2024 Regular Session

HOUSE BILL NO. 130

BY REPRESENTATIVE BAYHAM

CRIME/SEX OFFENSES: Provides relative to the crime of molestation of a juvenile

1	AN ACT
2	To amend and reenact R.S. 14:81.2(B)(2) and (3)(a) and to enact R.S. 14:81.2(B)(4) and (5),
3	relative to the crime of molestation of a juvenile; to provide for penalties for
4	molestation of a juvenile in certain circumstances; to provide for definitions; and to
5	provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 14:81.2(B)(2) and (3)(a) are hereby amended and reenacted and R.S.
8	14:81.2(B)(4) and (5) are hereby enacted to read as follows:
9	§81.2. Molestation of a juvenile or a person with a physical or mental disability
10	* * *
11	В.
12	* * *
13	(2) Whoever commits the crime of molestation of a juvenile, when the victim
14	is thirteen years of age or older but has not yet attained the age of seventeen, and
15	when the offender has control or supervision over the juvenile, shall be fined not
16	more than ten thousand dollars, or imprisoned, with or without hard labor, for not
17	less than five ten years nor more than twenty years, or both. The defendant shall not
18	be eligible to have his conviction set aside or his prosecution dismissed in
19	accordance with Code of Criminal Procedure Article 893.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(3)(a) Whoever commits the crime of molestation of a juvenile, when the	
2	victim is thirteen years of age or older but has not yet attained the age of seventeen,	
3	and when the offender is an educator of the juvenile, shall be fined not more than ten	
4	thousand dollars, or imprisoned, with or without hard labor, for not less than five ten	
5	years nor more than forty years, or both. At least five ten years of the sentence	
6	imposed shall be without the benefit of parole, probation, or suspension of sentence,	
7	and the defendant shall not be eligible to have his conviction set aside or his	
8	prosecution dismissed in accordance with Code of Criminal Procedure Article 893.	
9	* * *	
10	(4)(a) Whoever commits the crime of molestation of a juvenile, when the	
11	victim is thirteen years of age or older but has not yet attained the age of seventeen,	
12	and when the offender is a clergyman of any religious sect, shall be fined not more	
13	than ten thousand dollars, or imprisoned, with or without hard labor, for not less than	
14	ten years nor more than forty years, or both. At least ten years of the sentence	
15	imposed shall be without the benefit of parole, probation, or suspension of sentence,	
16	and the defendant shall not be eligible to have his conviction set aside or his	
17	prosecution dismissed in accordance with Code of Criminal Procedure Article 893.	
18	(b) For purposes of this Subsection, "clergyman" means any minister, priest,	
19	rabbi, Christian Science practitioner, or other similar functionary of a religious	
20	organization, or any individual reasonably believed so to be by the person consulting	
21	him.	
22	(5)(a) Whoever commits the crime of molestation of a juvenile, when the	
23	victim is thirteen years of age or older but has not yet attained the age of seventeen,	
24	and when the offender provides recreational instruction to the juvenile, shall be fined	
25	not more than ten thousand dollars, or imprisoned, with or without hard labor, for not	
26	less than ten years nor more than forty years, or both. At least ten years of the	
27	sentence imposed shall be without the benefit of parole, probation, or suspension of	
28	sentence, and the defendant shall not be eligible to have his conviction set aside or	

1	his prosecution dismissed in accordance with Code of Criminal Procedure Article		
2	<u>893.</u>		
3	(b) For purposes of this Subsection, "recreational instruction" means		
4	instruction or lessons on noneducational activities, including but not limited to		
5	martial arts, dancing, theater, and music.		
6	* * *		

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 130 Original	2024 Regular Session	Bayham
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Abstract: Provides relative to penalties for the crime of molestation of a juvenile.

<u>Present law</u> provides for the crime of molestation of a juvenile.

Proposed law retains present law.

<u>Present law</u> provides that when the offender has control or supervision over the juvenile and commits the crime of molestation of a juvenile when the victim is 13 years of age or older but has not yet attained the age of 17, he shall be fined not more than \$10,000, or imprisoned, with or without hard labor, for not less than five years nor more than 20 years, or both.

Proposed law increases the minimum penalty from five years to 10 years.

<u>Present law</u> provides that when an educator commits the crime of molestation of a juvenile when the victim is 13 years of age or older but has not yet attained the age of 17, he shall be fined not more than \$10,000, or imprisoned, with or without hard labor, for not less than five years nor more than 40 years, or both

<u>Present law</u> further provides that at least five years of the sentence imposed shall be without the benefit of parole, probation, or suspension of sentence, and the defendant shall not be eligible to have his conviction set aside or his prosecution dismissed in accordance with <u>present law</u> (C.Cr.P. Art. 893).

<u>Proposed law</u> increases the minimum penalty <u>from</u> five years to 10 years and provides that at least 10 years of the sentence imposed, <u>rather than</u> five years, shall be without the benefit of parole, probation, or suspension of sentence.

<u>Proposed law</u> provides that when a clergyman of any religious sect commits the crime of molestation of a juvenile when the victim is 13 years of age or older but has not yet attained the age of 17, he shall be fined not more than \$10,000, or imprisoned, with or without hard labor, for not less than 10 years nor more than 40 years, or both.

<u>Proposed law</u> further provides that at least 10 years of the sentence imposed shall be without the benefit of parole, probation, or suspension of sentence, and the defendant shall not be eligible to have his conviction set aside or his prosecution dismissed in accordance with present law (C.Cr.P. Art. 893).

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<u>Proposed law</u> provides that when a person who provides recreational instruction to the juvenile commits the crime of molestation of a juvenile when the victim is 13 years of age or older but has not yet attained the age of 17, he shall be fined not more than \$10,000, or imprisoned, with or without hard labor, for not less than 10 years nor more than 40 years, or both.

<u>Proposed law</u> further provides that at least 10 years of the sentence imposed shall be without the benefit of parole, probation, or suspension of sentence, and the defendant shall not be eligible to have his conviction set aside or his prosecution dismissed in accordance with <u>present law</u> (C.Cr.P. Art. 893).

Proposed law defines the terms "clergyman" and "recreational instruction".

(Amends R.S. 14:81.2(B)(2) and (3)(a); Adds R.S. 14:81.2(B)(4) and (5))