

2024 Regular Session

HOUSE RESOLUTION NO. 243

BY REPRESENTATIVE WYBLE

A RESOLUTION

To authorize and direct the Louisiana State Law Institute to conduct a study of the applicable provisions relative to physical or sexual abuse of a minor and the feasibility of the pretrial detention of these offenders for a minimum of seventy-two hours.

WHEREAS, a core tenant of both the United States and Louisiana criminal justice systems is that an individual is presumed innocent until proven guilty; and

WHEREAS, the United States Supreme Court held in *United States v. Salerno*, 481 U.S. 739, 107 S. Ct. 2095, 95 L. Ed. 2d 697 (1987) that "In our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception. We hold that the provisions for pretrial detention in the Bail Reform Act of 1984 fall within that carefully limited exception. The Act authorizes the detention prior to trial of arrestees charged with serious felonies who are found after an adversary hearing to pose a threat to the safety of individuals or to the community which no condition of release can dispel. The numerous procedural safeguards detailed above must attend this adversary hearing. We are unwilling to say that this congressional determination, based as it is upon that primary concern of every government—a concern for the safety and indeed the lives of its citizens—on its face violates either the Due Process Clause of the Fifth Amendment or the Excessive Bail Clause of the Eighth Amendment"; and

WHEREAS, pursuant to Chapter 3-B of Title 15 of the Louisiana Revised Statutes of 1950, a person who commits a sex offense against a minor is required to register as a sex offender; and

WHEREAS, beginning on July 1, 2024, and pursuant to Chapter 3-G of Title 15 of the Louisiana Revised Statutes of 1950, a person who commits certain offenses against a minor may have to register as a child abuser; and

WHEREAS, the state of Louisiana has a sufficiently compelling governmental interest in providing a determinate amount of time for the pretrial detention of individuals accused of physically or sexually abusing a minor while both protecting the victim and the constitutional rights of the accused.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby authorize and direct the Louisiana State Law Institute to conduct a study of the applicable provisions relative to physical or sexual abuse of a minor and the feasibility of the pretrial detention of these offenders for a minimum of seventy-two hours.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Louisiana State Law Institute.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit one print copy and one electronic copy of any report produced pursuant to this Resolution to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES