

Regular Session, 2012

HOUSE BILL NO. 138

BY REPRESENTATIVE LOPINTO

1 AN ACT

2 To amend and reenact R.S. 15:536(A), 537(A), 541(2)(n) and (o), 542.1(A)(2)(d), and  
3 543.1(8), relative to sex offender registration and notification; to make technical  
4 corrections to sex offender registration and notification provisions; to make technical  
5 corrections to sex offender registration and notification provisions relative to crime  
6 against nature and crime against nature by solicitation; and to provide for related  
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:536(A), 537(A), 541(2)(n) and (o), 542.1(A)(2)(d), and 543.1(8)  
10 are hereby amended and reenacted to read as follows:

11 §536. Definitions

12 A. For purposes of this Chapter, "sexual offender" means a person who has  
13 violated R.S. 14:78 (incest), R.S. 14:78.1 (aggravated incest), ~~R.S. 14:89(A)(1)~~ R.S.  
14 14:89 (crime against nature), R.S. 14:89.1 (aggravated crime against nature), R.S.  
15 14:93.5 (sexual battery of the infirm) or any provision of Subpart C of Part II, or  
16 Subpart A(1) of Part V, of Chapter 1 of Title 14 of the Louisiana Revised Statutes  
17 of 1950.

18 \* \* \*

19 §537. Sentencing of sexual offenders; serial sexual offenders

20 A. If a person is convicted of or pleads guilty to, or where adjudication has  
21 been deferred or withheld for a violation of R.S. 14:78 (incest), R.S. 14:78.1  
22 (aggravated incest), R.S. 14:80 (felony carnal knowledge of a juvenile), R.S. 14:81

1 (indecent behavior with juveniles), R.S. 14:81.1 (pornography involving juveniles),  
 2 R.S. 14:81.2 (molestation of a juvenile or a person with a physical or mental  
 3 disability), R.S. 14:81.3 (computer-aided solicitation of a minor), ~~R.S. 14:89(A)(1)~~  
 4 R.S. 14:89 (crime against nature), R.S. 14:89.1 (aggravated crime against nature),  
 5 R.S. 14:93.5 (sexual battery of the infirm), or any provision of Subpart C of Part II  
 6 of Chapter 1 of Title 14 of the Louisiana Revised Statutes of 1950, and is sentenced  
 7 to imprisonment for a stated number of years or months, the person shall not be  
 8 eligible for diminution of sentence for good behavior.

9 \* \* \*

10 §541. Definitions

11 For the purposes of this Chapter, the definitions of terms in this Section shall  
 12 apply:

13 \* \* \*

14 (2) "Aggravated offense" means a conviction for the perpetration or  
 15 attempted perpetration of, or conspiracy to commit, any of the following:

16 \* \* \*

17 (n) Trafficking of children for sexual purposes (R.S. 14:46.3).

18 ~~(n)(o)~~ Any conviction for an offense under the laws of another state, or  
 19 military, territorial, foreign, tribal, or federal law which is equivalent to the offenses  
 20 listed in Subparagraphs (a) through ~~(m)~~ (n) of this Paragraph.

21 ~~(o) Trafficking of children for sexual purposes (R.S. 14:46.3).~~

22 \* \* \*

23 §542.1. Notification of sex offenders and child predators

24 A. Any adult residing in this state who has pled guilty to, has been convicted  
 25 of, or where adjudication has been deferred or withheld for the perpetration or  
 26 attempted perpetration of, or conspiracy to commit, a sex offense as defined in R.S.  
 27 15:541 or a criminal offense against a minor as defined in R.S. 15:541 shall be  
 28 required to provide the following notifications

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(2)

\* \* \*

(d) Notwithstanding the provisions of Subparagraphs (a) and (b) of this Paragraph, persons convicted of R.S. 14:92(A)(7) and ~~89(A)(2)~~ shall not be required to publish notice of the crime for which they were convicted in the official journal or any newspaper required by those Subparagraphs.

\* \* \*

§543.1. Written notification by the courts; form to be used

STATE V. \_\_\_\_\_ JUDICIAL DISTRICT COURT

DOCKET # \_\_\_\_\_ PARISH OF \_\_\_\_\_

DIVISION \_\_\_\_\_ STATE OF LOUISIANA

Notification to Sex Offender

In accordance with R.S. 15:543, this court has the duty to provide \_\_\_\_\_ (name of offender) with the information necessary for awareness of sex offender and child predator registration requirements. \_\_\_\_\_ has pled guilty to or been found guilty of a violation of R.S. \_\_\_\_\_. Based on the provisions of Chapter 3-B of Title 15 of the Louisiana Revised Statutes of 1950 and the substance of the statute violated, IT IS ORDERED that \_\_\_\_\_ must register for the period of \_\_\_\_\_ from the date of his release from prison, being placed on parole, supervised release or probation, or from the date of his conviction, if the offender is not sentenced to a term of imprisonment or jail. Additionally, since \_\_\_\_\_ (hereinafter referred to as offender) has been convicted of:

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

( ) A sexual offense involving a victim who is a minor as defined in R.S. 15:541, the offender must update his/her registration, in person, every six months

1 from the date of initial registration, with the appropriate law enforcement agencies  
2 as provided in R.S. 15:542.

