

2026 Regular Session

HOUSE BILL NO. 92

BY REPRESENTATIVE SCHLEGEL

CRIME/SEX OFFENSES: Provides relative to certain sex offenses

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 465(A)(introductory paragraph)
3 and 814(A)(11), to enact R.S. 14:42(A)(8) and Code of Criminal Procedure Article
4 465(A)(47), and to repeal R.S. 14:43.3, relative to sex offenses; to provide for an
5 additional circumstance that constitutes first degree rape; to provide relative to
6 specific indictments for forcible or second degree rape; to provide relative to
7 responsive verdicts for first degree rape; to repeal the crime of oral sexual battery;
8 to provide for technical changes; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 14:42(A)(8) is hereby enacted to read as follows:

11 §42. First degree rape

12 A. First degree rape is a rape committed upon a person sixty-five years of
13 age or older or where the anal, oral, or vaginal sexual intercourse is deemed to be
14 without lawful consent of the victim because it is committed under any one or more
15 of the following circumstances:

16 * * *

17 (8) When the victim is prevented from resisting the act because of the
18 offender's application of force that overpowers the victim's ability to resist.

19 * * *

Section 2. Code of Criminal Procedure Articles 465(A)(introductory paragraph) and 814(A)(11) are hereby amended and reenacted and Code of Criminal Procedure Article 465(A)(47) is hereby enacted to read as follows:

Art. 465. Specific indictment forms

A. The following forms of charging offenses may be used, but any other forms authorized by this ~~title~~ Title may also be used:

* * *

47. Forcible Rape or Second Degree Rape--A.B. committed forcible or second degree rape upon C.D.

* * *

Art. 814. Responsive verdicts; in particular

A. The only responsive verdicts which may be rendered when the indictment charges the following offenses are:

* * *

11. First degree rape (formerly titled aggravated rape) except where the victim is a child under the age of thirteen:

Guilty.

Guilty of attempted first degree rape.

Guilty of second degree rape.

Guilty of attempted second degree rape.

~~Guilty of sexual battery.~~

Guilty of third degree rape.

Guilty of attempted third degree rape.

~~Guilty of oral sexual battery.~~

Guilty of sexual battery.

Guilty of attempted sexual battery.

Not guilty.

* * *

Section 3. R.S. 14:43.3 is hereby repealed in its entirety.

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 92 Original

2026 Regular Session

Schlegel

Abstract: Provides relative to certain sex offenses.

Present law (R.S. 14:42) provides for the crime of first degree rape.

Proposed law generally retains present law and adds that rape committed when the victim is prevented from resisting the act because of the offender's application of force that overpowers the victim's ability to resist constitutes first degree rape.

Present law (C.Cr.P. Art. 465) provides for specific indictment forms.

Proposed law retains present law and adds a specific indictment form for forcible rape or second degree rape.

Present law (C.Cr.P. Art. 814) provides for responsive verdicts. Further provides for a responsive verdict for the crime of first degree rape.

Proposed law generally retains present law but amends the responsive verdict for first degree rape to provide an exception for when a victim is under the age of 13, makes technical revisions relative to the order in which the offenses are listed, adds attempted sexual battery as a lesser offense, and removes the reference to the present law crime of oral sexual battery.

Present law (R.S. 14:43.3) provides for the crime of oral sexual battery.

Proposed law repeals present law.

(Amends C.Cr.P. Arts. 465(A)(intro. para.) and 814(A)(11); Adds R.S. 14:42(A)(8) and C.Cr.P. Art. 465(A)(47); Repeals R.S. 14:43.3)