HOUSE SUMMARY OF SENATE AMENDMENTS

HB 67   **2025 Regular Session**   **Horton**

CRIME/SEX OFFENSES: Provides relative to sex offenses committed against minors

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Synopsis of Senate Amendments

1. Changes the <u>proposed law</u> circumstance that constitutes second degree rape <u>from</u> when the offender acts without the consent of the victim, the victim is 13 years of age or older but less than 17 years of age, and the offender is at least 17 years of age <u>to</u> when the victim is 13 years of age or older but less than 17 years of age and the age difference of the victim and the offender is four years or greater.

2. Provides that lack of knowledge of the victim's age shall not be a defense to second degree rape committed under the circumstance contained in <u>proposed law</u>.

Digest of Bill as Finally Passed by Senate

<u>Present law</u> (R.S. 14:42.1) provides for the crime of second degree rape.

<u>Proposed law</u> retains <u>present law</u> generally.

<u>Present law</u> (R.S. 14:42.1) provides 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.

<u>Proposed law</u> retains <u>present law</u> and adds that rape committed when the victim is 13 years of age or older but less than 17 years of age and the age difference of the victim and the offender is four years or greater constitutes second degree rape.

<u>Proposed law</u> provides that lack of knowledge of the victim's age shall not be a defense.

<u>Present law</u> (C.Cr.P. Art. 571.1) provides for a 30-year time period, commencing from when the victim attains the age of 18, to prosecute the following <u>present law</u> offenses when the offense involves a victim under the age of 18:

(1)   Attempted first degree rape, also formerly titled aggravated rape (R.S. 14:27, R.S. 14:42).

(2)   Attempted second degree rape, also formerly titled forcible rape (R.S. 14:27, R.S. 14:42.1).

(3)   Sexual battery (R.S. 14:43.1).

(4)   Second degree sexual battery (R.S. 14:43.2).

(5)   Oral sexual battery (R.S. 14:43.3).

(6)   Human trafficking (R.S. 14:46.2(B)(2) or (3)).

(7)   Trafficking of children for sexual purposes (R.S. 14:46.3).

(8)   Felony carnal knowledge of a juvenile (R.S. 14:80).

(9)   Indecent behavior with juveniles (R.S. 14:81).

(10)   Pornography involving juveniles (R.S. 14:81.1).

(11)   Prostitution of persons under 18 (R.S. 14:82.1).

(12)   Enticing persons into prostitution (R.S. 14:86).

(13)   Crime against nature (R.S. 14:89).

(14)   Aggravated crime against nature (R.S. 14:89.1).

(15)   Crime against nature by solicitation (R.S. 14:89.2(B)(3)).

Proposed law changes the applicable crimes in the list from the enumerated present law offenses to the perpetration or attempted perpetration of, conspiracy to commit, or commission of any sex offense as defined in present law (R.S. 15:541(24)) that involves a victim under 18 years of age.

Present law (C.E. Art. 804) provides for exceptions to the hearsay rule.

Proposed law retains present law generally.

Present law (C.E. Art. 804(B)(5)) provides that a statement made by a person under 12 years of age that is one of initial or otherwise trustworthy complaint of sexually assaultive behavior is an exception to the hearsay rule when the declarant is unavailable as a witness.

Proposed law amends present law to change the age from 12 years to 13 years.

(Amends C.Cr.P. Art. 571.1 and C.E. Art. 804(B)(5); Adds R.S. 14:42.1(A)(3))