

SENATE BILL NO. 333

BY SENATOR JOHNS

1 AN ACT

2 To amend and reenact Children's Code Articles 855(B)(7)(f) and (g), 884.1(A)(6) and (7),  
3 897(B)(1)(c), and 1015(3)(c), Code of Criminal Procedure Articles 571.1 and  
4 648(B)(3)(g) and (h), R.S. 13:5713(F), R.S. 14: 43.6(A) and (B)(1), 89, and 89.1, and  
5 R.S. 15:536(A), 537, 541(2)(j) and (l), (24)(a), and (25)(d), 542(A)(3)(f) and (g), and  
6 571.3(B)(3)(p) and (4)(d) and (e), R.S. 40:1299.34.5(B)(3), (C), and (E),  
7 1299.35.2(D)(2)(d) and (E), 1299.35.7(B) and (D), and 1300.13(E)(introductory  
8 paragraph) and (6), and to repeal Children's Code Articles 502(4)(i) and 603(12)(i),  
9 R.S. 14:2(B)(40), 78 and 78.1, and R.S. 15:571.3(B)(3)(i) and (j), relative to offenses  
10 affecting sexual immorality; to repeal the crimes of incest and aggravated incest; to  
11 amend the offense of crime against nature to include the elements and penalties of  
12 the crime of incest; to amend the offense of aggravated crime against nature to  
13 include the elements and penalties of the crime of aggravated incest; to amend  
14 various provisions of law to reflect these changes; to direct the Louisiana State Law  
15 Institute to revise all other provisions of law which reference incest, aggravated  
16 incest, crime against nature, or aggravated crime against nature accordingly; and to  
17 provide for related matters.

18 Be it enacted by the Legislature of Louisiana:

19 Section 1. Children's Code Articles 855(B)(7)(f) and (g), 884.1(A)(6) and (7),  
20 897(B)(1)(c), and 1015(3)(c) are hereby amended and reenacted to read as follows:

21 Art. 855. Advice of rights at appearance to answer

22 \* \* \*

23 B. If the child is capable, the court shall then advise the child of the  
24 following items in terms understandable to the child:

25 \* \* \*

26 (7) The possible consequences of his admission that the allegations are true,

1 including the maximum and minimal dispositions which the court may impose  
2 pursuant to Articles 897 through 900. In addition, if the child is fourteen years of  
3 age or older and the petition charges the child with the perpetration, attempted  
4 perpetration, or conspiracy to commit any of the following offenses, the court shall  
5 inform the child that, if he admits to allegations of the petition, or the allegations of  
6 the petition are found to be true, he may be required to register as a sex offender  
7 pursuant to Chapter 3-B of Title 15 of the Louisiana Revised Statutes of 1950, and  
8 the court shall inform the child regarding applicable required registrations and their  
9 duration:

10 \* \* \*

11 (f) Aggravated incest **crime against nature defined by R.S. 14:89.1(A)(2)**  
12 involving circumstances defined by ~~R.S. 14:78.1~~ **R.S. 15:541** as an aggravated  
13 offense.

14 (g) Aggravated crime against nature as defined in R.S. 14:89.1**(A)(1)**.

15 \* \* \*

16 Art. 884.1. Informing the child of sex offender registration and notification  
17 requirements; form

18 A. When the child has admitted the allegations of the petition or when  
19 adjudicated delinquent for any of the following offenses, the court shall provide him  
20 with written notice of the requirements for registration as a sex offender:

21 \* \* \*

22 (6) Aggravated incest **crime against nature defined by R.S. 14:89.1(A)(2)**  
23 involving circumstances defined by ~~R.S. 14:78.1~~ **R.S. 15:541** as an aggravated  
24 offense.

25 (7) Aggravated crime against nature as defined in R.S. 14:89.1**(A)(1)**.

26 \* \* \*

27 Art. 897. Disposition after adjudication of a felony-grade delinquent act

28 \* \* \*

29 B. As conditions of probation, if ordered pursuant to Subparagraph A(3) of  
30 this Article:

1 (1) The court shall impose all of the following restrictions:

2 \* \* \*

3 (c) Prohibit the child from possessing a firearm or carrying a concealed  
4 weapon, if he has been adjudicated for any of the following offenses and probation  
5 is not otherwise prohibited: first or second degree murder; manslaughter; aggravated  
6 battery; aggravated, forcible, or simple rape; aggravated crime against nature **as**  
7 **defined by R.S. 14:89.1(A)(1)**; aggravated kidnapping; aggravated arson;  
8 aggravated or simple burglary; armed or simple robbery; burglary of a pharmacy;  
9 burglary of an inhabited dwelling; unauthorized entry of an inhabited dwelling; or  
10 any violation of the Uniform Controlled Dangerous Substances Law which is a  
11 felony or any crime defined as an attempt to commit one of these enumerated  
12 offenses.

