

2019 Regular Session

HOUSE RESOLUTION NO. 315

BY REPRESENTATIVE NORTON

CRIME/SEX OFFENSES: Requests the Administration of Criminal Justice Committee to study the practicality of increasing the time to prosecute certain sex offenses

1 A RESOLUTION

2 To urge and request the House Committee on Administration of Criminal Justice to study
3 the effects of increasing the time period within which to institute prosecution of sex
4 offenses.

5 WHEREAS, sexual assault is a serious and widespread problem affecting millions
6 of people each year in the United States with one in three women and one in four men
7 experiencing sexual assault involving physical contact during their lifetimes, and nearly one
8 in five women and one in thirty-eight men experiencing completed or attempted rape; and

9 WHEREAS, researchers know that these numbers underestimate this problem as
10 many cases go unreported because victims may be ashamed, embarrassed, or afraid to report
11 or because victims have been threatened with further harm if they report; and

12 WHEREAS, Louisiana law provides certain time limitations within which
13 prosecution is required to be instituted for certain offenses; and

14 WHEREAS, Louisiana law provides that there is no time limitation upon the
15 institution of prosecution for any crime which is punishable by death or life imprisonment,
16 or for the crime of second degree rape; and

17 WHEREAS, Louisiana law further provides for a thirty-year period in which to
18 institute prosecution for certain sex offenses when the victim is under the age of seventeen;
19 and

20 WHEREAS, for all other offenses, Louisiana law provides a six-year limit for a
21 felony necessarily punishable by imprisonment at hard labor; a four-year limit for a felony

1 not necessarily punishable by imprisonment at hard labor; a two-year limit for a
2 misdemeanor punishable by a fine, imprisonment, or both; and a six-month limit for a
3 misdemeanor punishable only by a fine or forfeiture; and

4 WHEREAS, in some cases where the identity of the offender who has committed a
5 sex offense is established through the use of a DNA profile, Louisiana law provides that
6 prosecution of the offender for the sex offense may be commenced beyond the time
7 limitations set forth in current law.

8 THEREFORE, BE IT RESOLVED that the House of Representatives of the
9 Legislature of Louisiana does hereby urge and request the House Committee on
10 Administration of Criminal Justice to study the effects of increasing the time period within
11 which to institute prosecution of sex offenses as follows:

12 (1) For a sex offense not involving a victim under the age of seventeen, extend the
13 time within which to institute prosecution to ten years, and provide that this ten-year period
14 may be extended for an additional fifteen years if new and material evidence is discovered
15 prior to the expiration of the ten-year period.

16 (2) For a sex offense committed against a victim who is under the age of seventeen,
17 extend the existing thirty-year period for an additional fifteen years if new and material
18 evidence is discovered prior to the expiration of the thirty-year period.

19 BE IT FURTHER RESOLVED in the undertaking of the study, the House
20 Committee on Administration of Criminal Justice may seek input from relevant agencies,
21 organizations, and stakeholders, may request research, documents, or data, conduct public
22 hearings, and take any other actions it deems necessary to carry out its function.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HR 315 Original

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Norton

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