

## RÉSUMÉ DIGEST

**ACT 407 (SB 105)**

**2018 Regular Session**

**Morrell**

Prior law provided relative to the crimes of rape and sexual battery. Prior law further provided that lack of consent is an element of these crimes under certain circumstances.

New law retains prior law and adds that for purposes of the prior law crimes of rape and sexual battery, a person is deemed incapable of consent when the person is under arrest or otherwise in the actual custody of a police officer or other law enforcement official and the offender is a police officer or other law enforcement official who either:

- (1) Arrested the person or was responsible for maintaining the person in actual custody.
- (2) Knows or reasonably should know that the person is under arrest or otherwise in actual custody.

Effective upon signature of the governor (May 23, 2018).

(Adds R.S. 14:41.1)