First Extraordinary Session, 2011

HOUSE BILL NO. 24

## BY REPRESENTATIVE WOOTON

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8	that are outdated or obsolete; and to provide for related matters.			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			
19	shall have the power to parole and release persons arrested or detained for alleged			
20	violation of any of such municipalities' ordinances.			
21	* * *			
22	§542. Registration of sex offenders and child predators			
23	* * *			

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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

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

\* \* \*

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

A. Those persons required to register pursuant to the provisions of this Chapter shall appear in person at the sheriff's office in the parish of residence, or the police department in the case of a parish municipality with a population in excess of four hundred fifty three hundred thousand, where the offender is currently registered to update information within three business days of establishing a new or additional physical residential address or of changes in information previously provided when any of the following occur:

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§545.	Duty	of law	enforcement

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

\* \* \*

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

A. When a prisoner who has been sentenced to a parish prison in a parish having a population in excess of four hundred seventy-five thousand people Orleans

Parish is released because of diminution of sentence pursuant to this Part, he shall be released as if released on parole.

\* \* \*

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

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

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

A.(1) Every elected officer of the state or any parish or municipality in the state shall have the power to parole a person who is under arrest and detention for the violation of any criminal or quasi criminal ordinance, not enumerated in Paragraph (2) of this Subsection, of any municipality in any parish, within the territorial jurisdiction of the state or parish elected officer, and within the municipality wherein the municipal officer exercises his jurisdiction, whenever any municipality has a population of more than four hundred fifty thousand inhabitants according to the jurisdiction, whenever any municipality has a population of more than four hundred fifty inhabitants, according to the census of the United States for 1980 or any subsequent year three hundred thousand persons, based on the latest federal decennial census. Nothing in this Subsection shall prohibit or impede judges exercising criminal jurisdiction in district, municipal, or traffic court to fix bail as guaranteed and authorized by Louisiana Constitution Article I, Section 18 and Code of Criminal Procedure Article 333.

\* \* \*

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

A. Any adult residing in this state who has pled guilty to, has been convicted of, or where adjudication has been deferred or withheld for the perpetration or attempted perpetration of any offense against a peace officer as defined in R.S. 15:642 shall register within ten days of establishing residence in Louisiana, or if a current resident, within ten days after release from confinement with the sheriff of the parish of the person's residence and with the chief of police if the address of the residence is located in an incorporated area which has a police department. If the adult resides in a parish municipality with a population in excess of four hundred fifty thousand according to the latest federal decennial census three hundred thousand persons, he shall register with the police department of his municipality of residence.

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§645. Central registry

\* \* \*

B. Once each year, the bureau shall mail a non-forwardable verification form, not less than five days prior to the anniversary of the date of the offender's

form, not less than five days prior to the anniversary of the date of the offender's initial registration, to the last reported address of each person subject to the provisions of this Section. The person subject to registration shall mail the verification to the bureau within ten days of receipt of the verification form. If the bureau does not receive the verification form within thirty days, the bureau shall immediately notify the sheriff of the parish in which the person's last reported address of residence is located, or in the case of a person residing in a parish municipality with a population in excess of four hundred fifty thousand according to the latest federal decennial census three hundred thousand persons, the police department of his municipality of residence.

\* \* \*

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES					
PRESIDENT OF THE SENATE					
PRESIDENT OF THE SENATE					

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: