HLS 11RS-686 **ORIGINAL**

Regular Session, 2011

HOUSE BILL NO. 141

BY REPRESENTATIVE STIAES

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME/SEX OFFENSES: Provides with respect to the crimes of crime against nature and crime against nature by solicitation

AN ACT

To amend and reenact R.S. 14:89.2(B)(2) and R.S. 15:541(24)(a) and to repeal R.S. 14:89.2(C), relative to crime against nature; to amend criminal penalties for crime against nature by solicitation; to remove certain offenses from the list of offenses for which an offender shall comply with sex offender registration and notification requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:89.2(B)(2) is hereby amended and reenacted to read as follows:

§89.2. Crime against nature by solicitation

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B.

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(2) Whoever violates the provisions of this Section, on a second or subsequent conviction thereof, shall be fined not <u>less than two hundred fifty dollars and not</u> more than two thousand dollars, ~~or~~ imprisoned, with or without hard labor, for not more than ~~five~~ <u>two</u> years, or both.

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Section 2. R.S. 15:541(24)(a) is hereby amended and reenacted to read as follows:

§541. Definitions

For the purposes of this Chapter, the definitions of terms in this Section shall apply:

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(24)(a) "Sex offense" means deferred adjudication, adjudication withheld, or conviction for the perpetration or attempted perpetration of or conspiracy to commit human trafficking when prosecuted under the provisions of R.S. 14:46.2(B)(2) or (3), R.S. 14:46.3 (trafficking of children for sexual purposes), R.S. 14:78 (incest), R.S. 14:78.1 (aggravated incest), ~~R.S. 14:89 (crime against nature),~~ R.S. 14:89.1 (aggravated crime against nature), R.S. 14:80 (felony carnal knowledge of a juvenile), R.S. 14:81 (indecent behavior with juveniles), R.S.14:81.1 (pornography involving juveniles), R.S. 14:81.2 (molestation of a juvenile), R.S. 14:81.3 (computer-aided solicitation of a minor), R.S. 14:81.4 (prohibited sexual conduct between an educator and student), R.S. 14:92(A)(7) (contributing to the delinquency of juveniles), R.S. 14:93.5 (sexual battery of the infirm), R.S. 14:106(A)(5) (obscenity by solicitation of a person under the age of seventeen), R.S. 14:283 (video voyeurism), R.S. 14:41 (rape), R.S. 14:42 (aggravated rape), R.S. 14:42.1 (forcible rape), R.S. 14:43 (simple rape), R.S. 14:43.1 (sexual battery), R.S. 14:43.2 (second degree sexual battery), R.S. 14:43.3 (oral sexual battery), R.S. 14:43.5 (intentional exposure to AIDS virus), or a second or subsequent conviction of R.S. 14:283.1 (voyeurism), committed on or after June 18, 1992, or committed prior to June 18, 1992, if the person, as a result of the offense, is under the custody of the Department of Public Safety and Corrections on or after June 18, 1992. A conviction for any offense provided in this definition includes a conviction for the offense under the laws of another state, or military, territorial, foreign, tribal, or federal law which is equivalent to an offense provided for in this Chapter, unless the tribal court or foreign conviction was not obtained with sufficient safeguards for fundamental fairness and due process for the accused as provided by the federal guidelines adopted pursuant to the Adam Walsh Child Protection and Safety Act of 2006.

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Section 3. R.S. 14:89.2(C) is hereby repealed in its entirety.

Section 4. The provisions of Sections 2 and 3 of this Act shall be applied both prospectively and retroactively. Any person convicted of R.S. 14:89 or 89.2 who is under an obligation to register as a sex offender as of the effective date of this Act shall be relieved

of the obligation to comply with the sex offender registration and notification requirements provided for in Chapter 3-B of Title 15 of the Louisiana Revised Statutes of 1950.

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)]

Stiaes HB No. 141

Abstract: Removes crime against nature and crime against nature by solicitation from the list of offenses for which an offender shall comply with sex offender registration and notification requirements and amends penalties for crime against nature by solicitation.

Present law provides that a person convicted a second or subsequent time of crime against nature by solicitation shall be punished by a fine of not more than $2,000, imprisonment, with or without hard labor, for not more than five years, or both.

Proposed law amends present law penalties for a second or subsequent conviction of crime against nature by solicitation by imposing a fine not less than $250 nor more than $2,000, imprisonment for not more than two years, or both.

Present law requires a person convicted of crime against nature to comply with the sex offender registration and notification requirements and a person convicted of crime against nature by solicitation to comply with these requirements when either of the following occur:

(1) The offender has a previous conviction of crime against nature by solicitation.

(2) The person being solicited is under the age of 17 years.

Proposed law removes crime against nature and crime against nature by solicitation from the list of offenses for which an offender shall comply with sex offender registration and notification requirements.

(Amends R.S. 14:89.2(B)(2) and R.S. 15:541(24)(a); Repeals R.S. 14:89.2(C))