

2025 Regular Session

ACT No. 346

HOUSE BILL NO. 67

BY REPRESENTATIVES HORTON, ADAMS, AMEDEE, BACALA, BOYER, BRYANT,
BUTLER, COX, DEVILLIER, ECHOLS, EDMONSTON, FIRMENT, FISHER,
KERNER, JACOB LANDRY, MOORE, OWEN, PHELPS, SCHLEGEL, SPELL,
THOMPSON, WILDER, WILEY, AND ZERINGUE

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 571.1 and Code of Evidence
3 Article 804(B)(5) and to enact R.S. 14:42.1(A)(3), relative to sex offenses involving
4 minors; to provide for an additional circumstance that constitutes second degree
5 rape; to provide relative to the time limitations upon which to institute prosecution
6 for certain sex offenses; to provide relative to hearsay exceptions in certain
7 circumstances; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:42.1(A)(3) is hereby enacted to read as follows:

10 §42.1. Second degree rape

11 A. Second degree rape is rape committed when the anal, oral, or vaginal
12 sexual intercourse is deemed to be without the lawful consent of the victim because
13 it is committed under any one or more of the following circumstances:

14 * * *

15 (3) When the offender acts without the consent of the victim, the victim is
16 thirteen years of age or older but less than seventeen years of age, and the difference
17 between the age of the victim and the age of the offender is three years or greater.
18 Lack of knowledge of the victim's age shall not be a defense.

19 * * *

Section 2. Code of Criminal Procedure Article 571.1 is hereby amended and reenacted to read as follows:

Art. 571.1. Time limitation for certain sex offenses

Except as provided by Article 571, 572, or any other provision of law that establishes a longer period of limitation, the time within which to institute prosecution of the following sex offenses, regardless of whether the crime involves force, serious physical injury, death, or is punishable by imprisonment at hard labor shall be thirty years: ~~attempted first degree rape, also formerly titled aggravated rape (R.S. 14:27, R.S. 14:42), attempted second degree rape, also formerly titled forcible rape (R.S. 14:27, R.S. 14:42.1), sexual battery (R.S. 14:43.1), second degree sexual battery (R.S. 14:43.2), oral sexual battery (R.S. 14:43.3), human trafficking (R.S. 14:46.2(B)(2) or (3)), trafficking of children for sexual purposes (R.S. 14:46.3), felony carnal knowledge of a juvenile (R.S. 14:80), indecent behavior with juveniles (R.S. 14:81), pornography involving juveniles (R.S. 14:81.1), prostitution of persons under eighteen (R.S. 14:82.1), enticing persons into prostitution (R.S. 14:86), crime against nature (R.S. 14:89), aggravated crime against nature (R.S. 14:89.1), crime against nature by solicitation (R.S. 14:89.2(B)(3)) that involves a victim under eighteen years of age.~~ perpetration or attempted perpetration of, conspiracy to commit, or commission of any sex offense as defined in R.S. 15:541(24) that involves a victim under eighteen years of age shall be thirty years. This thirty-year period begins to run when the victim attains the age of eighteen.

Section 3. Code of Evidence Article 804(B)(5) is hereby amended and reenacted to read as follows:

Art. 804. Hearsay exceptions; declarant unavailable

* * *

B. Hearsay exceptions. The following are not excluded by the hearsay rule if the declarant is unavailable as a witness:

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GOVERNOR OF THE STATE OF LOUISIANA

CODING: Words in ~~struck-through~~ type are deletions from existing law; words underscored are additions.