b) Persons convicted of violations of municipal ordinances and sentenced  
18 to imprisonment by the municipal courts of those municipalities which have  
19 contracted with the governing authority of the prison district for the keeping of such  
20 persons.

21 ~~C.~~(3) The following persons shall not be imprisoned in any prison district:

22 ~~(1)~~(a) Persons sentenced to life imprisonment.

23 ~~(2)~~(b) Persons convicted of treason, aggravated or ~~simple~~ first degree rape,  
24 simple or third degree rape, aggravated or simple arson, or aggravated or simple  
25 kidnapping.

26 ~~(3)~~(c) Bank and homestead officials convicted of theft by reason of misusing  
27 funds of depositors or other funds entrusted to them.

28 ~~(4)~~(d) Notaries public who are defaulters.

29 ~~(5)~~(e) Second or third offenders.





1 (c)(i) Simple rape under the provisions of R.S. 14:43(A)(1) and (2) which  
 2 occurred prior to August 1, 2015.

3 (ii) Third degree rape under the provisions of R.S. 14:43(A)(1) and (2) which  
 4 occurred on or after August 1, 2015.

5 \* \* \*

6 (24)(a) "Sex offense" means deferred adjudication, adjudication withheld,  
 7 or conviction for the perpetration or attempted perpetration of or conspiracy to  
 8 commit human trafficking when prosecuted under the provisions of R.S.  
 9 14:46.2(B)(2), R.S. 14:46.3 (trafficking of children for sexual purposes), R.S. 14:89  
 10 (crime against nature), R.S. 14:89.1 (aggravated crime against nature), R.S.  
 11 14:89.2(B)(3) (crime against nature by solicitation), R.S. 14:80 (felony carnal  
 12 knowledge of a juvenile), R.S. 14:81 (indecent behavior with juveniles), R.S.14:81.1  
 13 (pornography involving juveniles), R.S. 14:81.2 (molestation of a juvenile or a  
 14 person with a physical or mental disability), R.S. 14:81.3 (computer-aided  
 15 solicitation of a minor), R.S. 14:81.4 (prohibited sexual conduct between an educator  
 16 and student), R.S. 14:82.1 (prostitution; persons under eighteen), R.S. 14:82.2(C)(4)  
 17 and (5) (purchase of commercial sexual activity), R.S. 14:92(A)(7) (contributing to  
 18 the delinquency of juveniles), R.S. 14:93.5 (sexual battery of ~~the infirm~~ persons with  
 19 infirmities), R.S. 14:106(A)(5) (obscenity by solicitation of a person under the age  
 20 of seventeen), R.S. 14:283 (video voyeurism), R.S. 14:41 (rape), R.S. 14:42  
 21 (aggravated or first degree rape), R.S. 14:42.1 (forcible or second degree rape), R.S.  
 22 14:43 (simple or third degree rape), R.S. 14:43.1 (sexual battery), R.S. 14:43.2  
 23 (second degree sexual battery), R.S. 14:43.3 (oral sexual battery), R.S. 14:43.5  
 24 (intentional exposure to AIDS virus), or a second or subsequent conviction of R.S.  
 25 14:283.1 (voyeurism), committed on or after June 18, 1992, or committed prior to  
 26 June 18, 1992, if the person, as a result of the offense, is under the custody of the  
 27 Department of Public Safety and Corrections on or after June 18, 1992. A conviction  
 28 for any offense provided in this definition includes a conviction for the offense under  
 29 the laws of another state, or military, territorial, foreign, tribal, or federal law which  
 30 is equivalent to an offense provided for in this Chapter, unless the tribal court or

1 foreign conviction was not obtained with sufficient safeguards for fundamental  
2 fairness and due process for the accused as provided by the federal guidelines  
3 adopted pursuant to the Adam Walsh Child Protection and Safety Act of 2006.

4 \* \* \*

5 §542. Registration of sex offenders and child predators

6 A. The following persons shall be required to register and provide  
7 notification as a sex offender or child predator in accordance with the provisions of  
8 this Chapter:

9 \* \* \*

10 (2) Any juvenile who has pled guilty or has been convicted of a sex offense  
11 or second degree kidnapping as provided for in Children's Code Article 305 or 857,  
12 with the exception of simple or third degree rape but including any conviction for an  
13 offense under the laws of another state, or military, territorial, foreign, tribal, or  
14 federal law which is equivalent to the offenses listed herein for which a juvenile  
15 would have to register, ~~and~~ .

