SLS 24RS-357 **ORIGINAL**

2024 Regular Session

SENATE BILL NO. 115

BY SENATOR CATHEY

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DISTRICT ATTORNEYS. Provides for prosecution of certain crimes involving a child under the age of thirteen. (8/1/24)

AN ACT

2	To amend and reenact Code of Criminal Procedure Arts. 62(C) and 382(A), relative to
3	criminal prosecutions; to provide for prosecutions involving actions or proceedings
4	involving a victim under the age of thirteen; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. Code of Criminal Procedure Arts. 62(C) and 382(A) are hereby amended
7	and reenacted to read as follows:
8	Art. 62. Authority of attorney general; supervision of district attorney
9	* * *
10	C. In any criminal action or proceeding involving a homicidal death, or a
11	criminal action or proceeding involving a victim under the age of thirteen when
12	a conviction would require the offender to register as a sex offender, if deemed
13	necessary for the assertion or protection of the rights and interests of the state, and
14	in accordance with the provisions of Article IV, Section 8 of the Constitution of
15	Louisiana, the attorney general may, with the consent of the district attorney,
16	investigate, prosecute or intervene in the action or proceeding.
17	* * *

Art. 382. Methods of instituting criminal prosecutions

A. A prosecution for an offense punishable by death, or for an offense punishable by life imprisonment, or a criminal action or proceeding involving a victim under the age of thirteen when a conviction would require the offender to register as a sex offender, shall be instituted by indictment by a grand jury. Other criminal prosecutions in a district court shall be instituted by indictment or by information.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Thomas L. Tyler.

DIGEST 2024 Regular Session

SB 115 Original

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Cathey

<u>Present law</u> provides authorizes the attorney general, with the consent of the district attorney, to investigate, prosecute, or intervene in a criminal action or proceeding involving a homicidal death.

<u>Proposed law</u> retains <u>present law</u> and authorizes the attorney general, in accordance with constitutional provisions requiring written consent from the district attorney to investigate, prosecute, or intervene in a criminal action involving crimes against victims under the age of 13 and when a conviction would require the offender to register as a sex offender.

<u>Present law</u> requires that a prosecution for an offense punishable by death, or for an offense punishable by life imprisonment, be instituted by indictment by a grand jury. Requires that other criminal prosecutions be instituted by indictment or by information.

<u>Proposed law</u> retains <u>present law</u> and further requires that crimes against a victim under the age of 13 when a conviction would require the offender register as a sex offender, be instituted by indictment by a grand jury.

Effective August 1, 2024.

(Amends C.Cr.P. Arts. 62(C) and 382(A))