13 \* \* \*

14 Art. 1015. Grounds

15 The grounds for termination of parental rights are:

16 \* \* \*

17 (3) Misconduct of the parent toward this child or any other child of the  
18 parent or any other child which constitutes extreme abuse, cruel and inhuman  
19 treatment, or grossly negligent behavior below a reasonable standard of human  
20 decency, including but not limited to the conviction, commission, aiding or abetting,  
21 attempting, conspiring, or soliciting to commit any of the following:

22 \* \* \*

23 (c) Aggravated incest **crime against nature as defined by R.S.**  
24 **14:89.1(A)(2)**.

25 \* \* \*

26 Section 2. Code of Criminal Procedure Articles 571.1 and 648(B)(3)(g) and (h) are  
27 hereby amended and reenacted to read as follows:

28 Art. 571.1. Time limitation for certain sex offenses

29 Except as provided by Article 572 of this Chapter, the time within which to  
30 institute prosecution of the following sex offenses, regardless of whether the crime

1 involves force, serious physical injury, death, or is punishable by imprisonment at  
 2 hard labor shall be thirty years: sexual battery (R.S. 14:43.1), second degree sexual  
 3 battery (R.S. 14:43.2), oral sexual battery (R.S. 14:43.3), human trafficking (R.S.  
 4 14:46.2(B)(2) or (3)), trafficking of children for sexual purposes (R.S. 14:46.3),  
 5 felony carnal knowledge of a juvenile (R.S. 14:80), indecent behavior with juveniles  
 6 (R.S. 14:81), pornography involving juveniles (R.S. 14:81.1), molestation of a  
 7 juvenile (R.S. 14:81.2), prostitution of persons under eighteen (R.S. 14:82.1),  
 8 enticing persons into prostitution (R.S. 14:86), crime against nature (R.S. 14:89),  
 9 aggravated crime against nature (R.S. 14:89.1), crime against nature by solicitation  
 10 (R.S. 14:89.2(B)(3)), ~~incest (R.S. 14:78), or aggravated incest (R.S. 14:78.1)~~ which  
 11 **that** involves a victim under seventeen years of age. This thirty-year period begins  
 12 to run when the victim attains the age of eighteen.

\* \* \*

Art. 648. Procedure after determination of mental capacity or incapacity

\* \* \*

B. \* \* \*

17 (3) If, after the hearing, the court determines that the incompetent defendant  
 18 is unlikely in the foreseeable future to be capable of standing trial, the court shall  
 19 order the defendant released or remanded to the custody of the Department of Health  
 20 and Hospitals which, within ten days exclusive of weekends and holidays, may  
 21 institute civil commitment proceedings pursuant to Title 28 of the Louisiana Revised  
 22 Statutes of 1950, or release the defendant. The defendant shall remain in custody  
 23 pending such civil commitment proceedings. If the defendant is committed to a  
 24 treatment facility pursuant to Title 28 of the Louisiana Revised Statutes of 1950, the  
 25 director of the institution designated for the patient's treatment shall, in writing,  
 26 notify the court and the district attorney when the patient is to be discharged or  
 27 conditionally discharged, as long as the charges are pending. If not dismissed without  
 28 prejudice at an earlier trial, charges against an unrestorable incompetent defendant  
 29 shall be dismissed on the date upon which his sentence would have expired had he  
 30 been convicted and received the maximum sentence for the crime charged, or on the

1 date five years from the date of his arrest for such charges, whichever is sooner,  
2 except for the following charges:

3 \* \* \*

4 (g) ~~R.S. 14:78 (incest)~~ **R.S. 14:89(A)(2) (crime against nature).**

5 (h) ~~R.S. 14:78.1 (aggravated incest)~~ **R.S. 14:89.1(A)(2) (aggravated crime**  
6 **against nature).**

7 \* \* \*

8 Section 3. R.S. 13:5713(F) is hereby amended and reenacted to read as follows:

9 §5713. Duty to hold autopsies, investigations, etc.