16 (3) Any juvenile, who has attained the age of fourteen years at the time of  
17 commission of the offense, who has been adjudicated delinquent based upon the  
18 perpetration, attempted perpetration, or conspiracy to commit any of the following  
19 offenses:

20 (a) Aggravated or first degree rape (R.S. 14:42), which shall include those  
21 that have been adjudicated delinquent based upon the perpetration, attempted  
22 perpetration, or conspiracy to commit aggravated oral sexual battery (formerly R.S.  
23 14:43.4, Repealed by Acts 2001, No. 301, §2) occurring prior to August 15, 2001.

24 (b) Forcible or second degree rape (R.S. 14:42.1).

25 \* \* \*

26 §571.3. Diminution of sentence for good behavior

27 \* \* \*

28 B.

29 \* \* \*

1 (3) A person shall not be eligible for diminution of sentence for good  
2 behavior if he has been convicted of or pled guilty to, or where adjudication has been  
3 deferred or withheld for, a violation of any one of the following offenses:

4 \* \* \*

5 (b) Aggravated or first degree rape (R.S. 14:42).

6 (c) Forcible or second degree rape (R.S. 14:42.1).

7 (d) Simple or third degree rape (R.S. 14:43).

8 \* \* \*

9 §574.4. Parole; eligibility

10 \* \* \*

11 D.(1) Notwithstanding any provision of law to the contrary, any person  
12 serving a sentence of life imprisonment who was under the age of eighteen years at  
13 the time of the commission of the offense, except for a person serving a life sentence  
14 for a conviction of first degree murder (R.S. 14:30) or second degree murder (R.S.  
15 14:30.1), shall be eligible for parole consideration pursuant to the provisions of this  
16 Subsection if all of the following conditions have been met:

17 \* \* \*

18 (h) If the offender was convicted of aggravated or first degree rape, he shall  
19 be designated a sex offender and upon release shall comply with all sex offender  
20 registration and notification provisions as required by law.

21 \* \* \*

22 §708. Labor by prisoners permitted; workday release program; indemnification

23 \* \* \*

24 C. This Section shall not apply to ~~criminals~~ persons convicted of crimes of  
25 first or second degree murder, attempted first or second degree murder, aggravated  
26 or first degree rape, attempted aggravated or first degree rape, forcible or second  
27 degree rape, aggravated kidnapping, aggravated arson, armed robbery, or attempted  
28 armed robbery, or persons sentenced as habitual offenders under R.S. 15:529.1,  
29 except during the last six months of their terms.

30 \* \* \*

1 §711. Work release program

2 \* \* \*

3 G.(1) Any inmate who has been convicted of forcible or second degree rape  
4 (R.S. 14:42.1), aggravated arson (R.S. 14:51), armed robbery (R.S. 14:64), attempted  
5 murder (R.S. 14:27 and 29), attempted armed robbery (R.S. 14:27 and 64), and  
6 persons sentenced as habitual offenders under R.S. 15:529.1 shall be eligible to  
7 participate in a work release program during the last six months of their terms.  
8 Notwithstanding the provisions of this Section and unless the inmate is eligible at an  
9 earlier date, those inmates who have served a minimum of fifteen years in the  
10 custody of the department or the sheriff for those crimes enumerated in this Section,  
11 shall be eligible to participate in a work release program during the last twelve  
12 months of their term.

13 \* \* \*

14 §811. Inmate contact with persons outside of parish or multiparish prison;  
15 temporary release or furlough

16 \* \* \*

17 C. An inmate sentenced to the Department of Public Safety and Corrections  
18 who is in the custody of the sheriff shall not be eligible for a furlough unless that  
19 inmate is in compliance with the Department of Public Safety and Corrections  
20 standards for such a furlough.

