

Regular Session, 2013

HOUSE BILL NO. 440

BY REPRESENTATIVE BILLIOT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 15:542(C)(1)(introductory paragraph), (j), and (n), and (2), and (F)(4)(a), (b), and (c), 542.1.1(B), 542.1.2(A)(introductory paragraph), and 543.1, relative to sex offender registration and notification requirements; to provide relative to the time periods within which the sex offender is required to provide certain information to certain entities; to provide relative to the information provided by the sex offender with regard to vehicles and temporary lodging; to provide relative to motions for relief from registration and notification requirements of certain sex offenders convicted of crime against nature; to amend provisions in the written notification of sex offender registration and notification requirements provided by the court to the offender; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:542(C)(1)(introductory paragraph), (j), and (n), and (2), and (F)(4)(a), (b), and (c), 542.1.1(B), 542.1.2(A)(introductory paragraph), and 543.1 are hereby amended and reenacted to read as follows:

§542. Registration of sex offenders and child predators

* * *

C.(1) The offender shall register and provide all of the following information to the appropriate law enforcement agencies listed in Subsection B of this Section

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

1 in accordance with the time ~~period~~ periods provided for in ~~Paragraph (2)~~ of this
2 Subsection:

3 * * *

4 (j) A description of every motorized vehicle registered to or operated by the
5 offender, including license plate number and vehicle identification number, and a
6 copy of the offender's driver's license ~~or~~ and identification card. This information
7 shall be provided prior to the offender's operation of the vehicle.

8 * * *

9 (n)(i) Temporary lodging information regarding any place where the
10 offender plans to stay for seven or more days. This information shall be provided at
11 least three days prior to the date of departure unless an emergency situation has
12 prevented the timely disclosure of the information.

13 (ii) Temporary lodging information regarding international travel shall be
14 provided regardless of the number of days or nights the offender plans to stay. This
15 information shall be provided at least twenty-one days prior to the date of departure
16 unless an emergency situation has prevented the timely disclosure of the information.
17 Upon receipt of this information by the bureau from the law enforcement agency
18 pursuant to Subsection E of this Section, this information shall then be sent by the
19 bureau to the United States Marshals Service's National Sex Offender Targeting
20 Center for transmission to the proper authorities.

21 * * *

22 (2) ~~Every~~ Unless an earlier time period is specified in the provisions of
23 Paragraph (1) of this Subsection, every offender required to register in accordance
24 with this Section shall appear in person and provide the information required by
25 Paragraph (1) of this Subsection to the appropriate law enforcement agencies within
26 three business days of establishing residence in Louisiana, ~~or if~~. If the offender is
27 a current resident of Louisiana and is not immediately taken into custody or
28 incarcerated after conviction or adjudication, he shall provide the information on the
29 date of conviction to the sheriffs of the parish where the offender was convicted or
30 adjudicated and shall, within three business days after conviction or adjudication,

1 provide the information to the sheriff of the parishes of the offender's residence,
2 employment, and school if not immediately incarcerated or taken into custody after
3 ~~conviction or adjudication.~~ If incarcerated immediately after conviction or placed
4 in a secure facility immediately after adjudication, the information required by
5 Paragraph (1) of this Subsection shall be provided to the secretary of the Department
6 of Public Safety and Corrections, or his designee, or the deputy secretary for youth
7 services, or his designee, whichever has custody of the offender, within ten days
8 prior to release from confinement. Once released from confinement, every offender
9 shall appear in person within three business days to register with the appropriate law
10 enforcement agencies pursuant to the provision of this Section. The offender shall
11 register with the sheriff of the parish in which the residence address he initially
12 supplied to the Department of Public Safety and Corrections is located, unless his
13 residence address has changed and he has registered with the sheriff of the parish in
14 which his new residence address is located.

* * *

F.

* * *

18 (4)(a) Any person who was convicted of crime against nature (R.S. 14:89)
19 prior to August 15, 2010, or the district attorney in the parish where the offender was
20 convicted, may file a motion in the court of conviction to ~~be relieved~~ relieve the
21 offender of the sex offender registration and notification requirements of this Chapter
22 if the offense for which the offender was convicted would be defined as crime
23 against nature by solicitation (R.S. 14:89.2) had the offender been convicted on or
24 after August 15, 2010. Offenders convicted of an offense under the laws of another
25 state, or military, territorial, foreign, tribal, or federal law may file a motion in the
26 district court of his parish of residence once the administrative procedures of R.S.
27 15:542.1.3 have been exhausted, and the elements of the offense of conviction have
28 been found to be equivalent to the current definition of crime against nature by
29 solicitation (R.S. 14:89.2). The provisions of this Subparagraph shall not apply to
30 persons whose conviction for crime against nature pursuant to R.S. 14:89 involved

1 the solicitation of a person under the age of seventeen and would authorize
2 sentencing of the offender pursuant to R.S. 14:89.2(B)(3), had the offender been
3 convicted on or after August 15, 2010.

