

2019 Regular Session

HOUSE BILL NO. 162

BY REPRESENTATIVE CONNICK

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

SEX OFFENSE/REGISTRY: Provides relative to the administration of medroxyprogesterone acetate to sex offenders

1 AN ACT

2 To amend and reenact R.S. 14:43.6(A), (B)(1), and (C)(1) and (2), relative to sentencing of
3 sex offenses; to provide relative to the sentencing of persons convicted of certain sex
4 offenses; to provide relative to the administration of medroxyprogesterone acetate
5 to persons convicted of certain sex offenses; to add sexual battery of a victim under
6 the age of thirteen to the list of offenses for which medroxyprogesterone acetate may
7 be administered to the offender; to provide relative to medical evaluations of the
8 offender conducted prior to treatment; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 14:43.6(A), (B)(1), and (C)(1) and (2) are hereby amended and
11 reenacted to read as follows:

12 §43.6. Administration of medroxyprogesterone acetate (MPA) to certain sex
13 offenders

14 A. Notwithstanding any other provision of law to the contrary, upon a first
15 conviction of R.S. 14:42 (aggravated or first degree rape), R.S. 14:42.1 (forcible or
16 second degree rape), R.S. 14:43.1(C)(2) (sexual battery when the victim is under the
17 age of thirteen), R.S. 14:43.2 (second degree sexual battery), R.S. 14:81.2(D)(1)
18 (molestation of a juvenile when the victim is under the age of thirteen), and R.S.
19 14:89.1 (aggravated crime against nature), the court may sentence the offender to be

1 treated with medroxyprogesterone acetate (MPA), according to a schedule of
2 administration monitored by the Department of Public Safety and Corrections.

3 B.(1) Notwithstanding any other provision of law to the contrary, upon a
4 second or subsequent conviction of R.S. 14:42 (aggravated or first degree rape), R.S.
5 14:42.1 (forcible or second degree rape), R.S. 14:43.1(C)(2) (sexual battery when the
6 victim is under the age of thirteen), R.S. 14:43.2 (second degree sexual battery), R.S.
7 14:81.2(D)(1) (molestation of a juvenile when the victim is under the age of
8 thirteen), and R.S. 14:89.1 (aggravated crime against nature), the court shall sentence
9 the offender to be treated with medroxyprogesterone acetate (MPA) according to a
10 schedule of administration monitored by the Department of Public Safety and
11 Corrections.

12 * * *

13 C.(1) An order of the court sentencing a defendant to medroxyprogesterone
14 acetate (MPA) treatment under this Section; shall be contingent upon a determination
15 by a court appointed medical expert; that the defendant is an appropriate candidate
16 for treatment. ~~This~~ Except as provided in Subparagraph (2)(b) of this Subsection,
17 this determination shall be made not later than sixty days from the imposition of
18 sentence. An order of the court sentencing a defendant to medroxyprogesterone
19 acetate (MPA) treatment shall specify the duration of treatment for a specific term
20 of years, or in the discretion of the court, up to the life of the defendant.

21 (2)(a) In all cases involving defendants sentenced to a period of incarceration
22 or confinement in an institution, the administration of treatment with
23 medroxyprogesterone acetate (MPA) shall commence not later than one week prior
24 to the defendant's release from prison or such institution.

25 (b) When the provisions of this Paragraph apply, if the defendant is
26 sentenced to incarceration or confinement for a period of time that is ten years or
27 more, the commencement of the administration of treatment with
28 medroxyprogesterone acetate (MPA) shall be contingent upon a medical evaluation
29 to determine whether the defendant is an appropriate candidate for treatment. This

1 evaluation shall be conducted not sooner than thirty days prior to the commencement
2 of the administration of the treatment.

3 * * *

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)]

HB 162 Original

2019 Regular Session

Connick

Abstract: Adds sexual battery of a victim who is under the age of 13 to the list of offenses for which a an offender may be treated with medroxyprogesterone acetate, and provides relative to medical evaluations of such offenders prior to administration of the treatment.

Present law provides that for convictions of certain enumerated sex offenses, the following shall apply:

- (1) Upon a first conviction, the court may sentence the offender to be treated with medroxyprogesterone acetate (MPA), according to a schedule of administration monitored by the Dept. of Public Safety and Corrections.
- (2) Upon a second or subsequent conviction, the court shall sentence the offender to be treated with medroxyprogesterone acetate (MPA), according to a schedule of administration monitored by the Dept. of Public Safety and Corrections.

Provisions of this present law applies to the following offenses: (R.S. 14:42) aggravated or first degree rape, (R.S. 14:42.1) forcible or second degree rape, (R.S. 14:43.2) second degree sexual battery, (R.S. 14:81.2(D)(1)) molestation of a juvenile when the victim is under the age of 13, and (R.S. 14:89.1) aggravated crime against nature.

Proposed law retains present law and adds the present law crime of sexual battery when the victim is under the age of 13 (R.S. 14:43.1(C)(2)) to the list of offenses to which this law applies.

Present law provides that an order of the court sentencing a defendant to medroxyprogesterone acetate (MPA) treatment shall be contingent upon a determination by a court appointed medical expert that the defendant is an appropriate candidate for treatment. This determination shall be made not later than 60 days from the imposition of sentence.

In addition, present law provides that in all cases involving defendants sentenced to a period of incarceration or confinement in an institution, the administration of treatment with medroxyprogesterone acetate (MPA) shall commence not later than one week prior to the defendant's release from prison or such institution.

Proposed law amends present law to provide that the present law determination by the medical expert shall be made not later than 60 days from the imposition of sentence, unless the defendant is sentenced to incarceration or confinement for a period of time that is 10 years or more. In such cases, proposed law provides that the commencement of the administration of treatment with medroxyprogesterone acetate (MPA) shall be contingent upon a medical evaluation to determine whether the defendant is an appropriate candidate

for treatment, which shall be conducted not sooner than 30 days prior to the commencement of the administration of the treatment.

(Amends R.S. 14:43.6(A), (B)(1), and (C)(1) and (2))