
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

SB 79 Original DIGEST Gatti
2018 Regular Session

Present law provides that the crime of prohibited sexual conduct between an educator and a student is committed when any of the following occur:

- (1) An educator has sexual intercourse with a person who is 17 years of age or older, but less than 21 years of age, where there is an age difference of greater than four years between the two persons, when the victim is not the spouse of the offender and is a student at the school where the educator is assigned, employed, or working at the time of the offense.
- (2) An educator commits any lewd or lascivious act upon a student or in the presence of a student who is 17 years of age or older, but less than 21 years of age, where there is an age difference of greater than four years between the two persons, with the intention of gratifying the sexual desires of either person, when the victim is a student at the school in which the educator is assigned, employed, or working at the time of the offense.
- (3) An educator intentionally engages in the touching of the anus or genitals of a student 17 years of age or older, but less than 21 years of age, where there is an age difference of greater than four years between the two persons, using any instrumentality or any part of the body of the educator, or the touching of the anus or genitals of the educator by a person 17 years of age or older, but less than 21 years of age, where there is an age difference of greater than four years between the two persons, when the victim is a student at the school in which the educator is assigned, employed, or working at the time of the offense using any instrumentality or any part of the body of the student.

Proposed law retains present law.

Present law defines an "educator" as any administrator, coach, instructor, paraprofessional, student aide, teacher, or teacher aide at any public or private school, assigned, employed, or working at the school or school system where the victim is enrolled as a student on a full-time, part-time, or temporary basis.

Proposed law retains present law and adds athletic team managers and team health care providers to the definition of "educator".

Present law provides the following penalties for the crime of prohibited sexual conduct between an educator and a student:

- (1) For a first offense, a fine of up to \$1,000, imprisonment for up to six months, or both (misdemeanor).

- (2) For a second or subsequent offense, a fine of up to \$5,000, imprisonment with or without hard labor for between one year and five years, or both (felony).

Proposed law makes any offense of prohibited sexual conduct between an educator and a student a felony punishable by imprisonment at hard labor for between five and 40 years and a fine of up to \$50,000.

Present law provides that any educator having cause to believe that prohibited sexual conduct between an educator and student has occurred must immediately report such conduct to a local or state law enforcement agency.

Proposed law retains present law and adds that any educator who knowingly and willfully fails to report prohibited sexual conduct between an educator and student is to be fined up to \$3,000, imprisoned with or without hard labor for up to three years, or both.

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

(Amends C.Cr.P. Art. 571.1 and R.S. 14:81.4(B)(1), (E), and (F))