4 (b) The motion shall be accompanied by supporting documentation to
5 establish that the person was convicted of crime against nature prior to August 15,
6 2010, and that the offense for which the offender was convicted would be defined
7 as crime against nature by solicitation (R.S. 14:89.2) had the offender been convicted
8 on or after August 15, 2010. If the motion is filed by the offender and the district
9 attorney objects, the district attorney shall have the burden of proof by use of an
10 affidavit that the person being solicited was under the age of seventeen. If the
11 motion is filed by the district attorney, an affidavit establishing that the facts of the
12 case and the underlying conviction meet these requirements shall be deemed
13 sufficient for the granting of relief.

14 (c) ~~The~~ If the offender files a motion pursuant to the provisions of this
15 Paragraph, the district attorney, office of state police, and the Department of Justice,
16 shall be served with a copy of the motion and any order granting relief. If the district
17 attorney files a motion pursuant to the provisions of this Paragraph, the office of state
18 police and the Department of Justice shall be served with a copy of the motion and
19 any order granting relief.

20 * * *

21 §542.1.1. In person periodic renewal of registration by offenders

22 * * *

23 B.(1) Each periodic renewal shall occur with the sheriff of the parish of
24 residence or residences of the offender. Such periodic registration renewals shall
25 continue for the period of registration required by the provisions of R.S. 15:544. The
26 sheriff of the parish of residence shall immediately forward the information obtained
27 through the periodic renewals to each law enforcement agency as provided in R.S.
28 15:542(B) and to the bureau for inclusion in the State Sex Offender and Child
29 Predator Registry. The sheriff shall also comply with the requirements in R.S.
30 15:543(B) at least annually with each offender.

1 supervised release or probation, or from the date of his conviction, if the offender is
2 not sentenced to a term of imprisonment or jail. Additionally, since
3 _____ (hereinafter referred to as offender) has been convicted of:

4 () An aggravated offense as defined in R.S. 15:541, the offender must
5 update his/her registration, in person, every ninety days from the date of initial
6 registration, with the appropriate law enforcement agencies as provided in R.S.
7 15:542.

8 () A sexual offense involving a victim who is a minor as defined in R.S.
9 15:541, the offender must update his/her registration, in person, every six months
10 from the date of initial registration, with the appropriate law enforcement agencies
11 as provided in R.S. 15:542.

12 () An offense not defined in R.S. 15:541 as an aggravated offense or a
13 sexual offense involving a victim who is a minor, the offender must update his/her
14 registration, in person, annually from the date of initial registration, with the
15 appropriate law enforcement agencies as provided in R.S. 15:542.

16 Based on the foregoing you are hereby notified of the following:

17 (1) The offender, within three (3) business days of establishing residence in
18 Louisiana or if a current resident, within three (3) business days after conviction or
19 adjudication if not immediately incarcerated or taken into custody, or within three
20 (3) business days after release from confinement, shall obtain and provide the
21 following information to each sheriff or police department in accordance with R.S.
22 15:542(B) (except in Orleans Parish where registration shall take place with the New
23 Orleans Police Department):

24 (a) Name and any aliases used by the offender.

25 (b) Physical address or addresses of residence.

26 (c) Name and physical address of place of employment. If the offender does
27 not have a fixed place of employment, the offender shall provide information with
28 as much specificity as possible regarding the places where he works, including but
29 not limited to travel routes used by the offender.

30 (d) Name and physical address of the school in which he is a student.

1 (e) Two forms of proof of residence for each residential address provided,
2 including but not limited to a driver's license, bill for utility service, and bill for
3 telephone service. If those forms of proof of residence are not available, the offender
4 may provide an affidavit of an adult resident living at the same address. The
5 affidavit shall certify that the affiant understands his obligation to provide written
6 notice pursuant to R.S. 15:542.1.4 to the appropriate law enforcement agency with
7 whom the offender last registered when the offender no longer resides at the
8 residence provided in the affidavit.

9 (f) The crime for which he was convicted and the date and place of such
10 conviction, and if known by the offender, the court in which the conviction was
11 obtained, the docket number of the case, the specific statute under which he was
12 convicted, and the sentence imposed.

13 (g) A current photograph, fingerprints, palm prints, and a DNA sample.

14 (h) Telephone numbers, including fixed location phone and mobile phone
15 numbers assigned to the offender or associated with any residence address of the
16 offender.

17 (i) A description of every motorized vehicle registered to or operated by the
18 offender, including license plate number and vehicle identification number, and a
19 copy of the offender's driver's license ~~or~~ and identification card.

