

Regular Session, 2008

SENATE BILL NO. 144

BY SENATORS N. GAUTREAUX, AMEDEE, DORSEY, DUPLESSIS AND MOUNT

SEX OFFENSES. Authorizes the administration of medroxyprogesterone acetate to or voluntary castration of persons convicted of a crime which classifies the convicted person as a "sex offender." (gov sig)

AN ACT

To enact R.S. 14:43.6, relative to certain sex offenses; to provide for the administration of medroxyprogesterone acetate to or voluntary castration of sex offenders; to provide penalties for noncompliance; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:43.6 is hereby enacted to read as follows:

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

A. Notwithstanding any other provision of law to the contrary, upon conviction, as a first offender, of one or more of the sexual offenses defined in R.S. 14:42, 43.1, 43.2, 43.3, 45, 78, 81, 81.1, 81.2, 89.1, or 403; or any provision of Subpart C of Part II, Subpart B of Part IV, or Subpart A(1) or A(4) of Part V, of Chapter 1 of Title 14 of the Louisiana Revised Statutes of 1950, the court may sentence the offender to be treated with medroxyprogesterone acetate (MPA), according to a schedule of administration monitored by the Department of Public Safety and Corrections.

B.(1) Notwithstanding any other provision of law to the contrary, upon

1 conviction, as a second offender, of one or more of the sexual offenses defined
2 in R.S. 14:42, 43.1, 43.2, 43.3, 45, 78, 81, 81.1, 81.2, 89.1, or 403; or any provision
3 of Subpart C of Part II, Subpart B of Part IV, or Subpart A(1) or A(4) of Part
4 V, of Chapter 1 of Title 14 of the Louisiana Revised Statutes of 1950, the court
5 shall sentence the offender to be treated with medroxyprogesterone acetate
6 (MPA) according to a schedule of administration monitored by the Department
7 of Public Safety and Corrections.

8 (2) If the court sentences a defendant to be treated with
9 medroxyprogesterone acetate (MPA), this treatment may not be imposed in lieu
10 of, or reduce, any other penalty prescribed by law. However, in lieu of
11 treatment with medroxyprogesterone acetate (MPA), the court may order the
12 defendant to undergo physical castration provided the defendant file a written
13 motion with the court stating that he intelligently and knowingly, gives his
14 voluntary consent to physical castration as an alternative to the treatment.

15 C.(1) An order of the court sentencing a defendant to
16 medroxyprogesterone acetate (MPA) treatment under this Section, shall be
17 contingent upon a determination by a court appointed medical expert, that the
18 defendant is an appropriate candidate for treatment. This determination shall
19 be made not later than sixty days from the imposition of sentence. An order of
20 the court sentencing a defendant to medroxyprogesterone acetate (MPA)
21 treatment shall specify the duration of treatment for a specific term of years, or
22 in the discretion of the court, up to the life of the defendant.

23 (2) In all cases involving defendants sentenced to a period of
24 incarceration or confinement in an institution, the administration of treatment
25 with medroxyprogesterone acetate (MPA) shall commence not later than one
26 week prior to the defendant's release from prison or such institution.

27 (3) The Department of Public Safety and Corrections shall provide the
28 services necessary to administer medroxyprogesterone acetate (MPA)
29 treatment. Nothing in this Section shall be construed to require the continued

1 administration of medroxyprogesterone acetate (MPA) treatment when it is not
2 medically appropriate.

3 (4) As used in this Section, a second offender is a person convicted of an
4 offense for which sentence was imposed separately prior to the imposition of the
5 sentence for the current offense and which was sentenced separately from any
6 other conviction under this Section.

7 (5) If a defendant whom the court has sentenced to be treated with
8 medroxyprogesterone acetate (MPA) fails to appear as required by the
9 Department of Public Safety and Corrections for purposes of administering the
10 medroxyprogesterone acetate (MPA) or who refuses to allow the administration
11 of medroxyprogesterone acetate (MPA), then the defendant shall be guilty of a
12 felony and shall be sentenced to a term of imprisonment of not less than three
13 years nor more than five years without benefit of probation, parole, or
14 suspension of sentence.

15 (6) If a defendant whom the court has sentenced to be treated with
16 medroxyprogesterone acetate (MPA) or ordered to undergo physical castration
17 takes any drug or other substance to reverse the effects of the treatment, he
18 shall be held in contempt of court and punished accordingly.

19 Section 2. This Act shall become effective upon signature by the governor or, if not
20 signed by the governor, upon expiration of the time for bills to become law without signature
21 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
22 vetoed by the governor and subsequently approved by the legislature, this Act shall become
23 effective on the day following such approval.

The original instrument was prepared by Michael Bell. The following digest,
which does not constitute a part of the legislative instrument, was prepared
by Riley Boudreaux.

DIGEST

N. Gautreaux (SB 144)

Proposed law provides that upon conviction of a first offense as a sexual offender, in addition to the prescribed penalty, authorizes the court to sentence the defendant to treatment with medroxyprogesterone acetate (MPA).

Proposed law provides that upon conviction of a subsequent offense as a sexual offender, in addition to the prescribed penalty, the court is required to sentence the defendant to treatment with medroxyprogesterone acetate (MPA).

Proposed law authorizes the defendant to choose physical castration in lieu of treatment with MPA.

Proposed law provides for a prison term of three to five years for refusal to comply with a court order to be treated with MPA.

Proposed law provides that a defendant who has been sentenced by the court to be treated with MPA or to undergo physical castration be held in contempt of court if he takes another drug or other substance to reverse the effects of the treatment.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 14:43.6)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill.

1. Requires a defendant be held in contempt of court if he ingests a substance to reverse the effects of the treatment.