

SENATE BILL NO. 236

BY SENATORS MORRELL, ALARIO, BARROW, CLAITOR, CORTEZ, LUNEAU,
MILLS, PETERSON AND TARVER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AN ACT

To amend and reenact R.S. 14:89(A)(1) and R.S. 15:541(24)(a) and to enact R.S. 14:89(E) and 89.3, relative to crime against nature; to create the crime of sexual abuse of an animal; to provide definitions; to provide penalties; to provide for conditions of parole for persons convicted of the crime; to require persons convicted of a second or subsequent offense of the crime to register and provide notification as a sex offender; to provide for intent regarding application; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:89(A)(1) is hereby amended and reenacted and R.S. 14:89(E) and 89.3 are hereby enacted to read as follows:

§89. Crime against nature

A. Crime against nature is either of the following:

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

* * *

E. Nothing in the Act which originated as Senate Bill No. 236 of the 2018 Regular Session of the Legislature shall be construed to alleviate any person convicted or adjudicated delinquent of crime against nature (R.S. 14:89) from any requirement, obligation, or consequence imposed by law resulting from that

1 conviction or adjudication including but not limited to any requirements
 2 regarding sex offender registration and notification, parental rights, probation,
 3 parole, sentencing, or any other requirement, obligation, or consequence
 4 imposed by law resulting from that conviction or adjudication.

5 * * *

6 §89.3. Sexual abuse of an animal

7 A. Sexual abuse of an animal is the knowing and intentional
 8 performance of any of the following:

9 (1) Engaging in sexual contact with an animal.

10 (2) Possessing, selling, transferring, purchasing, or otherwise obtaining
 11 an animal with the intent that it be subject to sexual contact.

12 (3) Organizing, promoting, conducting, aiding or abetting, or
 13 participating in as an observer, any act involving sexual contact with an animal.

14 (4) Causing, coercing, aiding, or abetting another person to engage in
 15 sexual contact with an animal.

16 (5) Permitting sexual contact with an animal to be conducted on any
 17 premises under his charge or control.

18 (6) Advertising, soliciting, offering, or accepting the offer of an animal
 19 with the intent that it be used for sexual contact.

20 (7) Filming, distributing, or possessing pornographic images of a person
 21 and an animal engaged in any of the activities described in Paragraphs (1)
 22 through (6) of this Subsection.

23 B. For purposes of this Section:

24 (1) "Animal" means any nonhuman creature, whether alive or dead.

25 (2) "Sexual contact" means:

26 (a) Any act committed for the purpose of sexual arousal or sexual
 27 gratification, abuse, or financial gain, between a person and an animal involving
 28 contact between the sex organs or anus of one and the mouth, sex organs, or
 29 anus of the other.

30 (b) The insertion, however slight, of any part of the body of a person or

1 any object into the vaginal or anal opening of an animal, touching by a person
2 of the sex organs or anus of an animal, or the insertion of any part of the
3 animal's body into the vaginal or anal opening of the person.

4 C. This Section shall not apply to any of the following:

5 (1) Accepted veterinary practices.

6 (2) Artificial insemination of an animal for reproductive purposes.

7 (3) Accepted animal husbandry practices, including grooming, raising,
8 breeding, or assisting with the birthing process of animals or any other
9 procedure that provides care for an animal.

10 (4) Generally accepted practices related to the judging of breed
11 conformation.

12 D.(1)(a) Except as provided in Subparagraph (b) of this Paragraph,
13 whoever commits the offense of sexual abuse of an animal shall be fined not
14 more than two thousand dollars, imprisoned, with or without hard labor, for
15 not more than five years, or both.

16 (b) Whoever commits a second or subsequent offense of sexual abuse of
17 an animal, shall be fined not less than five thousand dollars nor more than
18 twenty-five thousand dollars, or imprisoned, with or without hard labor, for not
19 more than ten years, or both.

20 (2) In addition to any other penalty imposed, a person convicted of
21 violating this Section shall be ordered to:

22 (a) Relinquish custody of all animals.

23 (b) Not harbor, own, possess, or exercise control over any animal for any
24 length of time deemed appropriate by the court, but not less than five years.

25 (c) Not reside in any household where an animal is present; engage in an
26 occupation, whether paid or unpaid, involving animals; or participate in a
27 volunteer position at any establishment where animals are present, for any
28 length of time deemed appropriate by the court, but not less than five years.

