

Regular Session, 2008

SENATE BILL NO. 705

BY SENATOR THOMPSON

CRIME/PUNISHMENT. Amends the criminal penalties for certain sex offenses. (gov sig)

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AN ACT

To amend and reenact R.S. 14:43.1(C)(2), 43.2(C)(2), 43.3(C)(2), 78.1(D)(2), 81.1(E)(2), and 81.2(E)(1), relative to certain sex offenses; to provide relative to criminal penalties for certain sex offenses when the victim is under the age of thirteen years; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:43.1(C)(2), 43.2(C)(2), 43.3(C)(2), 78.1(D)(2), 81.1(E)(2), and 81.2(E)(1) are hereby amended and reenacted to read as follows:

§43.1. Sexual battery

* * *
C. * * *
* * *

(2) Whoever commits the crime of sexual battery on a victim under the age of thirteen years when the offender is seventeen years of age or older, shall be punished by imprisonment at hard labor for not less than twenty-five years nor more than ~~life imprisonment~~ **ninety-nine years**. At least twenty-five years of the sentence imposed shall be served without benefit of parole, probation, or suspension of

1 sentence.

2 * * *

3 §43.2. Second degree sexual battery

4 * * *

5 C. * * *

6 * * *

7 (2) Whoever commits the crime of second degree sexual battery on a victim
8 under the age of thirteen years when the offender is seventeen years of age or older,
9 shall be punished by imprisonment at hard labor for not less than twenty-five years
10 nor more than ~~life imprisonment~~ **ninety-nine years**. At least twenty-five years of
11 the sentence imposed shall be served without benefit of parole, probation, or
12 suspension of sentence.

13 * * *

14 §43.3. Oral sexual battery

15 * * *

16 C. * * *

17 * * *

18 (2) Whoever commits the crime of oral sexual battery on a victim under the
19 age of thirteen years when the offender is seventeen years of age or older, shall be
20 punished by imprisonment at hard labor for not less than twenty-five years nor more
21 than ~~life imprisonment~~ **ninety-nine years**. At least twenty-five years of the sentence
22 imposed shall be served without benefit of parole, probation, or suspension of
23 sentence.

24 * * *

25 §78.1. Aggravated incest

26 * * *

27 D. * * *

28 * * *

29 (2) Whoever commits the crime of aggravated incest on a victim under the

1 age of thirteen years when the offender is seventeen years of age or older shall be
2 punished by imprisonment at hard labor for not less than twenty-five years nor more
3 than ~~life imprisonment~~ **ninety-nine years**. At least twenty-five years of the sentence
4 imposed shall be served without benefit of parole, probation, or suspension of
5 sentence.

6 * * *

7 §81.1. Pornography involving juveniles

8 * * *

9 E.

* * *

10 * * *

11 (2) Whoever commits the crime of pornography involving juveniles by
12 violating the provisions of Paragraph (A)(2) of this Section on a victim under the age
13 of thirteen years when the offender is seventeen years of age or older, shall be
14 punished by imprisonment at hard labor for not less than twenty-five years nor more
15 than ~~life imprisonment~~ **ninety-nine years**. At least twenty-five years of the sentence
16 imposed shall be served without benefit of parole, probation, or suspension of
17 sentence.

18 * * *

19 §81.2. Molestation of a juvenile

20 * * *

21 E.(1) Whoever commits the crime of molestation of a juvenile when the
22 victim is under the age of thirteen years shall be imprisoned at hard labor for not less
23 than twenty-five years nor more than ~~life imprisonment~~ **ninety-nine years**. At least
24 twenty-five years of the sentence imposed shall be served without benefit of
25 probation, parole, or suspension of sentence.

26 * * *

27 Section 2. This Act shall become effective upon signature by the governor or, if not
28 signed by the governor, upon expiration of the time for bills to become law without signature
29 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michael Bell.

DIGEST

Thompson (SB 705)

Present law provides that whoever commits the following crimes when the victim is under the age of 13 years shall be punished by imprisonment at hard labor for not less than 25 years nor more than life imprisonment:

- (1) Sexual battery
- (2) Second degree sexual battery
- (3) Oral sexual battery
- (4) Aggravated incest
- (5) Pornography involving juveniles
- (6) Molestation of a juvenile

Proposed law amends present law maximum sentence from life imprisonment to 99 years imprisonment.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:43.1(C)(2), 43.2(C)(2), 43.3(C)(2), 78.1(D)(2), 81.1(E)(2) and 81.2(E)(1))