

First Extraordinary Session, 2011

HOUSE BILL NO. 24

BY REPRESENTATIVE WOOTON

CENSUS: Provides relative to provisions in Title 15 which are limited in applicability to political subdivisions or local areas meeting specified population characteristics (Item #8)

1 AN ACT

2 To amend and reenact R.S. 15:81(F), 542(B), 542.1.2(A)(introductory paragraph),

3 545(A)(1), 571.7(A), 574.5(E), 574.15(A)(1), 643(A), and 645(B) and to repeal R.S.

4 15:804(C), relative to provisions of Title 15 (Criminal Procedure) of the Louisiana

5 Revised Statutes of 1950 which are limited in applicability to certain political

6 subdivisions or local areas based upon population classifications; to specify

7 applicability to one or more political subdivisions or local areas; to repeal provisions

8 that are outdated or obsolete; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 15:81(F), 542(B), 542.1.2(A)(introductory paragraph), 545(A)(1),

11 571.7(A), 574.5(E), 574.15(A)(1), 643(A), and 645(B) are hereby amended and reenacted

12 to read as follows:

13 §81. Bond for release for violation of municipal ordinances; parole or release of

14 prisoners; penalty

15 * * *

16 F. In ~~cities having a population of more than three hundred thousand~~ the city

17 of New Orleans, the parish parole officer of the state board of parole and each of the

18 members of the jury commission of the parish in which the municipality is located

1 shall have the power to parole and release persons arrested or detained for alleged
2 violation of any of such municipalities' ordinances.

3 * * *

4 §542. Registration of sex offenders and child predators

5 * * *

6 B.(1) The persons listed in Subsection A of this Section shall register in
7 person with the sheriff of the parish of the person's residence, or residences, if there
8 is more than one, and with the chief of police if the address of any of the person's
9 residences is located in an incorporated area which has a police department. If the
10 offender resides in a ~~parish~~ municipality with a population in excess of ~~four hundred~~
11 ~~fifty~~ three hundred thousand persons, he shall register in person with the police
12 department of his municipality of residence.

13 (2) The offender shall also register in person with the sheriff of the parish or
14 parishes where the offender is an employee and with the sheriff of the parish or
15 parishes where the offender attends school. If the offender is employed or attends
16 school in a ~~parish~~ municipality with a population in excess of ~~four hundred fifty~~ three
17 hundred thousand persons, then he shall register only, pursuant to this Paragraph,
18 with the police department of the municipality where he is employed or attends
19 school. The offender shall also register in the parish of conviction for the initial
20 registration only. No registration in the parish of conviction is necessary if the
21 offender is incarcerated at the time of conviction or immediately taken into custody
22 by law enforcement after the conviction.

23 * * *

24 §542.1.2. Duty of offenders to notify law enforcement of change of address,
25 residence, or other registration information

26 A. Those persons required to register pursuant to the provisions of this
27 Chapter shall appear in person at the sheriff's office in the parish of residence, or the
28 police department in the case of a ~~parish~~ municipality with a population in excess of
29 ~~four hundred fifty~~ three hundred thousand, where the offender is currently registered

1 to update information within three business days of establishing a new or additional
2 physical residential address or of changes in information previously provided when
3 any of the following occur:

4 * * *

5 §545. Duty of law enforcement

6 A.(1) It shall be the duty of the sheriff of every parish, the chief of police of
7 each municipality, and every chief officer of every other law enforcement agency
8 operating within this state to record the fingerprints of all persons held in or
9 remanded to their custody when convicted of any sex offense or any criminal offense
10 against a victim who is a minor for which the penalty of imprisonment might be
11 imposed and to disseminate and file such fingerprints in the same manner as those
12 recorded upon every arrest. The sheriff and the police chief or, if the residence is in
13 a ~~parish~~ municipality with a population in excess of ~~four hundred fifty~~ three hundred
14 thousand, the police department shall forward the fingerprints and information
15 obtained pursuant to R.S. 15:542 and 542.1, a copy of the criminal history of the
16 offender, and the text of the law defining the criminal offense which requires
17 registration to the Louisiana Bureau of Criminal Identification and Information
18 within three business days for inclusion into the State Sex Offender and Child
19 Predator Registry.

20 * * *

21 §571.7. Supervision upon release from parish prison after diminution of sentence for
22 good behavior; conditions of release; revocation

23 A. When a prisoner who has been sentenced to a parish prison in ~~a parish~~
24 ~~having a population in excess of four hundred seventy-five thousand people~~ Orleans
25 Parish is released because of diminution of sentence pursuant to this Part, he shall
26 be released as if released on parole.

27 * * *

1 §574.5. Intensive incarceration and parole supervision of persons held by sheriffs
2 in ~~eligible parishes~~ Orleans Parish

3 * * *

4 E. As used in this Section, "eligible parish" means a ~~parish with a population~~
5 ~~of four hundred seventy-five thousand persons as determined by the latest United~~
6 ~~States census~~ the parish of Orleans.