21 \* \* \*

22 E. Except in cases of serious illness or death of a member of the inmate's  
23 family, or for an interview of the inmate by a prospective employer in which case the  
24 inmate may be released only in security escort with Department of Public Safety and  
25 Corrections authorized personnel, any inmate who has been convicted of first degree  
26 murder (R.S. 14:30), second degree murder (R.S. 14:30.1), aggravated or first degree  
27 rape (R.S. 14:42), attempted aggravated or first degree rape (R.S. 14:27, ~~14:~~ and 42),  
28 forcible or second degree rape (R.S. 14:42.1), aggravated kidnapping (R.S. 14:44),  
29 aggravated arson (R.S. 14:51), armed robbery (R.S. 14:64), attempted murder (R.S.  
30 14:27, ~~14:~~ and 29), attempted armed robbery (R.S. 14:27, ~~14:~~ and 64), producing,

1 manufacturing, distributing, or dispensing or possession with intent to produce,  
 2 manufacture, distribute, or dispense a controlled dangerous substance classified in  
 3 Schedule I or Schedule II of R.S. 40:964, and persons sentenced as habitual  
 4 offenders under R.S. 15:529.1<sub>2</sub> shall be ineligible for temporary release or furloughs  
 5 as provided for herein, except during the last six months of their terms.

6 \* \* \*

7 §831. Medical care of inmates; testing

8 \* \* \*

9 D. For purposes of this Section "inmate" shall mean an individual who has  
 10 been committed to the department for confinement after final sentence. For purposes  
 11 of the prohibition against the use of state general or dedicated funds for organ  
 12 transplants, "inmate" shall mean an individual who has been committed to the  
 13 department for confinement for the crime of first or second degree murder, or the  
 14 crime of aggravated or first degree rape and has exhausted all state and federal  
 15 appellate and post conviction and relief remedies.

16 §832. Work by inmates; allowance

17 \* \* \*

18 C. The department may enter into contractual agreements for the use of  
 19 inmate labor by any department, board, commission, or agency of this state  
 20 responsible for the conservation of natural resources or the construction and  
 21 maintenance of public works, subject to the following restrictions:

22 \* \* \*

23 (2) No inmate shall be assigned to maintenance work at public facilities  
 24 outside the department in accordance with this Section when such work requires  
 25 housing the inmate in a parish prison or other local housing facility and the inmate  
 26 has been convicted of first or second degree murder, attempted first or second degree  
 27 murder, aggravated or first degree rape, attempted aggravated or first degree rape,  
 28 forcible or second degree rape, aggravated kidnapping, aggravated arson, armed

1 robbery, attempted armed robbery, or the inmate has been sentenced as an habitual  
2 offender under R.S. 15:529.1, except during the last six months of his term.

3 \* \* \*

4 §833. Inmate contact with persons outside institution; temporary release

5 \* \* \*

6 B.

7 \* \* \*

8 (3) No inmate serving a sentence for conviction of first degree murder (R.S.  
9 14:30), second degree murder (R.S. 14:30.1), attempted murder (R.S. 14:27 and 29),  
10 aggravated or first degree rape (R.S. 14:42), attempted aggravated or first degree  
11 rape (R.S. 14:27 and 42), forcible or second degree rape (R.S. 14:42.1), aggravated  
12 kidnapping (R.S. 14:44), aggravated arson (R.S. 14:51), armed robbery (R.S. 14:64),  
13 attempted armed robbery (R.S. 14:27 and 64), or producing, manufacturing,  
14 distributing, or dispensing or possession with intent to produce, manufacture,  
15 distribute, or dispense a controlled dangerous substance classified in Schedule I or  
16 II of R.S. 40:964, nor any inmate sentenced as a habitual offender under R.S.  
17 15:529.1 shall be released from the institution to which he is assigned except under  
18 security escort and then only in the following circumstances: treatment for serious  
19 illness; visits with dying family members; funerals of family members; participation  
20 in programs at other correctional institutions; speaking assignments; work details;  
21 court appearances; participation in charity boxing matches; performances of any  
22 organized vocal or instrumental group at any civic or charitable function; or religious  
23 services.

24 \* \* \*

25 §833.2. Temporary release of inmate for limited purposes

26 \* \* \*

27 B. Notwithstanding any other provision of law to the contrary, the secretary  
28 may authorize the temporary release of any inmate, except an inmate sentenced to  
29 death, serving a sentence for conviction of first degree murder (R.S. 14:30), second  
30 degree murder (R.S. 14:30.1), attempted murder (R.S. 14:27 and 29), aggravated or



1 Safety and Corrections. Notwithstanding the provisions of this Section and unless  
2 the inmate is eligible at an earlier date, those inmates who have served a minimum  
3 of fifteen years in the custody of the department for those crimes enumerated in this  
4 Section shall be eligible to participate in a work release program during the last  
5 twelve months of their terms.

