

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 86 by Representative White

CRIME: Provides relative to sexual abuse of a person with a physical or mental disability

Synopsis of Senate Amendments

1. Amended present law to provide that normal medical treatment or normal sanitary care of any victim shall not be construed as sexual battery.

Digest of Bill as Finally Passed by Senate

Present law provides for the elements and criminal penalties for the crimes of sexual battery, second degree sexual battery, oral sexual battery, and molestation of a juvenile.

Proposed law amends present law to provide that it shall also be unlawful for any person to engage in the prohibited activities defined by present law when the offender is 17 or older and any of the following occur:

- (1) The victim has paraplegia, quadriplegia, or is otherwise incapable of preventing the act due to a physical disability.
- (2) The victim is incapable, through unsoundness of mind, of understanding the nature of the act, and the offender knew or should have known of the victim's incapacity.
- (3) The victim is 65 years or older.

Proposed law provides that whoever violates these provisions of proposed law shall be imprisoned at hard labor for not less than 25 nor more than 99 years, with at least 25 years of the sentence imposed being served without benefit of parole, probation, or suspension of sentence. For the crimes of sexual battery, second degree sexual battery, oral sexual battery, and molestation, provides that upon completion of the term of imprisonment, the offender shall be electronically monitored by DPS&C for the remainder of his natural life.

Present law provides that lack of knowledge of the victim's age shall not be a defense, and for sexual battery, provides that where the victim is under 17, normal medical treatment or normal sanitary care of an infant shall not be construed as an offense.

Proposed law amends present law to provide that the normal medical treatment or normal sanitary care of any victim shall not be construed as an offense.

(Amends R.S. 14:43.1(A), (B), and (C)(3), (4), (5), and (6), 43.2(C)(3), 43.3(A) and (C)(3), 43.6(A) and (B)(1), and 81.2; Adds R.S. 14:43.1(C)(7), 43.2(D), and 43.3(D); Repeals R.S. 14:43.2(C)(4), (5), and (6) and 43.3(C)(4), (5), and (6))