

Anti-bestiality bill clears hurdle in House committee

BY KATIE GAGLIANO

An effort to create a standalone bestiality law separate from Louisiana's unconstitutional sodomy statute passed another hurdle in the Legislature on Wednesday.

Senate Bill 236 by Sen. JP Morrell, D-New Orleans, cleared the House Criminal Justice Committee and will move to the full House. The bill previously passed the Senate in a 29-10 vote, with some lawmakers saying the bill was a sly effort to nix the state's sodomy laws.

Morrell's bill would remove "or with an animal" from the existing crimes against nature law, decoupling the state's bestiality law from its unconstitutional sodomy provision. He said though he supports same sex marriage and LGBT rights, this bill was not related to that aim.

An amendment added to the bill clarifies it does not negate convictions or adjudications under the crimes against nature law.

Establishing a separate bestiality law helps bring the issue and its policing into the modern day, Morrell said.

Currently, law enforcement agents often turn to animal cruelty laws to fill the loopholes in the state's bare-bones bestiality provision. However, animal cruelty doesn't explicitly cover many animal sexual abuse offenses, he said. SB236 makes it illegal to have sex with an animal, observe or assist a person having sex with an animal, solicit animal sex online, or possess and traffic pornographic material of animals engaging in sex with humans, among other acts.

Offenders would relinquish ownership of animals; serve prison time up to five years and/ or pay a fine of up to \$2,000; receive mental health treatment; and undergo a sexual offender program if found guilty. If an offender causes serious bodily injury or death to the animal, they would be fined between \$5,000 and \$25,000 and/or imprisoned up to 10 years.

Rep. Valarie Hodges, R-Denham Springs, voiced concerns Morrell's measure was too broad and lacked clarification about where convicted offenders can and cannot go. Hodges said it may be difficult to place a convicted offender in a prison facility because many house livestock.

"There are no vegan jails," Hodges said.

She said she also was concerned the courts would strike down the law for denying people the right to housing and gainful employment. Hodges also questioned how a convicted offender who has nowhere to go could live with his or her parents after release if they have an animal in the home.

"Then the parents have to pick between the parakeet and their kid," Morrell said. He added that the bestiality law parallels the state's child molestation law in its limitation of housing and employment options, and the standards have been upheld repeatedly.

Hodges also opposed the bill's lack of explanation for what constitutes a dead animal. Under the bill, the offenses apply whether the animal was dead or alive. Hodges said the bill could be misconstrued to limit offenders' travel to grocery stores and other places where dead animals are sold.

"When an animal is packaged, it's food," Morrell said, commenting that fried chicken doesn't count as an animal.

Hodges later brought an amendment attempting to cut the bill's removal of "or with an animal" from the crimes against nature law. She said it was to ensure a backup bestiality law was in place should Morrell's bill be deemed unconstitutional. The amendment failed 8-3.

Louisiana Family Forum executive director Gene Mills commended Hodges' efforts to maintain the existing crimes against nature law and said although bestiality is a "heinous and punishable offense" prohibited in Scripture for thousands of years, it should not exist in a separate statute.

He said retaining the bestiality reference in the crimes against nature statute sends a stronger message than a standalone law would by communicating that the behavior "violates the acceptable standards of the community."

He went on to say new or amended legal efforts against bestiality have not been uniform nationwide and pursuing a new, overly broad measure could be dangerous.

"Don't repeal a tried and true standard in favor of an untested theory," Mills said.

Despite opposition from Mills and several other Baptist leaders,

Morrell's bill advanced to the House floor without objection from the committee.