6 \* \* \*

7 Section 3. R.S. 13:2106(B) is hereby amended and reenacted to read as follows:

8 §2106. Particular courts; nonrefundable fee; assessment and disposition

9 \* \* \*

10 B. In each criminal proceeding, involving family violence as defined in R.S.  
11 46:2121.1, simple or third degree rape, forcible or second degree rape, aggravated  
12 or first degree rape, aggravated assault, aggravated battery, simple battery,  
13 aggravated kidnapping, simple kidnapping, or false imprisonment, or any attempt to  
14 commit the aforementioned crimes, a nonrefundable fee of twenty-five dollars shall  
15 be collected by the clerk of the city court of Slidell and the clerk of the Twenty-  
16 Second Judicial District Court, St. Tammany Parish, which shall be in addition to all  
17 other fines, costs, or forfeitures lawfully imposed. If the defendant is found guilty  
18 and placed on probation, the court shall, as a condition of probation require the  
19 defendant to pay the additional fee at the time the defendant is placed on probation.  
20 If the sentence of the court is incarceration, the fee shall be collected at the time of  
21 imposition of sentence.

22 \* \* \*

23 Section 4. R.S. 40:1300.13(E)(6) is hereby amended and reenacted to read as  
24 follows:

25 §1300.13. HIV-related testing; consent; exceptions

26 \* \* \*

27 E. The provisions of Subsections A through D of this Section shall not apply  
28 to the performance of an HIV-related test:

29 \* \* \*







- 1                   8. Aggravated Rape or First Degree Rape:
- 2                   Guilty.
- 3                   Guilty of attempted aggravated or first degree rape.
- 4                   Guilty of forcible or second degree rape.
- 5                   Guilty of attempted forcible or second degree rape.
- 6                   Guilty of sexual battery.
- 7                   Guilty of simple or third degree rape.
- 8                   Guilty of attempted simple or third degree rape.
- 9                   Guilty of oral sexual battery.
- 10                  Not guilty.
- 11                  8.1. Aggravated or first degree rape of a child under the age of thirteen:
- 12                  Guilty.
- 13                  Guilty of attempted aggravated or first degree rape.
- 14                  Guilty of forcible or second degree rape.
- 15                  Guilty of attempted forcible or second degree rape.
- 16                  Guilty of simple or third degree rape.
- 17                  Guilty of attempted simple or third degree rape.
- 18                  Guilty of sexual battery.
- 19                  Guilty of molestation of a juvenile or a person with a physical or mental
- 20                  disability.
- 21                  Guilty of attempted molestation of a juvenile or a person with a physical or
- 22                  mental disability.
- 23                  Guilty of indecent behavior with a juvenile.
- 24                  Guilty of attempted indecent behavior with a juvenile.
- 25                  Not guilty.
- 26                  9. Attempted Aggravated Rape or Attempted First Degree Rape:
- 27                  Guilty.
- 28                  Guilty of attempted forcible or second degree rape.
- 29                  Guilty of attempted simple or third degree rape.
- 30                  Not guilty.



1 Art. 893.3. Sentence imposed on felony or specifically enumerated misdemeanor in  
2 which firearm was possessed, used, or discharged

3 \* \* \*

4 E.(1)

5 \* \* \*

6 (b) A "violent felony" for the purposes of this Paragraph is: second degree  
7 sexual battery, aggravated burglary, carjacking, armed robbery, second degree  
8 kidnapping, manslaughter, or forcible or second degree rape.

9 \* \* \*

10 Art. 905.4. Aggravating circumstances

11 A. The following shall be considered aggravating circumstances:

12 (1) The offender was engaged in the perpetration or attempted perpetration  
13 of aggravated or first degree rape, forcible or second degree rape, aggravated  
14 kidnapping, second degree kidnapping, aggravated burglary, aggravated arson,  
15 aggravated escape, assault by drive-by shooting, armed robbery, first degree robbery,  
16 second degree robbery, simple robbery, cruelty to juveniles, second degree cruelty  
17 to juveniles, or terrorism.

18 \* \* \*

19 (3) The offender has been previously convicted of an unrelated murder,  
20 aggravated or first degree rape, aggravated burglary, aggravated arson, aggravated  
21 escape, armed robbery, or aggravated kidnapping.

