

2022 Regular Session

HOUSE BILL NO. 64

BY REPRESENTATIVE LANDRY

CHILDREN: Provides relative to the definition of a child

1 AN ACT

2 To amend and reenact Children's Code Articles 323(2)(a), 324(B), and 1103(3), Code of
3 Criminal Procedure Article 571.1, and R.S. 15:440.2(C)(1), relative to the definition
4 of a child; to provide in certain contexts that a child is a person under the age of
5 eighteen years; to provide for definitions; to provide for the videotaping of
6 statements; to provide for time limitations for certain sex offenses; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Children's Code Articles 323(2)(a), 324(B), and 1103(3) are hereby
10 amended and reenacted to read as follows:

11 Art. 323. Definitions

12 * * *

13 (2) "Protected person" means any person who is a victim of a crime or a
14 witness in a juvenile proceeding and who either:

15 (a) Is under the age of ~~seventeen~~ eighteen years.

16 * * *

17 Art. 324. Authorization

18 * * *

19 B. The coroner may, in conjunction with the district attorney and appropriate
20 hospital personnel and pursuant to their duties in R.S. 40:2109.1 and R.S. 40:2113.4,

1 provide for the videotaping of the statements of children under the age of ~~seventeen~~
2 eighteen who present themselves or who are brought to a hospital for treatment as
3 victims of rape or who have been otherwise physically or sexually abused.

4 * * *

5 Art. 1103. Definitions

6 As used in this Title:

7 * * *

8 (3) "Child" means a person under ~~seventeen~~ eighteen years of age and not
9 emancipated by marriage.

10 * * *

11 Section 2. Code of Criminal Procedure Article 571.1 is hereby amended and
12 reenacted to read as follows:

13 Art. 571.1. Time limitation for certain sex offenses

14 Except as provided by Article 572 of this Chapter, the time within which to
15 institute prosecution of the following sex offenses, regardless of whether the crime
16 involves force, serious physical injury, death, or is punishable by imprisonment at
17 hard labor shall be thirty years: attempted first degree rape, also formerly titled
18 aggravated rape (R.S. 14:27, R.S. 14:42), attempted second degree rape, also
19 formerly titled forcible rape (R.S. 14:27, R.S. 14:42.1), sexual battery (R.S. 14:43.1),
20 second degree sexual battery (R.S. 14:43.2), oral sexual battery (R.S. 14:43.3),
21 human trafficking (R.S. 14:46.2(B)(2) or (3)), trafficking of children for sexual
22 purposes (R.S. 14:46.3), felony carnal knowledge of a juvenile (R.S. 14:80), indecent
23 behavior with juveniles (R.S. 14:81), pornography involving juveniles (R.S.
24 14:81.1), molestation of a juvenile or a person with a physical or mental disability
25 (R.S. 14:81.2), prostitution of persons under eighteen (R.S. 14:82.1), enticing
26 persons into prostitution (R.S. 14:86), crime against nature (R.S. 14:89), aggravated
27 crime against nature (R.S. 14:89.1), crime against nature by solicitation (R.S.
28 14:89.2(B)(3)), that involves a victim under ~~seventeen~~ eighteen years of age. This
29 thirty-year period begins to run when the victim attains the age of eighteen.

1 Section 3. R.S. 15:440.2(C)(1) is hereby amended and reenacted to read as follows:

2 §440.2. Authorization

3 * * *

4 C. For purposes of this Part "protected person" means any person who is a
5 victim of a crime or a witness in a criminal proceeding and who is any of the
6 following:

7 (1) Under the age of ~~seventeen~~ eighteen years.

8 * * *

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 64 Original

2022 Regular Session

Landry

Abstract: Changes the definition of child from a person under the age of 17 to a person under the age of 18 in certain contexts.

Present law (Ch.C. Art. 324 and R.S. 15:440.2) authorizes certain courts to require that a statement of a protected person be recorded on videotape.

Present law (Ch.C. Art. 323(2)(a) and R.S. 15:440.2(C)(1)) defines "protected person" as any person who is a victim of a crime or a witness in a juvenile or criminal proceeding and who is under the age of 17.

Proposed law increases the age of a protected person to 18 years of age.

Present law (Ch.C. Art. 1101, et seq.) provides for the surrender of parental rights. Further defines "child" as a person under 17 years of age and not emancipated by marriage.

Proposed law (Ch.C. Art. 1103(3)) defines "child" as a person under 18 years of age and not emancipated by marriage.

Present law (C.Cr.P. Art. 571.1) provides that prosecution of crime against nature by solicitation that involves a victim under 17 years of age shall be instituted within 30 years.

Proposed law increases the age of the victim to a person under 18 years of age.

(Amends Ch.C. Arts. 323(2)(a), 324(B), and 1103(3), C.Cr.P. Art. 571.1, and R.S. 15:440.2(C)(1))