10 \* \* \*

11 F. The coroner or his designee shall examine all alleged victims of rape,  
12 carnal knowledge, sexual battery, ~~incest~~, and crime against nature when such cases  
13 are under police investigation.

14 \* \* \*

15 Section 4. R.S. 14:43.6(A) and (B)(1), 89, and 89.1 are hereby amended and  
16 reenacted to read as follows:

17 §43.6. Administration of medroxyprogesterone acetate (MPA) to certain sex  
18 offenders

19 A. Notwithstanding any other provision of law to the contrary, upon a first  
20 conviction of R.S. 14:42 (aggravated rape), R.S. 14:42.1 (forcible rape), R.S. 14:43.2  
21 (second degree sexual battery), ~~R.S. 14:78.1 (aggravated incest)~~, R.S. 14:81.2(D)(1)  
22 (molestation of a juvenile when the victim is under the age of thirteen), and R.S.  
23 14:89.1 (aggravated crime against nature), the court may sentence the offender to be  
24 treated with medroxyprogesterone acetate (MPA), according to a schedule of  
25 administration monitored by the Department of Public Safety and Corrections.

26 B.(1) Notwithstanding any other provision of law to the contrary, upon a  
27 second or subsequent conviction of R.S. 14:42 (aggravated rape), R.S. 14:42.1  
28 (forcible rape), R.S. 14:43.2 (second degree sexual battery), ~~R.S. 14:78.1 (aggravated~~  
29 ~~incest)~~, R.S. 14:81.2(D)(1) (molestation of a juvenile when the victim is under the  
30 age of thirteen), and R.S. 14:89.1 (aggravated crime against nature), the court shall

1 sentence the offender to be treated with medroxyprogesterone acetate (MPA)  
 2 according to a schedule of administration monitored by the Department of Public  
 3 Safety and Corrections.

4 \* \* \*

5 §89. Crime against nature

6 A. Crime against nature is ~~the~~ **either of the following:**

7 **(1) The** unnatural carnal copulation by a human being with another of the  
 8 same sex or opposite sex or with an animal, except that anal sexual intercourse  
 9 between two human beings shall not be deemed as a crime against nature when done  
 10 under any of the circumstances described in R.S. 14:41, 14:42, 14:42.1 or 14:43.  
 11 Emission is not necessary; and, when committed by a human being with another, the  
 12 use of the genital organ of one of the offenders of whatever sex is sufficient to  
 13 constitute the crime.

14 **(2) The marriage to, or sexual intercourse with, any ascendant or**  
 15 **descendant, brother or sister, uncle or niece, aunt or nephew, with knowledge**  
 16 **of their relationship. The relationship must be by consanguinity, but it is**  
 17 **immaterial whether the parties to the act are related to one another by the**  
 18 **whole or half blood. The provisions of this Paragraph shall not apply where one**  
 19 **person, not a resident of this state at the time of the celebration of his marriage,**  
 20 **contracted a marriage lawful at the place of celebration and thereafter removed**  
 21 **to this state.**

22 B.(1) Whoever ~~violates the provisions of~~ **commits the offense of crime**  
 23 **against nature as defined by Paragraph (A)(1) of** this Section shall be fined not  
 24 more than two thousand dollars, imprisoned, with or without hard labor, for not more  
 25 than five years, or both.

26 (2) Whoever ~~violates the provisions of~~ **commits the offense of crime**  
 27 **against nature as defined by Paragraph (A)(1) of** this Section with a person under  
 28 the age of eighteen years shall be fined not more than fifty thousand dollars,  
 29 imprisoned at hard labor for not less than fifteen years nor more than fifty years, or  
 30 both.

1           (3) Whoever ~~violates the provisions of~~ **commits the offense of crime**  
 2 **against nature as defined by Paragraph (A)(1) of** this Section with a person under  
 3 the age of fourteen years shall be fined not more than seventy-five thousand dollars,  
 4 imprisoned at hard labor for not less than twenty-five years nor more than fifty years,  
 5 or both.