22 \* \* \*

23 Section 7. Code of Evidence Article 412.1 is hereby amended and reenacted to read  
24 as follows:

25 Art. 412.1. Victim's attire in sexual assault cases

26 When an accused is charged with the crime of aggravated or first degree rape,  
27 forcible or second degree rape, simple or third degree rape, sexual battery, or second  
28 degree sexual battery, the manner and style of the victim's attire shall not be  
29 admissible as evidence that the victim encouraged or consented to the offense;  
30 however, items of clothing or parts thereof may be introduced in order to establish

1 the presence or absence of the elements of the offense and the proof of its  
2 occurrence.

3 Section 8. Children's Code Articles 305(A)(1)(introductory paragraph) and (b),  
4 (B)(1)(b) and (2)(f) and (g), 855(B)(7)(a) and (b), 857(A)(4) and (8) and (C), 858(B),  
5 879(B)(2), 884.1(A)(1) and (2), 897(B)(1)(c), 897.1(A), and 901(E) are hereby amended  
6 and reenacted to read as follows:

7 Art. 305. Divestiture of juvenile court jurisdiction; original criminal court  
8 jurisdiction over children; when acquired

9 A.(1) When a child is fifteen years of age or older at the time of the  
10 commission of first degree murder, second degree murder, aggravated or first degree  
11 rape, or aggravated kidnapping, he is subject to the exclusive jurisdiction of the  
12 juvenile court until either:

13 \* \* \*

14 (b) The juvenile court holds a continued custody hearing pursuant to Articles  
15 819 and 820 and finds probable cause that he committed one of these offenses,  
16 whichever occurs first. During this hearing, when the child is charged with  
17 aggravated or first degree rape, the court shall inform him that if convicted he shall  
18 register as a sex offender for life, pursuant to Chapter 3-B of Title 15 of the  
19 Louisiana Revised Statutes of 1950.

20 \* \* \*

21 B.(1) When a child is fifteen years of age or older at the time of the  
22 commission of any of the offenses listed in Subparagraph (2) of this Paragraph, he  
23 is subject to the exclusive jurisdiction of the juvenile court until whichever of the  
24 following occurs first:

25 \* \* \*

26 (b) The juvenile court holds a continued custody hearing and finds probable  
27 cause that the child has committed any of the offenses listed in Subparagraph (2) of  
28 this Paragraph and a bill of information charging any of the offenses listed in  
29 Subparagraph (2) of this Paragraph is filed. During this hearing, when the child is

1 charged with forcible or second degree rape or second degree kidnapping, the court  
2 shall inform him that if convicted he shall register as a sex offender for life, pursuant  
3 to Chapter 3-B of Title 15 of the Louisiana Revised Statutes of 1950.

4 (2)

5 \* \* \*

6 (f) Forcible or second degree rape.

7 (g) Simple or third degree rape.

8 \* \* \*

9 Art. 855. Advice of rights at appearance to answer

10 \* \* \*

11 B. If the child is capable, the court shall then advise the child of the  
12 following items in terms understandable to the child:

13 \* \* \*

14 (7) The possible consequences of his admission that the allegations are true,  
15 including the maximum and minimal dispositions which the court may impose  
16 pursuant to Articles 897 through 900. In addition, if the child is fourteen years of  
17 age or older and the petition charges the child with the perpetration, attempted  
18 perpetration, or conspiracy to commit any of the following offenses, the court shall  
19 inform the child that, if he admits to allegations of the petition, or the allegations of  
20 the petition are found to be true, he may be required to register as a sex offender  
21 pursuant to Chapter 3-B of Title 15 of the Louisiana Revised Statutes of 1950, and  
22 the court shall inform the child regarding applicable required registrations and their  
23 duration:

24 (a) Aggravated or first degree rape as defined in R.S. 14:42.

25 (b) Forcible or second degree rape as defined in R.S. 14:42.1.

26 \* \* \*

27 Art. 857. Transfers for criminal prosecution; authority

28 A. The court on its own motion or on motion of the district attorney may  
29 conduct a hearing to consider whether to transfer a child for prosecution to the  
30 appropriate court exercising criminal jurisdiction if a delinquency petition has been

1 filed which alleges that a child who is fourteen years of age or older at the time of  
2 the commission of the alleged offense but is not otherwise subject to the original  
3 jurisdiction of a court exercising criminal jurisdiction has committed any one or  
4 more of the following crimes:

5 \* \* \*

6 (4) Aggravated or first degree rape.