29 (d) Undergo a psychological evaluation for sex offenders and participate
30 in any recommended psychological treatment. Any costs associated with any

1 evaluation or treatment ordered by the court shall be paid by the defendant.

2 (e) If the convicted person is not the owner, reimburse the owner for any
3 expenses incurred for medical treatment or rehabilitation of the victimized
4 animal.

5 (3) If a person convicted of the offense of sexual abuse of an animal is
6 released on parole, the committee on parole shall require the person, as a
7 condition of parole, to participate in a sex offender program as defined by R.S.
8 15:828(A)(2)(b).

9 E.(1) Any law enforcement officer investigating a violation of this Section
10 may lawfully take possession of an animal that he has reason to believe has been
11 victimized under this Section in order to protect the health or safety of the
12 animal or the health or safety of others, and to obtain evidence of the offense.

13 (2) Any animal seized pursuant to this Section shall be promptly taken
14 to a shelter facility or veterinary clinic to be examined by a veterinarian for
15 evidence of sexual contact.

16 (3) With respect to an animal so seized and impounded, all provisions of
17 R.S. 14:102.2 and R.S. 14:102.3 shall apply to the seizure, impoundment, and
18 disposition of the animal.

19 F. Prosecution under this Section shall not preclude prosecution under
20 any other applicable provision of law.

21 Section 2. R.S. 15:541(24)(a) is hereby amended and reenacted to read as follows:
22 §541. Definitions

23 For the purposes of this Chapter, the definitions of terms in this
24 Section shall apply:

25 * * *

26 (24)(a) "Sex offense" means deferred adjudication, adjudication
27 withheld, or conviction for the perpetration or attempted perpetration of or
28 conspiracy to commit human trafficking when prosecuted under the
29 provisions of R.S. 14:46.2(B)(2), R.S. 14:46.3 (trafficking of children for
30 sexual purposes), R.S. 14:89 (crime against nature), R.S. 14:89.1 (aggravated

1 crime against nature), R.S. 14:89.2(B)(3) (crime against nature by
 2 solicitation), R.S. 14:80 (felony carnal knowledge of a juvenile), R.S. 14:81
 3 (indecent behavior with juveniles), R.S. 14:81.1 (pornography involving
 4 juveniles), R.S. 14:81.2 (molestation of a juvenile or a person with a physical
 5 or mental disability), R.S. 14:81.3 (computer-aided solicitation of a minor),
 6 R.S. 14:81.4 (prohibited sexual conduct between an educator and student),
 7 R.S. 14:82.1 (prostitution; persons under eighteen), R.S. 14:82.2(C)(4) and
 8 (5) (purchase of commercial sexual activity), R.S. 14:92(A)(7) (contributing
 9 to the delinquency of juveniles), R.S. 14:93.5 (sexual battery of persons with
 10 infirmities), R.S. 14:106(A)(5) (obscenity by solicitation of a person under
 11 the age of seventeen), R.S. 14:283 (video voyeurism), R.S. 14:41 (rape), R.S.
 12 14:42 (aggravated or first degree rape), R.S. 14:42.1 (forcible or second
 13 degree rape), R.S. 14:43 (simple or third degree rape), R.S. 14:43.1 (sexual
 14 battery), R.S. 14:43.2 (second degree sexual battery), R.S. 14:43.3 (oral
 15 sexual battery), R.S. 14:43.5 (intentional exposure to AIDS virus), ~~or a~~
 16 ~~second or subsequent conviction of R.S. 14:283.1 (voyeurism),~~ **or a second**
 17 **or subsequent conviction of R.S. 14:89.3 (sexual abuse of an animal),**
 18 committed on or after June 18, 1992, or committed prior to June 18, 1992, if
 19 the person, as a result of the offense, is under the custody of the Department
 20 of Public Safety and Corrections on or after June 18, 1992. A conviction for
 21 any offense provided in this definition includes a conviction for the offense
 22 under the laws of another state, or military, territorial, foreign, tribal, or
 23 federal law which is equivalent to an offense provided for in this Chapter,
 24 unless the tribal court or foreign conviction was not obtained with sufficient
 25 safeguards for fundamental fairness and due process for the accused as
 26 provided by the federal guidelines adopted pursuant to the Adam Walsh
 27 Child Protection and Safety Act of 2006.

28 * * *

29 Section 3. 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.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____