20 (j) Social security number and date of birth.

21 (k) A description of the physical characteristics of the offender, including but
22 not limited to sex, race, hair color, eye color, height, age, weight, scars, tattoos, or
23 other identifying marks on the body of the offender.

24 (l) Every e-mail address, online screen name or other online identity used by
25 the offender to communicate on the Internet.

26 (m)(i) Temporary lodging information regarding any place where the
27 offender plans to stay for seven or more days and the length of the stay. This
28 information shall be provided at least three days prior to the date of departure unless
29 an emergency situation has prevented the timely disclosure of the information.

1 (ii) Temporary lodging information regarding international travel shall be
2 provided regardless of the number of days or nights the offender plans to stay. This
3 information shall be provided at least twenty-one days prior to the date of departure
4 unless an emergency situation has prevented the timely disclosure of the information.
5 Upon receipt of this information by the bureau from the law enforcement agency,
6 this information shall then be sent by the bureau to the United States Marshals
7 Service's National Sex Offender Targeting Center for transmission to the proper
8 authorities.

9 (n) Travel and immigration documents, including but not limited to passports
10 and documents establishing immigration status.

11 (2) The offender shall register with the sheriff and police chief in each of
12 his/her residence(s) and with the sheriff of the parish in which the offender is
13 employed and attends school in accordance with R.S. 15:542. ~~and, for~~ For initial
14 registration only, the offender shall register on the date of conviction or adjudication
15 with the sheriff in the parish of the offender's conviction or adjudication in
16 accordance with R.S. 15:542. If the offender lives, works, or attends school in
17 Orleans Parish, however, the offender shall register with the New Orleans Police
18 Department and not with the sheriff of that parish.

19 (3) If the offender is incarcerated as a result of the crime, the offender shall
20 provide all information listed in Paragraph (1) of this Section to the Department of
21 Public Safety and Corrections, or if a juvenile, to the office of juvenile justice, within
22 ten (10) days prior to release from confinement. The offender shall still appear in
23 person at the sheriff's office within three (3) business days of release from
24 confinement. The offender shall register with the sheriff of the parish in which the
25 residence address he initially supplied to the department is located, unless the
26 residence has changed and he has registered with the sheriff of the parish in which
27 the new residence address is located.

28 (4) During the declaration of an emergency, any offender required to register
29 who enters an emergency shelter shall, within the first twenty-four (24) hours of
30 admittance, notify the management of the facility, the chief of police of the

1 municipality, and the sheriff of the parish in which the shelter is located of his sex
 2 offender status in accordance with R.S. 15:543.2.

3 (5) An offender required to register has a duty to provide notice of change
 4 of address or other registration information to the sheriff of the parish of residence
 5 within three business days. If the new or additional residence is located in a different
 6 parish, then offender must register with the sheriff of the parish in which the new or
 7 additional residence is located. The offender shall also send written notice within
 8 three business days of re-registering in the new parish to the sheriff of the parish of
 9 former registration in accordance with R.S. 15:542.1.2.

10 (6) The offender shall give notice of the crime for which he was convicted,
 11 his name, address, a physical description, and a photograph to the following in
 12 accordance with R.S. 15:542(B)(1):

13 (a) At least one person in every residence or business within a one-mile
 14 radius in a rural area and a three-tenths of a mile radius in an urban or suburban area
 15 of the address of the residence where the offender will reside upon release, including
 16 all adult residents of the residence of the offender.

17 (b) The superintendent of the school district where the offender will reside.

18 (c) The lessor, landlord, or owner of the residence or the property on which
 19 he resides.

20 (d) The superintendent of the park, playground, and recreation districts
 21 within the designated area where the offender will reside only if the victim was under
 22 eighteen (18) years of age at the time of the commission of the offense.

23 *Any person convicted of a violation of R.S. 14:89 shall not have to include
 24 a photograph in the notice described in Paragraph (6) of this Subsection.

25 *Juveniles adjudicated for a crime requiring registration DO NOT have to
 26 provide this community notice.

27 (7) In accordance with R.S. 15:542.1, community notification shall be given
 28 by mail within twenty-one days of the date of conviction, if the offender is not taken
 29 into custody at the time of conviction, and within twenty-one days of the date of
 30 release from confinement if sentenced to a term of imprisonment. This notification

1 shall also occur within twenty-one days of each time the offender changes his
 2 residence within twenty-one days of establishing residency in the new locale. This
 3 notification shall also occur at least every five years, whether or not the offender
 4 changes residences. This notification shall occur in each jurisdiction in which the
 5 offender regularly resides.

6 *Juveniles adjudicated for a crime requiring registration DO NOT have to
 7 provide this community notice.