6           **(4) Whoever commits the offense of crime against nature as defined by**  
 7 **Paragraph (A)(2) of this Section, where the crime is between an ascendant and**  
 8 **descendant, or between brother and sister, shall be imprisoned at hard labor for**  
 9 **not more than fifteen years.**

10           **(5) Whoever commits the offense of crime against nature as defined by**  
 11 **Paragraph (A)(2) of this Section, where the crime is between uncle and niece,**  
 12 **or aunt and nephew, shall be fined not more than one thousand dollars, or**  
 13 **imprisoned, with or without hard labor, for not more than five years, or both.**

14           C. It shall be an affirmative defense to prosecution for a violation of  
 15 **Paragraph (A)(1) of** this Section that, during the time of the alleged commission of  
 16 the offense, the defendant was a victim of trafficking of children for sexual purposes  
 17 as provided in R.S. 14:46.3(E).

18 §89.1. Aggravated crime against nature

19           A. Aggravated crime against nature is ~~crime against nature~~ **either of the**  
 20 **following:**

21           **(1) An act as defined by R.S. 14:89(A)(1)** committed under any one or  
 22 more of the following circumstances:

23           ~~(1)~~**(a)** When the victim resists the act to the utmost, but such resistance is  
 24 overcome by force;₂

25           ~~(2)~~**(b)** When the victim is prevented from resisting the act by threats of great  
 26 and immediate bodily harm accompanied by apparent power of execution;₂

27           ~~(3)~~**(c)** When the victim is prevented from resisting the act because the  
 28 offender is armed with a dangerous weapon; ~~or,~~

29           ~~(4)~~**(d)** When through idiocy, imbecility, or any unsoundness of mind, either  
 30 temporary or permanent, the victim is incapable of giving consent and the offender

1 knew or should have known of such incapacity;

2 ~~(5)(e)~~ When the victim is incapable of resisting or of understanding the  
 3 nature of the act, by reason of stupor or abnormal condition of mind produced by a  
 4 narcotic or anesthetic agent, administered by or with the privity of the offender; or  
 5 when he has such incapacity, by reason of a stupor or abnormal condition of mind  
 6 from any cause, and the offender knew or should have known of such incapacity; ~~or,~~

7 ~~(6)(f)~~ When the victim is under the age of seventeen years and the offender  
 8 is at least three years older than the victim.

9 **(2)(a) The engaging in any prohibited act enumerated in Subparagraph**  
 10 **(b) of this Paragraph with a person who is under eighteen years of age and who**  
 11 **is known to the offender to be related to the offender as any of the following**  
 12 **biological, step, or adoptive relatives: child, grandchild of any degree, brother,**  
 13 **sister, half-brother, half-sister, uncle, aunt, nephew, or niece.**

14 **(b) The following are prohibited acts under this Paragraph:**

15 **(i) Sexual intercourse, sexual battery, second degree sexual battery,**  
 16 **carnal knowledge of a juvenile, indecent behavior with juveniles, pornography**  
 17 **involving juveniles, molestation of a juvenile or a person with a physical or**  
 18 **mental disability, crime against nature, cruelty to juveniles, parent enticing a**  
 19 **child into prostitution, or any other involvement of a child in sexual activity**  
 20 **constituting a crime under the laws of this state.**

21 **(ii) Any lewd fondling or touching of the person of either the child or the**  
 22 **offender, done or submitted to with the intent to arouse or to satisfy the sexual**  
 23 **desires of either the child, the offender, or both.**

24 **(c) Consent shall not be a defense to prosecution under the provisions**  
 25 **of this Paragraph.**

26 B. Whoever commits the crime of aggravated crime against nature **as**  
 27 **defined by Paragraph (A)(1) of this Section** shall be imprisoned at hard labor for  
 28 not less than three nor more than fifteen years, such prison sentence to be without  
 29 benefit of suspension of sentence, probation or parole.

30 **C.(1) Whoever commits the crime of aggravated crime against nature**



1 as defined by Paragraph (A)(2) of this Section shall be fined an amount not to  
2 exceed fifty thousand dollars, or imprisoned, with or without hard labor, for a  
3 term not less than five years nor more than twenty years, or both.

4 (2) Whoever commits the crime of aggravated crime against nature as  
5 defined by Paragraph (A)(2) of this Section with a victim under the age of  
6 thirteen years when the offender is seventeen years of age or older shall be  
7 punished by imprisonment at hard labor for not less than twenty-five years nor  
8 more than ninety-nine years. At least twenty-five years of the sentence imposed  
9 shall be served without benefit of parole, probation, or suspension of sentence.

