

Regular Session, 2012

SENATE BILL NO. 162

BY SENATOR ERDEY

CRIME/PUNISHMENT. Provides relative to the unlawful presence of a sex offender in a public library facility. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 14:91.2(A)(1) and (2) and (C), and to enact R.S. 14:91.2(D)(3),
3 relative to sex offenders; to add public libraries to the places at which the presence
4 of sex offenders is prohibited; to provide for exceptions; to provide relative to
5 immunity from civil or criminal liability for head librarians; to provide for
6 definitions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:91.2(A)(1) and (2) and (C) are hereby amended and reenacted,
9 and R.S. 14:91.2(D)(3) is hereby enacted, to read as follows:

10 §91.2. Unlawful presence of a sex offender

11 A. The following acts when committed by a person convicted of a sex offense
12 as defined in R.S. 15:541 when the victim is under the age of thirteen years shall
13 constitute the crime of unlawful residence or presence of a sex offender:

14 (1) The physical presence of the offender in, on, or within one thousand feet
15 of the school property of any public or private elementary or secondary school or the
16 physical presence in any motor vehicle or other means of conveyance owned, leased,
17 or contracted by such school to transport students to or from school or a

1 school-related activity when persons under the age of eighteen years are present on
2 the school property or in a school vehicle, **or in, on, or within one thousand feet**
3 **of the property of a public library.**

4 (2) The offender establishing a residence within one thousand feet of any
5 public or private elementary or secondary school **or public library.**

6 * * *

7 C.(1) It shall not be a violation of the provisions of this Section if the
8 offender has permission to be present on school premises from the superintendent
9 of the school board in the case of a public school or the principal or headmaster in
10 the case of a private school, **or if the offender has permission of the head**
11 **librarian to be present on library premises, provided that the offender remains**
12 **under the direct supervision of library staff while on library premises.**

13 (2) If permission is granted to an offender to be present on public school
14 property by the superintendent for that public school, **or by the head librarian for**
15 **the offender to be present on public library property,** pursuant to this Subsection,
16 then the superintendent shall notify the principal, **or the head librarian shall notify**
17 **the public library staff,** at least twenty-four hours in advance of the visit by the
18 offender. This notification shall include the nature of the visit and the date and time
19 in which the sex offender will be present in the school **or library.** The offender shall
20 notify the office of the principal **or library staff** upon arrival on the school **or**
21 **library** property and upon departing from the school **or library.** If the offender is
22 to be present in the vicinity of children, the offender shall remain under the direct
23 supervision of a school official **while on school property or under the direct**
24 **supervision of library staff while on library property.**

25 (3) Any superintendent, principal, ~~or~~ school master, **or head librarian** who
26 acts in good faith in compliance with this Subsection shall be immune from civil or
27 criminal liability for his actions in connection with any injury or claim arising from
28 an offender being present on school **or library** property pursuant to permission
29 granted by that superintendent, principal, ~~or~~ school master, **or head librarian.**

1 D. For purposes of this Section:

2 * * *

3 **(3) "Public library" means any facility provided for by Chapter 2-A or**
 4 **Chapter 3 of Title 25 of the Louisiana Revised Statutes of 1950.**

5 * * *

6 Section 2. This Act shall become effective upon signature by the governor or, if not
 7 signed by the governor, upon expiration of the time for bills to become law without signature
 8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 9 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 10 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Present law provides that it is unlawful for a person convicted of a sex offense as defined in present law, when the victim is under the age of 13, to be on, or within 1000 feet of, the school property of any public or private elementary or secondary school, or in any motor vehicle or other means of conveyance owned, leased, or contracted by such school to transport students to or from school or a school-related activity when persons under the age of 18 are present. Present law further provides that it is unlawful for such offender to establish a residence within 1000 feet of any public or private elementary or secondary school.

Present law provides that present law is not violated when the offender has permission to be present on school premises from the superintendent of the school board in the case of a public school, or the principal or headmaster in the case of a private school. Present law further provides that if permission is granted to an offender to be present on public school property by the superintendent for that public school pursuant to present law, then the superintendent must notify the principal at least 24 hours in advance of the visit by the offender, which notification is to include the nature of the visit and the date and time when the offender will be present in the school. Present law further provides that the offender must notify the office of the principal upon arrival on the school property and upon departing from the school, and if the offender is to be present in the vicinity of children, the offender must remain under the direct supervision of a school official.

Present law provides that any superintendent, principal, or school master who acts in good faith in compliance with present law is immune from civil or criminal liability for his actions in connection with any injury or claim arising from an offender being present on school property pursuant to permission granted by that superintendent, principal, or school master.

Proposed law retains present law and makes present law applicable to public libraries such that it is unlawful for a sex offender, when the victim is under the age of 13, to be on or within 1000 feet of public library property or to establish a residence within 1000 feet of any public library. Proposed law further provides that the offender may obtain permission to be on library property from the head librarian, who must notify library staff within 24 hours in advance of the offender's visit, including the nature of the visit and the date and time when

the offender will be present in the library. Proposed law further provides that the offender must notify library staff upon arrival and departure, and if the offender is to be present in the vicinity of children, the offender must be under direct supervision of library staff. Proposed law provides for immunity from civil or criminal liability for a head librarian if the provisions of proposed law are complied with in good faith.

Proposed law defines "public library" as any facility provided for by present law relative to public libraries.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:91.2(A)(1) and (2) and (C); adds R.S. 14:91.2(D)(3))