

Regular Session, 2010

HOUSE BILL NO. 533

BY REPRESENTATIVE MILLS

CRIMINAL/PROCEDURE: Amends time limitations for instituting prosecution for the crime of exploitation of the infirmed

1 AN ACT

2 To enact Code of Criminal Procedure Article 573(5), relative to time limitations for  
3 initiating prosecutions; to provide relative to time limitations in which to institute  
4 prosecution for the crime of exploitation of the infirmed; and to provide for related  
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 573(5) is hereby enacted to read as  
8 follows:

9 Art. 573. Running of time limitations; exception

10 The time limitations established by Article 572 shall not commence to run  
11 as to the following offenses until the relationship or status involved has ceased to  
12 exist when:

13 \* \* \*

14 (5) The offense charged is exploitation of the infirmed (R.S. 14:93.4).

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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)]

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Mills

HB No. 533

**Abstract:** Provides relative to the time limitations in which to institute prosecution of a case involving exploitation of the infirmed.

Present law provides that no person shall be prosecuted, tried, or punished for an offense not punishable by death or life imprisonment, unless the prosecution is instituted within the following periods of time after the offense has been committed:

- (1) Six years, for a felony necessarily punishable by imprisonment at hard labor.
- (2) Four years, for a felony not necessarily punishable by imprisonment at hard labor.
- (3) Two years, for a misdemeanor punishable by a fine, or imprisonment, or both.
- (4) Six months, for a misdemeanor punishable only by a fine or forfeiture.

Present law provides that for the following offenses, these present law time periods for instituting prosecution shall be suspended until the relationship or status involved has ceased to exist:

- (1) The offense charged is based on the misappropriation of any money or thing of value by one who, by virtue of his office, employment, or fiduciary relationship, has been entrusted therewith or has control thereof.
- (2) The offense charged is extortion or false accounting committed by a public officer or employee in his official capacity.
- (3) The offense charged is public bribery.
- (4) The offense charged is aggravated battery (R.S. 14:34) and the victim is under 17 years of age.

Proposed law adds the offense of exploitation of the infirmed (R.S. 14:93.4) to the list of offenses for which the present law time periods for instituting prosecution shall be suspended until the relationship or status involved has ceased to exist.

(Adds C.Cr.P. Art. 573(5))