10 (3) Upon completion of the term of imprisonment imposed in accordance  
11 with Paragraph (2) of this Subsection, the offender shall be monitored by the  
12 Department of Public Safety and Corrections through the use of electronic  
13 monitoring equipment for the remainder of his natural life.

14 (4) Unless it is determined by the Department of Public Safety and  
15 Corrections, pursuant to rules adopted in accordance with the provisions of this  
16 Subsection, that a sexual offender is unable to pay all or any portion of such  
17 costs, each sexual offender to be electronically monitored shall pay the cost of  
18 such monitoring.

19 (5) The costs attributable to the electronic monitoring of an offender  
20 who has been determined unable to pay shall be borne by the department if, and  
21 only to, the degree that sufficient funds are made available for such purpose  
22 whether by appropriation of state funds or from any other source.

23 (6) The Department of Public Safety and Corrections shall develop,  
24 adopt, and promulgate rules in the manner provided in the Administrative  
25 Procedure Act that provide for the payment of such costs. Such rules shall  
26 contain specific guidelines which shall be used to determine the ability of the  
27 offender to pay the required costs and shall establish the reasonable costs to be  
28 charged. Such rules may provide for a sliding scale of payment so that an  
29 offender who is able to pay a portion, but not all, of such costs may be required  
30 to pay such portion.

1                    D.(1) In addition to any sentence imposed under Subsection C of this  
 2                    Section, the court shall, after determining the financial resources and future  
 3                    ability of the offender to pay, require the offender, if able, to pay the victim's  
 4                    reasonable costs of counseling that result from the offense.

5                    (2) The amount, method, and time of payment shall be determined by  
 6                    the court either by ordering that documentation of the offender's financial  
 7                    resources and future ability to pay restitution and of the victim's pecuniary loss  
 8                    submitted by the victim be included in the presentence investigation and report,  
 9                    or the court may receive evidence of the offender's ability to pay and the  
 10                   victim's loss at the time of sentencing.

11                   (3) The court may provide for payment to a victim up to but not in  
 12                   excess of the pecuniary loss caused by the offense. The offender may assert any  
 13                   defense that he could raise in a civil action for the loss sought to be compensated  
 14                   by the restitution order.

15                   Section 5. R.S. 15:536(A), 537, 541(2)(j) and (l), (24)(a), and (25)(d), 542(A)(3)(f)  
 16                   and (g), and 571.3(B)(3)(p) and (4)(d) and (e) are hereby amended and reenacted to read as  
 17                   follows:

18                   §536. Definitions

19                   A. For purposes of this Chapter, "sexual offender" means a person who has  
 20                   violated ~~R.S. 14:78 (incest), R.S. 14:78.1 (aggravated incest),~~ R.S. 14:89 (crime  
 21                   against nature), R.S. 14:89.1 (aggravated crime against nature), R.S. 14:93.5 (sexual  
 22                   battery of the infirm) or any provision of Subpart C of Part II, or Subpart A(1) of Part  
 23                   V, of Chapter 1 of Title 14 of the Louisiana Revised Statutes of 1950.

24                   \*           \*           \*

25                   §537. Sentencing of sexual offenders; serial sexual offenders

26                   A. If a person is convicted of or pleads guilty to, or where adjudication has  
 27                   been deferred or withheld for a violation of ~~R.S. 14:78 (incest), R.S. 14:78.1~~  
 28                   ~~(aggravated incest),~~ R.S. 14:80 (felony carnal knowledge of a juvenile), R.S. 14:81  
 29                   (indecent behavior with juveniles), R.S. 14:81.1 (pornography involving juveniles),  
 30                   R.S. 14:81.2 (molestation of a juvenile or a person with a physical or mental

1 disability), R.S. 14:81.3 (computer-aided solicitation of a minor), R.S. 14:89 (crime  
 2 against nature), R.S. 14:89.1 (aggravated crime against nature), R.S. 14:93.5 (sexual  
 3 battery of the infirm), or any provision of Subpart C of Part II of Chapter 1 of Title  
 4 14 of the Louisiana Revised Statutes of 1950, and is sentenced to imprisonment for  
 5 a stated number of years or months, the person shall not be eligible for diminution  
 6 of sentence for good behavior.

7 B. The court shall sentence a person who has on two or more occasions  
 8 previously pleaded guilty, nolo contendere, or has been found guilty of violating R.S.  
 9 14:42, 42.1, 43, 43.1, 43.2, 43.3, 43.4, 43.5, ~~78, 78.1~~, 80, 81, 81.1, 81.2, **89(A)(2)**,  
 10 89.1, or 107.1(C)(2) to life imprisonment without the benefit of parole, probation,  
 11 or suspension of sentence.

