

RÉSUMÉ DIGEST

ACT 32 (SB 32)

2020 Regular Session

Connick

Prior law provided that second degree rape is rape committed when the anal, oral, or vaginal sexual intercourse is deemed to be without the lawful consent of the victim because it is committed under any one or more of the following circumstances:

- (1) When the victim is prevented from resisting the act by force or threats of physical violence under circumstances where the victim reasonably believes that such resistance would not prevent the rape.
- (2) When the victim is incapable of resisting or of understanding the nature of the act by reason of stupor or abnormal condition of the mind produced by a narcotic or anesthetic agent or other controlled dangerous substance administered by the offender and without the knowledge of the victim.

New law retains prior law.

Prior law provided that whoever commits the crime of second degree rape is to be imprisoned at hard labor for not less than five nor more than 40 years, and at least two years of the sentence must be without benefit of parole, probation, or suspension of sentence.

New law provides that the entire sentence of imprisonment for the commission of second degree rape must be served without benefit of parole, probation, or suspension of sentence. New law otherwise retains prior law.

Effective August 1, 2020.

(Amends R.S. 14:42.1(B))