

2019 Regular Session

HOUSE BILL NO. 61

BY REPRESENTATIVE NORTON

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

CRIMINAL/PROCEDURE: Extends the time period within which to institute prosecution for certain sex offenses by fifteen years in certain cases

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 571.1, relative to limitations
3 upon institution of prosecution; to provide relative to the time limitations upon
4 institution of prosecution for certain sex offenses; to extend the time within which
5 prosecution is required to be instituted for certain sex offenses; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 571.1 is hereby amended and
9 reenacted to read as follows:

10 Art. 571.1. Time limitation for certain sex offenses

11 A. Except as provided by Paragraph B of this Article and Article 572 of this
12 Chapter Code, the time within which to institute prosecution of the following sex
13 offenses that involve a victim under seventeen years of age, regardless of whether
14 the crime involves force, serious physical injury, death, or is punishable by
15 imprisonment at hard labor shall be thirty years: attempted first degree rape, also
16 formerly titled aggravated rape (R.S. 14:27, R.S. 14:42), attempted second degree
17 rape, also formerly titled forcible rape (R.S. 14:27, R.S. 14:42.1), sexual battery
18 (R.S. 14:43.1), second degree sexual battery (R.S. 14:43.2), oral sexual battery (R.S.
19 14:43.3), human trafficking (R.S. 14:46.2(B)(2) or (3)), trafficking of children for
20 sexual purposes (R.S. 14:46.3), felony carnal knowledge of a juvenile (R.S. 14:80),
21 indecent behavior with juveniles (R.S. 14:81), pornography involving juveniles (R.S.

1 14:81.1), molestation of a juvenile (R.S. 14:81.2), prostitution of persons under
 2 eighteen (R.S. 14:82.1), enticing persons into prostitution (R.S. 14:86), crime against
 3 nature (R.S. 14:89), aggravated crime against nature (R.S. 14:89.1), and crime
 4 against nature by solicitation (R.S. 14:89.2(B)(3)), ~~that involve a victim under~~
 5 ~~seventeen years of age~~. This thirty-year period begins to run when the victim attains
 6 the age of eighteen.

7 B. If new and material evidence is discovered prior to the expiration of the
 8 thirty-year period provided by this Article, the time within which to institute
 9 prosecution of the offenses provided in this Article is extended by an additional
 10 fifteen years. The additional fifteen-year period begins to run at the expiration of the
 11 thirty-year period. In no case shall the time within which to institute prosecution
 12 extend beyond forty-five years from the date on which the victim attains the age of
 13 eighteen.

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)]

HB 61 Original

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Norton

Abstract: Extends the period of time within which to institute prosecution for certain sex offenses by 15 years if new and material evidence is discovered prior to the expiration of the 30-year period.

Present law provides for certain time limitations within which prosecution is required to be instituted for certain offenses.

In this regard, present law provides for 30-year period in which to institute prosecution for the following sex offenses when the victim is under the age of 17: attempted first degree rape, attempted second degree rape, sexual battery, second degree sexual battery, oral sexual battery, human trafficking, trafficking of children for sexual purposes, felony carnal knowledge of a juvenile, indecent behavior with juveniles, pornography involving juveniles, molestation of a juvenile, prostitution of persons under eighteen, enticing persons into prostitution, crime against nature, aggravated crime against nature, and crime against nature by solicitation. Present law further provides that this 30-year period begins to run when the victim attains the age of 18.

Proposed law extends the 30-year period by 15 years if new and material evidence is discovered prior to the expiration of the 30-year period. In no case shall the time within which to institute prosecution extend beyond 45 years from the date on which the victim attains the age of 18.

(Amends C.Cr.P. Art. 571.1)