12 \* \* \*

13 §541. Definitions

14 For the purposes of this Chapter, the definitions of terms in this Section shall  
 15 apply:

16 \* \* \*

17 (2) "Aggravated offense" means a conviction for the perpetration or  
 18 attempted perpetration of, or conspiracy to commit, any of the following:

19 \* \* \*

20 (j) Aggravated incest (~~R.S. 14:78.1~~) **crime against nature as defined by**  
 21 **R.S. 14:89.1(A)(2)** involving sexual intercourse, second degree sexual battery, oral  
 22 sexual battery, or when prosecuted under the provisions of R.S. ~~14:78.1(D)(2)~~  
 23 **14:89.1(C)(2)**.

24 \* \* \*

25 (l) Aggravated crime against nature (R.S. 14:89.1**(A)(1)**).

26 \* \* \*

27 (24)(a) "Sex offense" means deferred adjudication, adjudication withheld,  
 28 or conviction for the perpetration or attempted perpetration of or conspiracy to  
 29 commit human trafficking when prosecuted under the provisions of R.S.  
 30 14:46.2(B)(2) or (3), R.S. 14:46.3 (trafficking of children for sexual purposes), ~~R.S.~~

1           ~~14:78 (incest), R.S. 14:78.1 (aggravated incest),~~ R.S. 14:89 (crime against nature),  
2           R.S. 14:89.1 (aggravated crime against nature), R.S. 14:89.2(B)(3) (crime against  
3           nature by solicitation), R.S. 14:80 (felony carnal knowledge of a juvenile), R.S.  
4           14:81 (indecent behavior with juveniles), R.S.14:81.1 (pornography involving  
5           juveniles), R.S. 14:81.2 (molestation of a juvenile or a person with a physical or  
6           mental disability), R.S. 14:81.3 (computer-aided solicitation of a minor), R.S.  
7           14:81.4 (prohibited sexual conduct between an educator and student), R.S.  
8           14:92(A)(7) (contributing to the delinquency of juveniles), R.S. 14:93.5 (sexual  
9           battery of the infirm), R.S. 14:106(A)(5) (obscenity by solicitation of a person under  
10          the age of seventeen), R.S. 14:283 (video voyeurism), R.S. 14:41 (rape), R.S. 14:42  
11          (aggravated rape), R.S. 14:42.1 (forcible rape), R.S. 14:43 (simple rape), R.S.  
12          14:43.1 (sexual battery), R.S. 14:43.2 (second degree sexual battery), R.S. 14:43.3  
13          (oral sexual battery), R.S. 14:43.5 (intentional exposure to AIDS virus), or a second  
14          or subsequent conviction of R.S. 14:283.1 (voyeurism), committed on or after June  
15          18, 1992, or committed prior to June 18, 1992, if the person, as a result of the  
16          offense, is under the custody of the Department of Public Safety and Corrections on  
17          or after June 18, 1992. A conviction for any offense provided in this definition  
18          includes a conviction for the offense under the laws of another state, or military,  
19          territorial, foreign, tribal, or federal law which is equivalent to an offense provided  
20          for in this Chapter, unless the tribal court or foreign conviction was not obtained with  
21          sufficient safeguards for fundamental fairness and due process for the accused as  
22          provided by the federal guidelines adopted pursuant to the Adam Walsh Child  
23          Protection and Safety Act of 2006.

\* \* \*

25                   (25) "Sexual offense against a victim who is a minor" means a conviction for  
26                   the perpetration or attempted perpetration of, or conspiracy to commit, any of the  
27                   following:

\* \* \*

29                   (d) ~~Aggravated incest (R.S. 14:78.1)~~ **crime against nature as defined by**  
30                   **R.S. 14:89.1(A)(2)** under the circumstances not listed as those which constitute an

1 "aggravated offense" as defined in this Section.

