

2019 Regular Session

HOUSE RESOLUTION NO. 315

BY REPRESENTATIVE NORTON

A RESOLUTION

To urge and request the House Committee on Administration of Criminal Justice to study the effects of increasing the time period within which to institute prosecution of sex offenses.

WHEREAS, sexual assault is a serious and widespread problem affecting millions of people each year in the United States with one in three women and one in four men experiencing sexual assault involving physical contact during their lifetimes, and nearly one in five women and one in thirty-eight men experiencing completed or attempted rape; and

WHEREAS, researchers know that these numbers underestimate this problem as many cases go unreported because victims may be ashamed, embarrassed, or afraid to report or because victims have been threatened with further harm if they report; and

WHEREAS, Louisiana law provides certain time limitations within which prosecution is required to be instituted for certain offenses; and

WHEREAS, Louisiana law provides that there is no time limitation upon the institution of prosecution for any crime which is punishable by death or life imprisonment, or for the crime of second degree rape; and

WHEREAS, Louisiana law further provides for a thirty-year period in which to institute prosecution for certain sex offenses when the victim is under the age of seventeen; and

WHEREAS, for all other offenses, Louisiana law provides a six-year limit for a felony necessarily punishable by imprisonment at hard labor; a four-year limit for a felony not necessarily punishable by imprisonment at hard labor; a two-year limit for a misdemeanor punishable by a fine, imprisonment, or both; and a six-month limit for a misdemeanor punishable only by a fine or forfeiture; and

WHEREAS, in some cases where the identity of the offender who has committed a sex offense is established through the use of a DNA profile, Louisiana law provides that prosecution of the offender for the sex offense may be commenced beyond the time limitations set forth in current law.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby urge and request the House Committee on Administration of Criminal Justice to study the effects of increasing the time period within which to institute prosecution of sex offenses as follows:

(1) For a sex offense not involving a victim under the age of seventeen, extend the time within which to institute prosecution to ten years, and provide that this ten-year period may be extended for an additional fifteen years if new and material evidence is discovered prior to the expiration of the ten-year period.

(2) For a sex offense committed against a victim who is under the age of seventeen, extend the existing thirty-year period for an additional fifteen years if new and material evidence is discovered prior to the expiration of the thirty-year period.

BE IT FURTHER RESOLVED in the undertaking of the study, the House Committee on Administration of Criminal Justice may seek input from relevant agencies, organizations, and stakeholders, may request research, documents, or data, conduct public hearings, and take any other actions it deems necessary to carry out its function.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES