

Regular Session, 2010

SENATE BILL NO. 123

BY SENATOR ADLEY

CRIME/PUNISHMENT. Provides for exceptions to abused spouses from being charged as accessories to incest. (8/15/10)

1 AN ACT

2 To amend and reenact R.S. 14:78(C) and 14:78.1(C), relative to sex offenses affecting the

3 family; to provide relative to the crime of incest; to provide for exceptions; and to

4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:78(C) and 14:78.1(C) are hereby amended and reenacted to read

7 as follows:

8 §78. Incest

9 \* \* \*

10 C. This Section shall not apply ~~where one, not a resident of this state at the~~

11 ~~time of the celebration of his marriage, shall have contracted a marriage lawful at the~~

12 ~~place of celebration and shall thereafter have removed to this state.~~ **to the following:**

13 **(1) Where one, not a resident of this state at the time of the celebration**

14 **of his marriage, shall have contracted a marriage lawful at the place of**

15 **celebration and shall thereafter have removed to this state.**

16 **(2) When a person is charged with accessory after the fact, and the**

17 **charged person is a victim of domestic abuse as defined in R.S. 14:35.3.**

1 \* \* \*

2 §78.1. Aggravated incest

3 \* \* \*

4 C. (1) Consent is not a defense under this Section.

5 **(2) Except as otherwise specifically provided, this Section shall not apply,**

6 **to a person charged as an accessory after the fact, when the person charged is**

7 **a victim of domestic abuse as defined in R.S. 14:35.3.**

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michael Bell.

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DIGEST

Present law provides for an exception to incest where one, not a resident of this state at the time of the celebration of his marriage, will have contracted a marriage lawful at the place of celebration and will thereafter have removed to this state

Proposed law maintains present law and provides for an exception when a person is a victim of domestic abuse and is charged with accessory after the fact.

Proposed law provides for an exception to prosecution of aggravated incest when a person is charged as an accessory after the fact and the person is a victim of domestic abuse.

Effective August 15, 2010.

(Amends R.S. 14:78(C) and 14:78.1(C))