2 \* \* \*

3 §542. Registration of sex offenders and child predators

4 A. The following persons shall be required to register and provide  
5 notification as a sex offender or child predator in accordance with the provisions of  
6 this Chapter:

7 \* \* \*

8 (3) Any juvenile, who has attained the age of fourteen years at the time of  
9 commission of the offense, who has been adjudicated delinquent based upon the  
10 perpetration, attempted perpetration, or conspiracy to commit any of the following  
11 offenses:

12 \* \* \*

13 (f) Aggravated ~~incest~~ **crime against nature as defined by R.S.**  
14 **14:89.1(A)(2)** involving circumstances defined **by R.S. 15:541** as an "aggravated  
15 offense" (~~R.S. 14:78.1~~).

16 (g) Aggravated crime against nature (R.S. 14:89.1**(A)(1)**).

17 \* \* \*

18 §571.3. Diminution of sentence for good behavior

19 \* \* \*

20 B.

21 \* \* \*

22 (3) A person shall not be eligible for diminution of sentence for good  
23 behavior if he has been convicted of or pled guilty to, or where adjudication has  
24 been deferred or withheld for, a violation of any one of the following offenses:

25 \* \* \*

26 (p) Crime against nature (R.S. 14:89~~(A)~~).

27 \* \* \*

28 (4) Diminution of sentence shall not be allowed an inmate in the custody of  
29 the Department of Public Safety and Corrections if the inmate has been convicted  
30 one or more times under the laws of this state, any other state, or the federal

1 government of any one or more of the following crimes or attempts to commit any  
2 of the following crimes:

3 \* \* \*

4 (d) ~~Incest~~ **Crime against nature as defined by R.S. 14:89(A)(2).**

5 (e) Aggravated ~~incest~~ **crime against nature as defined by R.S.**  
6 **14:89.1(A)(2).**

7 \* \* \*

8 Section 6. R.S. 40:1299.34.5(B)(3), (C), and (E), 1299.35.2(D)(2)(d) and (E),  
9 1299.35.7(B) and (D), and 1300.13(E)(introductory paragraph) and (6) are hereby amended  
10 and reenacted to read as follows:

11 §1299.34.5. Use of public funds

12 \* \* \*

13 B. Notwithstanding any other provision of law to the contrary, no public  
14 funds made available to any institution, board, commission, department, agency,  
15 official, or employee of the state of Louisiana, or of any local political subdivision  
16 thereof, whether such funds are made available by the government of the United  
17 States, the state of Louisiana, or a local governmental subdivision, or from any other  
18 public source, shall be used in any way for, to assist in, or to provide facilities for an  
19 abortion, except for any of the following:

20 \* \* \*

21 (3) Whenever the abortion is being sought to terminate a pregnancy resulting  
22 from an alleged act of ~~incest~~ **crime against nature as defined by R.S. 14:89(A)(2)**  
23 and all of the requirements of R.S. 40:1299.35.7(B) are met.

24 C. The secretary of the Department of Health and Hospitals shall promulgate  
25 rules to insure that no funding of any abortion shall be made based upon a claim of  
26 rape or ~~incest~~ **crime against nature as defined by R.S. 14:89(A)(2)** until the  
27 applicable requirements of R.S. 40:1299.35.7 have been complied with and written  
28 verification has been obtained from the physician performing the abortion and from  
29 the law enforcement official to whom the report is made, if applicable.

30 \* \* \*

1                   E. If Subsections B and C and R.S. 40:1299.35.7 become effective and  
 2 subsequently the federal requirement for acceptance of Medicaid funds, that public  
 3 funds be made available for abortions resulting from pregnancy due to rape or ~~incest~~  
 4 **crime against nature as defined by R.S. 14:89(A)(2)**, is no longer applicable to the  
 5 state of Louisiana, then on the same day, the provisions of Subsections B and C and  
 6 R.S. 40:1299.35.7 shall be superseded and the provisions of Subsection A shall be  
 7 effective to the fullest extent allowed by law.

8   \*       \*       \*

9                   §1299.35.2. Abortion by physician; determination of viability; ultrasound test  
 10   required; exceptions; penalties

11   \*       \*       \*

12                   D.   \*       \*       \*

13                   (2) Requirements. At least twenty-four hours prior to the woman having any  
 14 part of an abortion performed or induced, and prior to the administration of any  
 15 anesthesia or medication in preparation for the abortion on the woman, the physician  
 16 who is to perform the abortion or a qualified person who is the physician's agent  
 17 shall comply with all of the following requirements:

18   \*       \*       \*

19                   (d) Prior to the ultrasound, obtain from the pregnant woman a copy of a  
 20 completed, signed, and dated election form. The election form shall be produced and  
 21 made available by the department, and shall state as follows:

