

2023 Regular Session

SENATE RESOLUTION NO. 170

BY SENATOR DUPLESSIS

CRIME/PUNISHMENT. Creates a task force to study and make recommendations regarding crime against nature by solicitation.

A RESOLUTION

To create and provide for the Task Force on Crime Against Nature by Solicitation.

WHEREAS, R.S. 14:89, crime against nature by solicitation, prohibits solicitation of another with the intent to engage in any unnatural carnal copulation for compensation; and

WHEREAS, R.S. 14:82, the crime of prostitution, prohibits similar conduct; and

WHEREAS, the criminal statutes do not specifically define "unnatural carnal copulation"; and

WHEREAS, the United States Supreme Court, in *Lawrence v. Texas*, (539 U.S. 558 (2003)), permitted adults to "choose to enter upon this relationship in the confines of their homes and their own private lives and still retain their dignity as free persons"; and

WHEREAS, the Louisiana Fifth Circuit Court of Appeals in *Louisiana Electorate of Gays and Lesbians, Inc. v. Connick*, 902 So.2d 1090 (La. App. 5 Cir. 2005), found parts of the crime against nature statute unconstitutional in light of *Lawrence*; and

WHEREAS, the Louisiana State Law Institute has recommended that R.S. 14:89(A)(1), (B)(1), (2), and (3), and (C) be repealed in their entirety; and

WHEREAS, the crime against nature statute has a potential sentence of two thousand dollars, imprisonment with or without hard labor for five years, or both, on a first offense; and

1 WHEREAS, both the prostitution and crime against nature by solicitation statutes
2 have a potential sentence of five hundred dollars, imprisonment for six months, or both; and

3 WHEREAS, male sex workers are more likely to be charged with crime against
4 nature rather than prostitution, and thus face a harsher penalty, if the other participant is
5 male; and

6 WHEREAS, there exists a question of whether the crime against nature by
7 solicitation statute is constitutional or in violation of a person's due process rights.

8 THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana
9 does hereby establish and provide for the Task Force on Crime Against Nature by
10 Solicitation, to study the effects of enforcement of the crime against nature by solicitation
11 statute, and to propose recommendations, together with specific proposals for legislation,
12 if the task force deems it necessary or appropriate, by written report to the Senate and to the
13 David R. Poynter Legislative Research Library as required by R.S. 24:771 and 772, no later
14 than March 1, 2024.

15 BE IT FURTHER RESOLVED that the task force shall consist of the following
16 members:

17 (1) Three representatives of Operation Restoration, appointed by the president of the
18 board of directors, one of whom will be designated by the president of the board of directors
19 to serve as chairman for the initial meeting.

20 (2) One member of the Louisiana Senate, appointed by the president of the Senate.

21 (3) A representative from the office of the governor, appointed by the governor.

22 (4) A representative from the Department of Public Safety and Corrections,
23 appointed by the secretary of the department.

24 (5) A representative from the office of state police, appointed by the superintendent.

25 (6) A representative from the office of motor vehicles, appointed by the deputy
26 secretary for the office of motor vehicles.

27 (7) A member of the Louisiana District Attorneys Association, appointed by the
28 executive director.

29 BE IT FURTHER RESOLVED that each designating authority shall submit the
30 names of designees to the task force to the chairman of the initial meeting, no later than

1 September 1, 2023.

2 BE IT FURTHER RESOLVED that the task force shall convene for its first meeting
3 no later than October 1, 2023, at the call of the chairman of the initial meeting, and at the
4 first meeting, the members shall elect a chairman and other officers as the task force may
5 deem appropriate.

6 BE IT FURTHER RESOLVED that the task force shall receive staff support from
7 Operation Restoration.

8 BE IT FURTHER RESOLVED that in conducting this study, the task force may seek
9 input and advice from the Louisiana Board of Pardons and committee on parole, an expert
10 on the history of crime against nature by solicitation, an expert on the enforcement of crime
11 against nature by solicitation, an expert on constitutional law with a background in crime
12 against nature by solicitation or similar offenses, two or three people directly impacted by
13 the enforcement of the crime against nature by solicitation statute, at least one expert on the
14 incarceration of women, LGBTQ+ people, or sex workers, at least one expert on Louisiana's
15 transgender community, and one faith-based leader.

16 BE IT FURTHER RESOLVED that a majority of the task force shall constitute a
17 quorum for the transaction of business and all official actions of the task force shall require
18 the affirmative vote of a majority of the members.

19 BE IT FURTHER RESOLVED that the members of the task force shall serve
20 without compensation, except per diem or expenses reimbursement to which they may be
21 individually entitled as members of their constituent organizations.

22 BE IT FURTHER RESOLVED that the task force shall terminate on the date of the
23 submission of its report, if any is submitted, or March 1, 2024, whichever occurs first.

24 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
25 governor, the Department of Public Safety and Corrections, the office of state police, and
26 the office of motor vehicles, the Louisiana District Attorneys Association, and Operation
27 Restoration.

