

2019 Regular Session

HOUSE BILL NO. 5

BY REPRESENTATIVE DWIGHT

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

SEX OFFENSE/REGISTRY: Prohibit convicted sex offenders from participating in or being physically present in a home school program

## 1 AN ACT

2 To enact R.S. 14:91.10, relative to persons convicted of a sex offense; to prohibit persons  
3 convicted a sex offense from participating in a home school program; to prohibit  
4 persons convicted of a sex offense from being physically present in certain locations  
5 used for home study program purposes; to provide for exceptions; to provide for  
6 definitions; to provide for penalties; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:91.10 is hereby enacted to read as follows:

9 §91.10. Unlawful participation and presence of a sex offender in a home study  
10 program

11 A. Any person convicted of a sex offense as defined by R.S. 15:541 is  
12 prohibited from all of the following:

13 (1) Volunteering for, providing services to, or being employed by a home  
14 study program.

15 (2)(a) Being physically present in a residential home used for home study  
16 purposes during the time in which the home study program is conducted.

17 (b) The provisions of Subparagraph (a) of this Paragraph do not apply to a  
18 student of the home study program who was convicted of a sex offense as defined  
19 by R.S. 15:541.

1           (3)(a) Being physically present in a home education center or facility that  
2           offers space for use by a home study program during the time in which the home  
3           study program is being conducted.

4           (b) The provisions of Subparagraph (a) of this Paragraph do not apply to a  
5           student of the home study program who was convicted of a sex offense as defined  
6           by R.S. 15:541.

7           B. For purposes of this Section, "home study program" is an educational  
8           program in which the curriculum is implemented by a parent or tutor and includes  
9           but is not limited to a home study program approved by the State Board of  
10          Elementary and Secondary Education pursuant to R.S. 17:236.1.

11          C. 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.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 5 Original

2019 Regular Session

Dwight

**Abstract:** Creates a crime that prohibits a convicted sex offender from volunteering for, providing services to, or being employed by a home study program or from being physically present in a home used by a home study program.

Proposed law creates a crime that prohibits any person convicted of a sex offense as defined by present law from all of the following:

- (1) Volunteering for, providing services to, or being employed by a home study program.
- (2) Being physically present in a residential home used for home study purposes during the time in which the home study program is conducted. Provides an exception to this prohibition for a student of the home study program who was convicted of a sex offense.
- (3) Being physically present in a home education center or facility that offers space for use by a home study program during the time in which the home study program is being conducted. Provides an exception to this prohibition for a student of the home study program who was convicted of a sex offense.

Proposed law defines "home study program" as an educational program in which the curriculum is implemented by a parent or tutor and includes but is not limited to a home

study program approved by the State Board of Elementary and Secondary Education pursuant to present law.

Proposed law provides that any person convicted of the offense shall be fined not more than \$1,000, imprisoned with or without hard labor for not more than one year, or both.

(Adds R.S. 14:91.10)