22   "Ultrasound Before Abortion Notice and Election Form

23 Louisiana law requires an ultrasound examination prior to the performance of an  
 24 abortion. By signing below, I certify that I understand the following:

- 25                   (1) I have the option to look at or look away from the ultrasound display at any  
 26 time.
- 27                   (2) I have the option to listen to the heartbeat of the unborn child that is required  
 28 to be made audible unless I decline by initialing here: \_\_\_\_\_.
- 29                   (3) I am required by law to hear an oral explanation of the ultrasound images,  
 30 unless I certify below that I am pregnant due to an act of rape or ~~incest~~ **crime**

1 **against nature as defined by R.S. 14:89(A)(2).**

2 (4) I have the option to ask and receive answers to any questions about the  
3 images of the unborn child.

4 (5) I have the option to ask for an ultrasound photographic print depicting the  
5 unborn child.

6 \_\_\_\_\_  
7 Signature Date

8 OPTION FOR WOMEN WHO HAVE FILED LAW ENFORCEMENT REPORTS:

9 I certify that I have reported an act of rape or incest **crime against nature as defined**  
10 **by R.S. 14:89(A)(2)** to law enforcement officials, and that I decline to hear an oral  
11 explanation of the ultrasound images.

12 \_\_\_\_\_  
13 Signature Date "

14 \* \* \*

15 E. Pregnant rape survivors or victims of incest **crime against nature as**  
16 **defined by R.S. 14:89(A)(2)** who have reported the act to law enforcement officials  
17 shall have the opportunity to opt out of the oral explanation provisions of  
18 Subparagraph ~~D~~**(D)**(2)(b) of this Section, in addition to having the same options to  
19 view or listen to the required medical information as provided in Paragraph ~~D~~**(D)**(3)  
20 of this Section.

21 \* \* \*

22 §1299.35.7. Abortion sought due to rape or incest **certain acts of crime against**  
23 **nature**; reporting and certification

24 \* \* \*

25 B. Whenever an abortion is being sought pursuant to R.S. 40:1299.34.5 to  
26 terminate a pregnancy resulting from an alleged act of incest **crime against nature**  
27 **as defined by R.S. 14:89(A)(2)**, prior to the abortion all of the following  
28 requirements shall be met:

29 (1) The victim of incest **crime against nature as defined by R.S.**  
30 **14:89(A)(2)** shall report the act of ~~incest~~ to a law enforcement official unless the



1 treating physician certifies in writing that in the physician's professional opinion the  
2 victim was too physically or psychologically incapacitated to report the ~~incest~~ act.

3 (2) The victim certifies that the pregnancy is the result of ~~incest~~ crime  
4 against nature as defined by R.S. 14:89(A)(2), which certificate shall be witnessed  
5 by the treating physician.

6 \* \* \*

7 D. Whenever an abortion is being sought pursuant to R.S. 40:1299.34.5 to  
8 terminate a pregnancy resulting from an alleged act of rape or ~~incest~~ crime against  
9 nature as defined by R.S. 14:89(A)(2), the victim may request spiritual counseling  
10 and shall be offered the same informed consent information, without the twenty-four-  
11 hour delay, contained in R.S. 40:1299.35.6(B), prior to the performance of the  
12 abortion.

13 \* \* \*

14 §1300.13. HIV-related testing; consent; exceptions

15 \* \* \*

16 E. The provisions of Subsections A through D of this Section shall not apply  
17 to the performance of an HIV-related test:

18 \* \* \*

19 (6) On any person who has been arrested, indicted, or convicted for the  
20 crimes of aggravated rape, forcible rape, simple rape, or ~~incest~~ crime against nature  
21 as defined by R.S. 14:89(A)(2) when required by a court to undergo an HIV-related  
22 test.

23 \* \* \*

24 Section 7. Children's Code Articles 502(4)(i) and 603(12)(i), R.S. 14:2(B)(40), 78,  
25 and 78.1, and R.S. 15:571.3(B)(3)(i) and (j) are hereby repealed in their entirety.

26 Section 8. The Louisiana State Law Institute is hereby directed to change all  
27 references in Louisiana law from "incest" to "crime against nature" and from "aggravated  
28 incest" to "aggravated crime against nature" to reflect the changes made in this Act.

29 Section 9. This Act shall become effective upon signature by the governor or, if not  
30 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
3 effective on the day following such approval.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_