

HB 2384 -- Crimes Against Children Younger than Twelve Years of Age

Sponsor: Stevenson

This bill changes the laws regarding crimes against children who are younger than 12 years of age. In its main provisions, the bill:

(1) Requires the state and the defendant to provide the counsel of the opposing party at a reasonable time before any trial a list of all aggravating or mitigating circumstances for forcible rape of a child younger than 12 years of age or forcible sodomy of a child younger than 12 years of age which they intend to prove;

(2) Allows a person charged with forcible rape or forcible sodomy of a child younger than 12 years of age to waive a trial by jury. Any person who pleads guilty to or is found guilty by the court of either crime may submit the issue of punishment to a trial by jury;

(3) Adds any person convicted of forcible rape or forcible sodomy of a child younger than 12 years of age who received the death penalty to those individuals who are required to serve a life sentence without eligibility for probation, parole, or release in the event the death penalty is found to be unconstitutional;

(4) Requires, with limited exceptions, the crimes of forcible rape or forcible sodomy of a child younger than 12 years of age to be tried separately unless the other charge is for the other crime;

(5) Specifies trial procedure requirements for the crimes of forcible rape or forcible sodomy of a child younger than 12 years of age;

(6) Specifies aggravating and mitigating circumstances for the crimes of forcible rape or forcible sodomy of a child younger than 12 years of age; and

(7) Specifies that any person who commits forcible rape or forcible sodomy against a child younger than 12 years of age will be guilty of a felony for which the punishment will be death or life imprisonment without eligibility for probation, parole, or release unless the offender is younger than 18 years of age at the time of the commission of the crime in which case the punishment will be life imprisonment without eligibility for probation, parole, or release.