

## HOUSE SUMMARY OF SENATE AMENDMENTS

HB 139

2015 Regular Session

Hodges

CRIME/SEX OFFENSES: To amend references of "simple rape", "forcible rape", and "aggravated rape" to "first degree rape", "second degree rape", and "third degree rape", respectively

### Synopsis of Senate Amendments

1. Add a provision that requires any act in violation of the provisions of any rape statute (aggravated rape, forcible rape, or simple rape) committed on or after August 1, 2015, to be referred to using the terminology provided by proposed law (first degree rape, second degree rape, or third degree rape, respectively).
2. Make technical corrections.

### Digest of Bill as Finally Passed by Senate

Present law provides for the crimes of aggravated rape, forcible rape, and simple rape.

Proposed law does all of the following:

- (1) Retains the elements and penalties of the present law crimes of aggravated rape, forcible rape, and simple rape.
- (2) Provides that any reference to the crime of "aggravated rape" is the same as a reference to the crime of "first degree rape", any reference to the crime of "forcible rape" is the same as a reference to the crime of "second degree rape", and any reference to the crime of "simple rape" is the same as a reference to the crime of "third degree rape".
- (3) Amends provisions in the Children's Code, the Code of Criminal Procedure, the Code of Evidence, and Titles 13, 14, 15, 40, and 48 of the La. R.S. of 1950 regarding juvenile court jurisdiction, procedure, and disposition, criminal procedure, criminal sentencing, sex offender registration and notification, diminution of sentence, parole, inmate participation in work-release programs, court costs, and medical testing to reflect the proposed law change in reference of "aggravated rape" to "first degree rape", of "forcible rape" to "second degree rape", and of "simple rape" to "third degree rape".
- (4) Provides that any act in violation of the provisions of any rape statute (aggravated rape, forcible rape, or simple rape) committed on or after August 1, 2015, shall be referred to using the terminology provided by proposed law (first degree rape, second degree rape, or third degree rape, respectively).
- (5) Provides that nothing in proposed law alleviates any person arrested, convicted, or adjudicated delinquent of present law aggravated rape, forcible rape, or simple rape prior to the effective date of proposed law from any requirement, obligation, or consequence imposed by law as a result of that arrest, conviction, or adjudication including but not limited to any requirements regarding the setting of bail, sex offender registration and notification, parental rights, probation, parole, sentencing, or any other requirement, obligation, or consequence imposed by law as a result of that arrest, conviction, or adjudication.

(Amends R.S. 14:2(B)(9), (10), and (11), 30(A)(1), 30.1(A)(2), 32.6(A)(2), 42(A)(intro.

para.) and (D)(1), 42.1(A)(intro. para.) and (B), 43(A)(intro. para.) and (B), 43.6(A) and (B)(1), 50.2, and 107.2(A), R.S. 15:302, 469.1, 541(2)(a), (b), and (c) and (24)(a), 542(A)(2) and (3)(a) and (b), 571.3(B)(3)(b), (c), and (d), 574.4(D)(1)(h), 708(C), 711(G)(1), 811(C) and (E), 831(D), 832(C)(2), 833(B)(3), 833.2(B), 893.1(1), and 1111(I)(1), R.S. 13:2106(B), R.S. 40:1300.13(E)(6), R.S. 48:261(E)(2), C.Cr.P. Arts. 336.1, 465(A)(39) and (40), 571, 814(A)(8), (8.1), (9), (10), (11), (12), and (13), 890.1(D)(9), (10), and (11), 893.3(E)(1)(b), and 905.4(A)(1) and (3), C.E. Art. 412.1, and Ch.C. Arts. 305(A)(1)(intro. para.) and (b), (B)(1)(intro. para.) and (b) and (2)(f) and (g), 855(B)(7)(a) and (b), 857(A)(4) and (8) and (C), 858(B), 879(B)(2), 884.1(A)(1) and (2), 897(B)(1)(c), 897.1(A), and 901(E); Adds R.S. 14:42(E), 42.1(C), and 43(C))