

2023 Regular Session

HOUSE BILL NO. 659 (Substitute for House Bill No. 31 by Representative Romero)

BY REPRESENTATIVE ROMERO

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

CRIME/BATTERY: Creates a statewide database for individuals convicted of certain offenses against minors

1 AN ACT

2 To enact Chapter 3-G of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 15:563 through 563.3, relative to reporting requirements of persons convicted
4 of certain offenses against minors; to provide for registration; to provide relative to
5 the duty of offenders to notify law enforcement; to provide relative to the failure to
6 register; to provide relative to the duration of registration requirements; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Chapter 3-G of Title 15 of the Louisiana Revised Statutes of 1950,
10 comprised of R.S. 15:563 through 563.3, is hereby enacted to read as follows:

11 CHAPTER 3-G. REGISTRATION OF PERSONS WHO COMMIT CERTAIN
12 OFFENSES AGAINST MINORS

13 §563. Registration of persons convicted of certain offenses against minors

14 A. Any person twenty-one years of age or older residing in this state who has
15 been convicted of any of the following offenses where the victim is a minor, as
16 defined in Children's Code Article 116, shall be required to register in person with
17 the sheriff of the person's residence, or residences, if there is more than one, and with
18 the chief of police if the address of any of the person's residences is located in an
19 incorporated area which has a police department:

20 (1) R.S. 14:34 (Aggravated battery)

1 (2) R.S. 14:34.7 (Aggravated second degree battery)

2 B.(1) The offender shall register with the appropriate law enforcement
3 agency provided in Subsection A of this Section and provide all of the following
4 information:

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

6 (b) Physical address or addresses of residence.

7 (c) Two forms of proof of residence for each residential address provided,
8 including but not limited to a driver's license, bill for utility service, and bill for
9 telephone service. If those forms of proof of residence are not available, the offender
10 may provide an affidavit of an adult resident living at the same address. The
11 affidavit shall certify that the affiant understands his obligation to provide written
12 notice pursuant to R.S. 15:563.4.

13 (d) The crime for which he was convicted and the date and place of such
14 conviction, and if known by the offender, the court in which the conviction was
15 obtained, the docket number of the case, the specific statute under which he was
16 convicted, and the sentence imposed.

17 (e) A current photograph of himself.

18 (f) Telephone numbers, including fixed location phone and mobile phone
19 numbers assigned to the offender or associated with any residence address of the
20 offender.

21 (g) A description of every vehicle registered to or operated by the offender,
22 including license plate number and a copy of the offender's driver's license or
23 identification card.

24 (h) Social security number and date of birth.

25 (i) Past or current employment, membership, or association with a public
26 safety agency or emergency service organization.

27 (2) Every offender required to register in accordance with this Chapter shall
28 appear in person and provide the information required by Paragraph (1) of this
29 Subsection to the appropriate law enforcement agency within thirty business days of

1 establishing residence in Louisiana, or if a current resident, within thirty business
2 days after conviction or adjudication if not immediately incarcerated or taken into
3 custody after conviction or adjudication. If incarcerated, once released from
4 confinement, every offender shall appear in person within thirty business days to
5 register with the appropriate law enforcement agency pursuant to the provisions of
6 this Section.

7 (3) Knowingly providing false information to the appropriate law
8 enforcement agency pursuant to the provisions of this Chapter shall constitute a
9 failure to register pursuant to R.S. 15:563.4(A).

10 §563.1. Duty of offenders to notify law enforcement of change of address,
11 residence, or other registration information

12 A. Those persons required to register pursuant to the provisions of this
13 Chapter shall appear in person at the appropriate law enforcement agency within
14 thirty business days of establishing a new or additional physical residential address
15 or of changes in information previously provided when any of the following occur:

16 (1) The offender changes his place of residence or establishes a new or
17 additional residence.

18 (2) The offender has vacated his current address of registration with the
19 intent not to return.

20 (3) The offender has been absent from his current address of registration for
21 more than ninety consecutive days or an aggregate of ninety days or more per
22 calendar year and is physically present at another address during that same time
23 period.

24 (4) The offender has a change in name.

25 B. The notice of change of address required by this Section shall include
26 proof of residence as required by R.S. 15:563(B)(1)(c).

27 C. Any person who commits an offense provided in R.S. 15:563(A) who
28 fails to provide change of address or other information as provided in this Section
29 shall be subject to criminal prosecution as provided in R.S. 15:563.4.

1 §563.2. Failure to register; penalties

2 A. A person who fails to register, periodically renew and update registration,
3 provide proof of residence or notification of change of address or other registration
4 information, as required by the provisions of this Chapter, and a person who
5 knowingly provides false information to the appropriate law enforcement agency as
6 provided in R.S. 15:563(B)(3), shall be fined not more than one thousand dollars,
7 imprisoned for not more than six months, or both.

8 B.(1) Any person who certifies by affidavit the location of the residence of
9 the offender shall send written notice to the appropriate law enforcement agency.
10 This notification shall be made any time the offender is absent from the residence for
11 a period of ninety days or more, or the offender vacates the residence with the intent
12 to establish a new residence at another location. This notification shall be sent
13 within thirty days of the offender vacating the residence with the requisite intent.

14 (2) Any person who fails to provide the notice required by this Subsection
15 shall be fined not more than five hundred dollars, imprisoned for not more than six
16 months, or both.

17 §563.3. Duration of registration and notification period

18 A. A person required to register pursuant to the provisions of this Chapter
19 shall comply with the requirement as long as they are under an order of
20 imprisonment for a first, second, or third offense and for the duration of the lifetime
21 of the offender for a fourth or subsequent offense, unless the underlying conviction
22 is reversed, set aside, or vacated.

23 B. The provisions of this Chapter shall not apply to any person who obtained
24 an expungement pursuant to Title XXXIV of the Code of Criminal Procedure.

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)]

HB 659 Reengrossed

2023 Regular Session

Romero

Abstract: Requires persons 21 years of age or older convicted of certain offenses against minors to register with local law enforcement agencies.

Proposed law requires a person 21 years of age or older residing in the state who has been convicted of any of the following offenses where the victim is a minor, as defined in present law (Ch.C. Art. 116) to register with the sheriff the person's residence, or residences, if there is more than one, and with the chief of police if the address of any of the person's residences is located in an incorporated area which has a police department:

- (1) R.S. 14:34 (Aggravated battery)
- (2) R.S. 14:34.7 (Aggravated second degree battery)

Proposed law provides that persons required to register pursuant to proposed law shall appear in person at the appropriate law enforcement agency within 30 business days of establishing a new or additional physical residential address or of changes in information previously provided when any of the following occur:

- (1) The offender changes his place of residence or establishes a new or additional residence.
- (2) The offender has vacated his current address of registration with the intent not to return.
- (3) The offender has been absent from his current address of registration for more than 90 consecutive days or an aggregate of 90 days or more per calendar year and is physically present at another address during that same time period.
- (4) The offender has a change in name.

Proposed law provides that any person who fails to register, periodically renew and update registration, provide proof of residence or notification of change of address or other registration information, as required by proposed law, and a person who knowingly provides false information to the appropriate law enforcement agency, shall be fined not more than \$1,000, imprisoned for not more than six months, or both.

Proposed law requires persons to register as long as they are under an order of imprisonment for a first, second, or third offense and for the duration of the lifetime of the offender for a fourth or subsequent offense, unless the underlying conviction is reversed, set aside, or vacated.

Proposed law does not apply to any person who obtained an expungement pursuant to present law.

(Adds R.S. 15:563-563.3)