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

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

8 (1) The offender, within three (3) business days of establishing residence in  
9 Louisiana or if a current resident, within three (3) business days after conviction or  
10 adjudication if not immediately incarcerated or taken into custody, or within three  
11 (3) business days after release from confinement, shall obtain and provide the  
12 following information to each sheriff or police department in accordance with R.S.  
13 15:542(B) (except in Orleans Parish where registration shall take place with the New  
14 Orleans Police Department):

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

16 (b) Physical address or addresses of residence.

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

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

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

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

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

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

9 (i) A description of every vehicle registered to or operated by the offender,  
 10 including license plate number and a copy of the offender's driver's license or  
 11 identification card.

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

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

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

18 (m) Temporary lodging information regarding any place where the offender  
 19 plans to stay for seven or more days and the length of the stay.

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

22 (2) The offender shall register with the sheriff and police chief in each of  
 23 his/her residence(s) and with the sheriff of the parish in which the offender is  
 24 employed and attends school and, for initial registration only, with the sheriff in the  
 25 parish of the offender's conviction in accordance with R.S. 15:542. If the offender  
 26 lives, works, or attends school in Orleans Parish, however, the offender shall register  
 27 with the New Orleans Police Department and not with the sheriff of that parish.

28 (3) If the offender is incarcerated as a result of the crime, the offender shall  
 29 provide all information listed in Paragraph (1) of this Section to the Department of  
 30 Public Safety and Corrections, or if a juvenile, to the office of juvenile justice, within

1 ten (10) days prior to release from confinement. The offender shall still appear in  
2 person at the sheriff's office within three (3) business days of release from  
3 confinement.

4 (4) During the declaration of an emergency, any offender required to register  
5 who enters an emergency shelter shall, within the first twenty-four (24) hours of  
6 admittance, notify the management of the facility, the chief of police of the  
7 municipality, and the sheriff of the parish in which the shelter is located of his sex  
8 offender status in accordance with R.S. 15:543.2.

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

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

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

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

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

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

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

3                   \*Juveniles adjudicated for a crime requiring registration DO NOT have to  
4 provide this community notice.

5                   (7) In accordance with R.S. 15:542.1, community notification shall be given  
6 by mail within twenty-one days of the date of conviction, if the offender is not taken  
7 into custody at the time of conviction, and within twenty-one days of the date of  
8 release from confinement if sentenced to a term of imprisonment. This notification  
9 shall also occur within twenty-one days of each time the offender changes his  
10 residence within twenty-one days of establishing residency in the new locale. This  
11 notification shall also occur at least every five years, whether or not the offender  
12 changes residences. This notification shall occur in each jurisdiction in which the  
13 offender regularly resides.

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

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

20                  \*Those convicted of R.S. ~~14:89~~ or 14:92(A)(7) are not required to publish  
21 notice in the newspaper or official journal as provided in Paragraph (8).

22                  \*Juveniles who are adjudicated for a crime requiring registration DO NOT  
23 have to provide this community notice.

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

27                  (10) In accordance with R.S. 15:543, an offender must, within ten (10) days  
28 prior to release from a correctional facility, provide a photograph and other relevant  
29 information noted above to the Department of Public Safety and Corrections and the

1 office of juvenile justice for purposes of the State Sex Offender and Child Predator  
2 Registry.

3 (11) In accordance with R.S. 15:542.1.2, if an offender changes his place of  
4 residence or establishes a new or additional residence, he shall appear in person at  
5 the office of the sheriff of his parish of residence where he is currently registered  
6 within three (3) business days of the change to register the new address. If the new  
7 address is located in a different parish, then the offender shall also appear in person  
8 at the office of the sheriff of his new parish of residence within the same time period.  
9 If the offender's parish of residence is in Orleans Parish, then the registration shall  
10 take place at the New Orleans Police Department and not with the Orleans Parish  
11 Sheriff.

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

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



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

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

8                   (16) Failure to comply with any of these registration and notification  
9 requirements is a felony for which an offender shall be punished by a fine of up to  
10 one thousand dollars (\$1,000.00) and imprisonment at hard labor for not less than  
11 two years nor more than ten years without benefit of parole, probation, or suspension  
12 of sentence. Upon a second or subsequent conviction, the offender shall be punished  
13 by a fine of up to three thousand dollars (\$3,000.00) and imprisonment at hard labor  
14 for not less than five years, nor more than twenty years without benefit of parole,  
15 probation, or suspension of sentence.

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

21                   THUS DONE AND SIGNED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ in  
22 open court, in \_\_\_\_\_, Louisiana.

23 \_\_\_\_\_  
24 Judge, \_\_\_\_ Judicial District Court

25                   I hereby certify that the above requirements have been explained to me, that  
26 I have received a copy of the above notice of sex offender registration and  
27 notification requirements, and a copy of the statutes providing for such requirements.

1 I also understand that I will be subject to any changes made by the legislature to the  
2 registration laws from this day forward.

3 \_\_\_\_\_

4 (Name of Sex Offender)

5 \_\_\_\_\_

6 Defense Counsel Signature

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_