8 (8) In accordance with R.S. 15:542.1, community notice shall be published
 9 on two (2) separate days within this period in the official journal of the governing
 10 authority of the parish where the offender plans to reside, unless ordered to be
 11 published in a different journal or newspaper by the sheriff or local ordinance.

12 *Those convicted of R.S. 14:92(A)(7) are not required to publish notice in
 13 the newspaper or official journal as provided in Paragraph (8).

14 *Juveniles who are adjudicated for a crime requiring registration DO NOT
 15 have to provide this community notice.

16 (9) In accordance with R.S. 15:542.1(B), an offender who provides
 17 recreational instruction to persons under the age of seventeen (17) shall post a notice
 18 in the building or facility where such instruction is being given.

19 (10) In accordance with R.S. 15:543, an offender must, within ten (10) days
 20 prior to release from a correctional facility, provide a photograph and other relevant
 21 information ~~noted above~~ to the Department of Public Safety and Corrections, or if
 22 a juvenile, to the office of juvenile justice for purposes of the State Sex Offender and
 23 Child Predator Registry.

24 (11) In accordance with R.S. 15:542.1.2, if an offender changes his place of
 25 residence or establishes a new or additional residence, he shall appear in person at
 26 the office of the sheriff of his parish of residence where he is currently registered
 27 within three (3) business days of the change to register the new address. If the new
 28 address is located in a different parish, then the offender shall also appear in person
 29 at the office of the sheriff of his new parish of residence within the same time period.
 30 If the offender's parish of residence is in Orleans Parish, then the registration shall

1 take place at the New Orleans Police Department and not with the Orleans Parish
2 Sheriff.

3 (12) In accordance with R.S. 15:542.1.2, if an offender is absent from his
4 current address of registration for more than thirty (30) consecutive days or an
5 aggregate of thirty (30) days or more in a calendar year, and is physically present at
6 another address during that same period of time, the offender shall register in person
7 the new address as one of his addresses of residence. If the new address is in a
8 parish different from his current address, he shall also register in person with the
9 sheriff of the new parish within three (3) business days of the tolling of the time
10 periods listed. This requirement notwithstanding, the offender shall still notify the
11 sheriff of one of his parishes of residence in person if he is to take up temporary
12 lodging for seven (7) or more days. It is only after the thirty-day limit is exceeded
13 that the new registration shall occur.

14 (13) The offender shall also appear in person at the office of the sheriff of
15 any of his parishes of residence when there is a change in the offender's name, place
16 of employment, or enrollment. This appearance shall occur within three (3) business
17 days of the change. If the offender's address of residence is in Orleans Parish, this
18 registration update shall take place at the New Orleans Police Department and not
19 with the Orleans Parish Sheriff's Office.

20 (14) The offender shall be prohibited from certain types of employment in
21 accordance with R.S. 15:553 for the duration of the registration period. A copy of
22 this statute is provided to you with this notification.

23 (15) In accordance with R.S. 15:542(C), the offender shall update his
24 registration annually on the anniversary of the initial registration by appearing in
25 person at the office of each law enforcement agency with which he is required to
26 register and shall pay an annual registration fee of sixty dollars (\$60.00).

27 (16) Failure to comply with any of these registration and notification
28 requirements is a felony for which an offender shall be punished by a fine of up to
29 one thousand dollars (\$1,000.00) and imprisonment at hard labor for not less than
30 two years nor more than ten years without benefit of parole, probation, or suspension

1 of sentence. Upon a second or subsequent conviction, the offender shall be punished
 2 by a fine of up to three thousand dollars (\$3,000.00) and imprisonment at hard labor
 3 for not less than five years, nor more than twenty years without benefit of parole,
 4 probation, or suspension of sentence.

5 (17) For those offenders who have been convicted of a sex offense as defined
 6 in R.S. 15:541 involving a victim who was under the age of thirteen (13) at the time
 7 of the offense, R.S. 14:91.2 is applicable which prohibits such offenders from
 8 residing or being present in certain locations. A copy of this statute is provided to
 9 you with this notification.

10 (18) For those offenders who have been convicted of R.S. 14:81 (indecent
 11 behavior with juveniles), R.S. 14:81.1 (pornography involving juveniles), R.S.
 12 14:81.3 (computer-aided solicitation of a minor), or R.S. 14:283 (video voyeurism)
 13 or have been convicted of a sex offense as defined in R.S. 15:541 in which the victim
 14 of the sex offense was a minor, R.S. 14:91.5, which prohibits such offenders from
 15 using certain social networking websites, is applicable. A copy of this statute is
 16 provided to you with this notification.

17 THUS DONE AND SIGNED this ____ day of _____, 20__ in
 18 open court, in _____, Louisiana.

19 _____
 20 Judge, ____ Judicial District Court

