

ACT No. 693

SENATE BILL NO. 753 (Substitute of Senate Bill No. 162 by Senator Erdey)

BY SENATORS ERDEY, ADLEY, APPEL, BROOME, BROWN, CORTEZ, CROWE, DORSEY-COLOMB, GUILLORY, JOHNS, KOSTELKA, LAFLEUR, MILLS, MURRAY, NEVERS, PERRY, RISER, GARY SMITH, JOHN SMITH, THOMPSON AND WARD AND REPRESENTATIVES ADAMS AND HODGES

1 AN ACT

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

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:91.2(D) and (E) are hereby amended and reenacted and R.S.
9 14:91.2(A)(5) and (6) and (F) are 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 * * *

15 **(5) The physical presence of the offender in or on public library**
16 **property.**

17 **(6) Loitering within one thousand feet of public library property.**

18 * * *

19 **D.(1) It shall not be a violation of this Section if the offender has**
20 **complied with all regulations of the governing board of the public library that**
21 **restrict access of sex offenders to public library property.**

22 **(2) By January 1, 2013, each governing board of a public library shall**
23 **develop and implement a plan to regulate access of sex offenders to the public**
24 **library property under its jurisdiction.**

25 **(3) Each governing board of a public library shall tailor its regulations**

1 to reasonably restrict the time, place, and manner of access to public library
2 property and shall narrowly tailor the regulations to serve the significant
3 governmental interest of protecting children from contact with sex offenders.

4 (4) The State Library of Louisiana shall provide technical assistance in
5 the development of the regulations by the governing boards. Such assistance
6 shall guide the governing boards to develop, to the extent practicable,
7 regulations that are uniform and ensure fair and consistent application across
8 jurisdictions.

9 (5) Any public servant, including any head librarian, member of a
10 governing board of a public library, staff and volunteers of a public library, and
11 the state of Louisiana, who acts in good faith in compliance with this Subsection
12 shall be immune from civil and criminal liability for his actions in connection
13 with any injury or claim arising from a sex offender being present on public
14 library property.

15 (6) Nothing in this Subsection shall prevent a public library from
16 adopting a total ban on a sex offender's access to public library property,
17 provided that the governing board complies with the criteria set forth in
18 Paragraph (3) of this Subsection.

19 (7) No provision of this Subsection shall apply when the sex offender is
20 reporting to a police station or a court house which is within the distance
21 specified herein from a library.

22 E. For purposes of this Section:

23 (1) "School property" means any property used for school purposes, including
24 but not limited to school buildings, playgrounds, and parking lots.

25 (2) "Public park or recreational facility" means any building or area owned
26 by the state or by a political subdivision ~~which~~ **that** is open to the public and used
27 or operated as a park or recreational facility and shall include all parks and
28 recreational areas administered by the office of state parks in the Department of
29 Culture, Recreation and Tourism.

30 (3) "Public library" means a parish or municipal library provided for

1 by Chapter 3 of Title 25 of the Louisiana Revised Statutes of 1950.

2 (4) "Public library property" means immovable property that is open to
3 the public and is used as a branch of a parish or municipal public library,
4 including any courtyard or parking lot that is under the direct and exclusive
5 control of the public library.

6 (5) "Governing board of the public library" means a library board of
7 control or other public body responsible for the operations of a public library.

8 (6) "Loitering" means to linger, remain, or prowl in a public place or on
9 the premises of another for a protracted period of time without lawful business
10 or reason to be present.

11 E. **F.** Whoever violates the provisions of this Section shall be fined not more
12 than one thousand dollars, imprisoned with or without hard labor for not more than
13 one year, or both.

14 Section 2. This Act shall become effective on January 1, 2013.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____