

WHAT IF...

I'm almost 13 and my friend is 16 and we agree to have oral sex? The 16-year-old would be committing aggravated rape and if convicted would be sentenced to life in jail.

I am 17 and my boyfriend is 3 years younger and he touches my genitals? You can be charged with sexual battery and could be sentenced up to 10 years in jail with no chance of probation or parole.

In all these examples, the offender would have to notify their neighbors and register as a sex offender for at least 15 years and possibly for life once they get out of jail.

*15.541 et seq

My boyfriend likes to take sexy naked pictures of me with his cell phone? I am 15 and he is 17. You can be charged with producing pornography and be sentenced up to 10 years in jail with no chance of probation or parole.

I am 17, and a 12-year-old girl at my school keeps emailing sexually explicit photos of herself and friends? The 17-year-old can be charged with possession of child porn and could be sentenced up to 99 years in jail, and if the photos are on the parents' computer, they could be charged also.

I am 17, and I text a 15 year old in my grade to see if she wants to have sex with a friend of ours? You can be charged with committing computer-aided solicitation of a minor and could serve up to 10 years in jail.

My girlfriend and I, who are the same age, got really drunk and we had sex? You can both be charged with simple rape if the other was too drunk to consent.

I am 19, and I have sex with my 15-year old girlfriend? Even if the sex is consensual, the 19-year-old can be charged with carnal knowledge and spend up to 10 years in jail.

PARENTS & GUARDIANS

Your Important Role

PARENTS can't always prevent teens from making poor choices. We can, however, provide them with information to help them make educated decisions. Although it may be difficult to start a conversation about relationships and sex, you play an important role in helping your teen navigate their relationships.

This brochure provides basic legal knowledge to help you and your child understand the laws regarding teen sexual activity in Louisiana. While each family will have their own expectations and ideals regarding sexual behavior, it is important for teenagers to know the legal consequences of their actions and responsibilities. If you are concerned about your teen's activities or suspect they are in an unhealthy relationship, please seek legal advice.



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*This brochure is based on Louisiana Criminal law current to August 2015. It is not intended to provide legal advice, and is strictly for educational purposes.

TEENS, SEX and the LAW

A GUIDE FOR TEENS AND PARENTS

*Make educated and informed choices
that will last a lifetime*



audrey hepburn care center
AT CHILDREN'S HOSPITAL NEW ORLEANS

TEENS, SEX and the Law

HOOKING UP:

- ▶ Sexual activity without consent is ALWAYS a crime.
- ▶ NO means NO at any age, but certain ages make yes illegal.
- ▶ Louisiana law defines the age of consent as 17 for most sex crimes.
- ▶ Lack of knowledge of the juvenile's age is not a defense. No matter how old someone may act or look, the law only cares about their actual age.
- ▶ The penalties for having sex, including oral sex, with someone under 13 are more severe than the penalties for forcible rape.

Here's the Law

Think about these Louisiana charges* that result from sexual contact with younger teens.

Aggravated Rape: Having anal, oral or vaginal sexual intercourse with someone under the age of 13. The penalty for this crime is life in prison or juvenile life up to 31 years old. *14:42 and LA ChC 857

Felony Carnal Knowledge: If a person between the ages of 13-17 has consensual sexual intercourse or oral sex with someone over the age of 17, where the age difference is 4 years or greater, the older person can be charged with this crime, even if the sexual act is consensual. Penalty is up to 10 years in jail. *14:80

Misdemeanor Carnal Knowledge: When a person who is 17 or older has consensual sexual intercourse or oral sex with a 13-16 year old, where the age difference is more than 2 years but less than 4 years. Penalty is up to 6 months in jail. *14:80.1

Time to Prosecute: These sex crimes are pending and can be prosecuted until the victim's 48th birthday (no time limit for aggravated rape).

WHAT IF we're just touching?

Sexual Battery: Touching of the anus or genitals using any instrument or any part of body where the act is consensual, but one person is under the age of 15 and the offender is 3 years older. If a mouth is used to touch, the charge is oral sexual battery, which carries a penalty of 0-10 years. If one party is under 13, the penalty is 25-99 years. *14:43.1 & .3

SEX AND ALCOHOL don't mix

Simple Rape: When anal, oral or vaginal intercourse is deemed to be without the lawful consent of the victim because it is committed when the victim is incapable of resisting or of understanding the nature of the act by reason of a stupor or abnormal condition of mind produced by an intoxicating agent or any cause, and the offender knew or should have known of the victim's incapacity. Penalty is up to 25 years in prison. *14:43

SEXTING:

When someone under the age of 17 possesses or transmits indecent visual depictions of sexually explicit content of someone under 17 via any communication device. Penalty is up to 6 months in prison + a minimum of 16 hours up to 80 hours of community service.

- ▶ **Indecent visual depiction**=photograph, videotape, film, or other reproduction
- ▶ **Sexually explicit content**=masturbation or lewd exhibition of the genitals, pubic hair, anus, vulva, or female nipples of a person
- ▶ **Telecommunication device**=analog or digital electronic device which possesses data, telephonic, video or sound transmission as a part of any system involved in the sending or receiving voice, sound, data or video transmission
- ▶ **Transmit**=to give, distribute, transfer, transmute, circulate, or disseminate by use of computer or telecom device

WHAT ABOUT ONLINE?

PHOTOGRAPHS OR VIDEOS?

Taking nude sexual pictures or movies of anyone under 17 is a crime. Sending them to friends on their cell phones or posting them online can be a serious crime. If you are texting a boyfriend or girlfriend who lives in another state, or chatting on a social networking site, be aware that the laws in that state may be more severe than Louisiana.

Pornography: The possession, promotion, advertising, distribution or taking of any photographs, films, videotapes or other visual reproductions of any sexual performance, which includes lewd exhibition of the genitals, involving a child under the age of 17. Penalty is 5-40 years. If juvenile under 13, the penalty is 25-99 years. *14:81.1

TEXTING ABOUT SEX?

Computer Aided Solicitation of a Minor: When someone 17 or older contacts or communicates through text or Internet with the intent to persuade, induce, entice or coerce a person at least 2 years younger to engage or participate in sexual conduct or a crime of violence. If the victim is under 13, the penalty is 10-20 years. If they are over 13-16 years old, the penalty is 5-20 years. If the victim is reasonably believed to be under 17, the penalty is 2-20 years. *14:81.3