7 * * *

8 §574.15. Power of elected state, parochial, or municipal officials to parole persons
9 arrested for violation of municipal ordinances

10 A.(1) Every elected officer of the state or any parish or municipality in the
11 state shall have the power to parole a person who is under arrest and detention for the
12 violation of any criminal or quasi criminal ordinance, not enumerated in Paragraph
13 (2) of this Subsection, of any municipality in any parish, within the territorial
14 jurisdiction of the state or parish elected officer, and within the municipality wherein
15 the municipal officer exercises his ~~jurisdiction, whenever any municipality has a~~
16 ~~population of more than four hundred fifty thousand inhabitants according to the~~
17 ~~census of the United States for 1980 or any subsequent year.~~ jurisdiction. The
18 provisions of this Section shall apply only to violations of ordinances of the city of
19 New Orleans. Nothing in this Subsection shall prohibit or impede judges exercising
20 criminal jurisdiction in district, municipal, or traffic court to fix bail as guaranteed
21 and authorized by Louisiana Constitution Article I, Section 18 and Code of Criminal
22 Procedure Article 333.

23 * * *

24 §643. Registration of offenders who commit violent offenses against peace officers

25 A. Any adult residing in this state who has pled guilty to, has been convicted
26 of, or where adjudication has been deferred or withheld for the perpetration or
27 attempted perpetration of any offense against a peace officer as defined in R.S.
28 15:642 shall register within ten days of establishing residence in Louisiana, or if a
29 current resident, within ten days after release from confinement with the sheriff of

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 the parish of the person's residence and with the chief of police if the address of the
 2 residence is located in an incorporated area which has a police department. If the
 3 adult resides in a ~~parish~~ municipality with a population in excess of ~~four hundred~~
 4 ~~fifty thousand according to the latest federal decennial census~~ three hundred
 5 thousand persons, he shall register with the police department of his municipality of
 6 residence.

* * *

8 §645. Central registry

* * *

10 B. Once each year, the bureau shall mail a non-forwardable verification
 11 form, not less than five days prior to the anniversary of the date of the offender's
 12 initial registration, to the last reported address of each person subject to the
 13 provisions of this Section. The person subject to registration shall mail the
 14 verification to the bureau within ten days of receipt of the verification form. If the
 15 bureau does not receive the verification form within thirty days, the bureau shall
 16 immediately notify the sheriff of the parish in which the person's last reported
 17 address of residence is located, or in the case of a person residing in a ~~parish~~
 18 municipality with a population in excess of ~~four hundred fifty thousand according~~
 19 ~~to the latest federal decennial census~~ three hundred thousand persons, the police
 20 department of his municipality of residence.

* * *

22 Section 2. R.S. 15:804(C) is hereby repealed in its entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Wooton

HB No. 24

Abstract: Updates applicability of provisions in Title 15 as a result of the 2010 census.

Proposed law, contained in Title 15 (Criminal Procedure) of the Louisiana Revised Statutes of 1950, legislates with regard to classifications of parishes, municipalities, or other political subdivisions or local areas according to population by enacting local bills to limit the

application of laws based upon specific classifications to one or more parishes, municipalities, or other political subdivisions or local areas, by adjusting the population ranges affected by the 2010 census, and by repealing certain provisions based upon certain population classification ranges, as follows:

CITATION/ TOPIC	EXISTING LAW	AFFECTED LOCATIONS	PROPOSED LAW
R.S. 15:81(F) - Bond for release for violation of municipal ordinances	City having a population of 300,000+	City of New Orleans (2000 census)	City of New Orleans
R.S. 15:542(B)(1) - Registration of sex offenders and child predators	Parish with a population of 450,000+	Orleans Parish (1990, 2000 census), Jefferson Parish (2000 census)	Municipality with a population of 300,000+
R.S. 15:542(B)(2) - Registration of sex offenders and child predators	Parish with a population of 450,000+	Orleans Parish (1990, 2000 census), Jefferson Parish (2000 census)	Municipality with a population of 300,000+
R.S. 15:542.1.2(A) - Duty of offenders to notify law enforcement of change of address, residence, or other registration information	Parish with a population of 450,000+	Orleans and Jefferson parishes (both 2000 census)	Municipality with a population of 300,000+
R.S. 15:545(A)(1) - Duty of law enforcement	Parish with a population of 450,000+	Orleans and Jefferson parishes (both 2000 census)	Municipality with a population of 300,000+
R.S. 15:571.7 - Supervision upon release from parish prison after diminution of sentence for good behavior	Parish with a population of 475,000+	Orleans Parish (1990, 2000 census)	Orleans Parish
R.S. 15:574.5(E) - Intensive incarceration and parole supervision of persons held by sheriffs in eligible parishes	Parish with a population of 475,000+	Orleans Parish (1980, 1990, 2000 census)	Orleans Parish
R.S. 15:574.15(A)(1) - Power of elected state, parochial, or municipal officials to parole persons arrested for violation of municipal ordinances	Municipality with a population of 450,000+	City of New Orleans (1980, 1990, 2000 census)	City of New Orleans

R.S. 15:643(A) - Registration of offenders who commit violent offenses against peace officers	Parish with a population of 450,000+	Orleans and Jefferson parishes (both 2000 census)	Municipality with a population in excess of 300,000
R.S. 15:645(B) - Central registry	Parish with a population of 450,000+	Orleans and Jefferson parishes (2000 census)	Municipality with a population in excess of 300,000
R.S. 15:804(C) - Board of governors	Parish with a population of (a) 8,000 - 14,000 or (b) 14,750 - 15,250	(a) East Carroll, Cameron, Catahoula, Madison, West Carroll, Red River, and St. Helena parishes (all 2000 census); (b) West Feliciana Parish (2000 census)	Provision repealed as obsolete

(Amends R.S. 15:81(F), 542(B), 542.1.2(A)(intro. para.), 545(A)(1), 571.7(A), 574.5(E), 574.15(A)(1), 643(A), and 645(B); Repeals R.S. 15:804(C))