

Regular Session, 2011

SENATE BILL NO. 185

BY SENATOR CROWE

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

SEX OFFENSES. Requires the Louisiana Bureau of Criminal Identification and Information and Internet service providers to create data bases of certain information regarding registered sex offenders. (8/15/11)

1 AN ACT

2 To enact R.S. 15:541(17.1) and (17.2), 542.1.5(H) and 542.1.8, relative to registered sex

3 offenders; to require the Louisiana Bureau of Criminal Identification and

4 Information to create a data base of certain information related to registered sex

5 offenders; to require Internet service providers to perform certain duties related to

6 registered sex offenders; to provide for definitions; and to provide for related

7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:541(17.1) and (17.2), 542.1.5(H) and 542.1.8 are hereby enacted
10 to read as follows:

11 §541. Definitions

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

14 * * *

15 **(17.1) "Internet protocol address" means a unique, numerical label that**

16 **is assigned to a device participating in a computer network that uses the**

17 **Internet.**

1 **(17.2) "Internet service provider" means the operator of the global**
 2 **information system that is logically linked together by a globally unique address**
 3 **space based on the Internet protocol or its subsequent extensions, is able to**
 4 **support communications using the transmission control protocol/Internet**
 5 **protocol suite or its subsequent extensions, and other Internet protocol**
 6 **compatible protocols, and provides, uses or makes accessible, either publicly or**
 7 **privately, high level services layered on the communications and related**
 8 **infrastructure.**

9 * * *

10 §542.1.5. State Sex Offender and Child Predator Registry; duties of the Louisiana
 11 Bureau of Criminal Identification and Information

12 * * *

13 **H. The bureau shall create and maintain a searchable data base**
 14 **consisting of the names of registered sex offenders and the corresponding**
 15 **address or addresses of each registered sex offender and shall provide access of**
 16 **the data base to all Internet service providers who are doing business in the**
 17 **state.**

18 * * *

19 **§545.1.8. Duty of Internet service provider**

20 **A. Every Internet service provider doing business in the state shall do**
 21 **all of the following:**

22 **(1) Access and collect the information contained in R.S. 15:542.1.5(H)**
 23 **and create a searchable data base consisting of the name and address or**
 24 **addresses of each registered sex offender and the Internet protocol address**
 25 **which corresponds to each address.**

26 **(2) Store the information contained in the data base in Paragraph (1) of**
 27 **Subsection (A) for the purposes of providing the information in the data base**
 28 **to law enforcement in the event that a court order or other legal process is**
 29 **issued to obtain the information collected.**

- 1 **(3) Create a report of the information contained in Paragraph (1) of**
 2 **Subsection (A) and make the report exportable so that it can be accessed by the**
 3 **Department of Public Safety and Corrections and the office of juvenile justice.**
 4 **B. Nothing in the Section shall be construed to require the Internet**
 5 **service provider to monitor the websites accessed by the Internet protocol**
 6 **address or addresses assigned to the registered sex offender.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

DIGEST

Present law requires the registration of certain sex offenders and child predators. The Louisiana Bureau of Criminal Identification and Information operates the State Sex Offender and Child Predator Registry and requires a sex offender to disclose certain information, including the offender's address and e-mail address.

Proposed law retains present law but requires the bureau to create and maintain a searchable data base consisting of the names of registered sex offenders and the corresponding address or addresses of each registered sex offender.

Proposed law provides that the bureau shall provide access of the data base to all Internet service providers who are doing business in the state.

Proposed law provides that every Internet service provider doing business in the state shall do all of the following:

- (1) Access and collect the information from the bureau regarding the name and address or addresses of each sex offenders from the bureau and create a searchable data base consisting of the name and address or addresses of each registered sex offender and the Internet protocol address which corresponds to each address.
- (2) Store the information contained in the searchable data base for the purposes of providing the information in the data base to law enforcement in the event that a court order or other legal process is issued to obtain the information collected.
- (3) Create a report of the information contained in the searchable data base and make the report exportable so that it can be accessed by the Department of Public Safety and Corrections and the office of juvenile justice.

Proposed law defines "Internet protocol address" as a unique, numerical label that is assigned to a device participating in a computer network that uses the Internet.

Proposed law defines "Internet service provider" as the operator of the global information system that is logically linked together by a globally unique address space based on the Internet protocol or its subsequent extensions, is able to support communications using the transmission control protocol/Internet protocol suite or its subsequent extensions, and other Internet protocol compatible protocols, and provides, uses or makes accessible, either publicly or privately, high level services layered on the communications and related infrastructure.

Effective August 15, 2011.

(Adds R.S. 15:541(17.1) and (17.2), 542.1.5(H) and 542.1.8)