7 \* \* \*

8 (8) Forcible or second degree rape if the rape is committed upon a child at  
9 least two years younger than the rapist.

10 \* \* \*

11 C.(1) An adult who is charged with an offense committed at the time he was  
12 a child for which the time limitation for the institution of prosecution pursuant to  
13 Code of Criminal Procedure ~~Art.~~ Article 571 has not lapsed and for which he was  
14 subject to prosecution as an adult due to his age at the time the offense was  
15 committed shall be prosecuted as an adult in the appropriate court exercising  
16 criminal jurisdiction. If convicted, he shall be punished as an adult as provided by  
17 law.

18 (2) An adult who is charged with an offense committed at the time he was  
19 a child for which the time limitation for the institution of prosecution pursuant to  
20 Code of Criminal Procedure ~~Art.~~ Article 571 has not lapsed and for which he was not  
21 subject to prosecution as an adult due to his age at the time the offense was  
22 committed shall be prosecuted as an adult in the appropriate court exercising  
23 criminal jurisdiction. If convicted, he shall be committed to the custody of the  
24 Department of Public Safety and Corrections to be confined in secure placement for  
25 a period of time as determined by the court not to exceed the maximum amount of  
26 confinement he could have been ordered to serve had he been adjudicated for the  
27 offense as a child at the time the offense was committed.



1 Art. 858. Motion for transfer; notice

2 \* \* \*

3 B. Notice in writing of the time, place, and purpose of the hearing shall be  
4 given to the child and his parents and other custodian, if any, at least ten days before  
5 the hearing. In addition, if the petition charges the child with second degree  
6 kidnapping, aggravated or first degree rape, or forcible or second degree rape, the  
7 court shall inform the child regarding the applicable registration and duration  
8 requirements in Chapter 3-B of Title 15 of the Louisiana Revised Statutes of 1950.

9 \* \* \*

10 Art. 879. Presence at adjudication hearing; exclusion of witnesses

11 \* \* \*

12 B.

13 \* \* \*

14 (2) Except as otherwise provided by law, in all juvenile delinquency  
15 proceedings involving the violation of first degree murder (R.S. 14:30), second  
16 degree murder (R.S. 14:30.1), aggravated or first degree rape (R.S. 14:42),  
17 aggravated kidnapping (R.S. 14:44), armed robbery (R.S. 14:64), negligent homicide  
18 (R.S. 14:32)<sub>2</sub> or vehicular homicide (R.S. 14:32.1), the court shall allow the victim,  
19 the victim's spouse, children, siblings, parents, grandparents, guardians, and legal  
20 custodians to be present at the adjudication hearing.

21 \* \* \*

22 Art. 884.1. Informing the child of sex offender registration and notification  
23 requirements; form

24 A. When the child has admitted the allegations of the petition or when  
25 adjudicated delinquent for any of the following offenses, the court shall provide him  
26 with written notice of the requirements for registration as a sex offender:

27 (1) Aggravated or first degree rape as defined in R.S. 14:42.

28 (2) Forcible or second degree rape as defined in R.S. 14:42.1.

29 \* \* \*



1 Art. 901. Disposition guidelines; generally

2 \* \* \*

3 E. The general disposition guidelines set forth in Paragraphs A through D of  
4 this Article do not apply when a child has been adjudicated a delinquent for the  
5 violation of R.S. 14:30, first degree murder; R.S. 14:30.1, second degree murder;  
6 R.S. 14:42, aggravated or first degree rape; R.S. 14:44, aggravated kidnapping; or  
7 R.S. 14:64, armed robbery in accordance with Article 897.1.

8 \* \* \*

9 Section 9. Nothing in this Act alleviates any person arrested, convicted, or  
10 adjudicated delinquent of aggravated rape, forcible rape, or simple rape prior to the effective  
11 date of this Act from any requirement, obligation, or consequence imposed by law as a result  
12 of that arrest, conviction, or adjudication including but not limited to any requirements  
13 regarding the setting of bail, sex offender registration and notification, parental rights,  
14 probation, parole, sentencing, or any other requirement, obligation, or consequence imposed  
15 by law as a result of that arrest, conviction, or adjudication.

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

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

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

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