

Regular Session, 2010

SENATE BILL NO. 47

BY SENATOR CROWE

PROBATION/PAROLE. Provides for certain probation fees paid into the Sex Offender Registry Technology Fund. (8/15/10)

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 895.1(F), relative to fees paid as
3 a condition of probation; to provide for the allocation and use of fees credited to the
4 Sex Offender Registry Technology Fund; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 895.1(F) is hereby amended and
7 reenacted to read as follows:

8 Art. 895.1. Probation; restitution; judgment for restitution; fees

9 * * *

10 F. When the court places the defendant on supervised probation, it shall order
11 as a condition of probation the payment of a monthly fee of not less than five dollars
12 and fifty cents. The monthly fee established in this Paragraph shall be in addition to
13 the fee established in Paragraph C of this Article and shall be ~~paid~~, collected; **by the**
14 **Department of Public Safety and Corrections and shall be** transmitted, deposited,
15 appropriated, and used in accordance with the following provisions:

16 (1) ~~The monthly fee established in this Paragraph shall be paid to the~~
17 ~~Department of Public Safety and Corrections.~~

1 ~~(2)~~ **(1)** The monthly fee established in this Paragraph shall be deposited
2 immediately upon receipt in the state treasury.

3 ~~(3)~~ **(2)** After compliance with the requirements of Article VII, Section 9(B)
4 of the Constitution of Louisiana relative to the Bond Security and Redemption Fund,
5 and prior to monies being placed in the state general fund, an amount equal to that
6 deposited as required by Subparagraph ~~(2)~~ **hereof (1) of this Paragraph** shall be
7 credited to a special fund which is hereby created in the state treasury to be known
8 as the "Sex Offender Registry Technology Fund". The monies in this fund shall be
9 used solely as provided in Subparagraph ~~(4)~~ **hereof (3) of this Paragraph** and only
10 in the amounts appropriated by the legislature.

11 ~~(4)~~ **(3)** The monies in the Sex Offender Registry Technology Fund shall be
12 appropriated as follows:

13 (a) For Fiscal Year 2006-2007, the amount of one hundred ninety thousand
14 dollars to the Department of Public Safety and Corrections, office of state police, to
15 be used in the administration of programs for the registration of sex offenders in
16 compliance with federal and state laws, and support of community notification
17 efforts by local law enforcement agencies. For Fiscal Years 2007-2008 ~~and thereafter~~
18 **through 2009-2010**, the amount to be appropriated under this Subparagraph shall be
19 twenty-five thousand dollars. **For Fiscal Years 2010-2011, and thereafter, the**
20 **amount to be appropriated to the Department of Public Safety and Corrections,**
21 **office of state police, shall be twenty-five thousand dollars for the purposes of**
22 **maintaining and administering the programs for the registration of sex**
23 **offenders pursuant to this Subparagraph.**

24 (b) For Fiscal Year ~~2006-2007~~ **2010-2011** and each year thereafter, an
25 amount equal to fifteen percent of the total residual monies available for
26 appropriation from the fund ~~after satisfying the requirements of Subparagraph (a) of~~
27 ~~this Paragraph~~ shall be appropriated to the Department of **Public Safety and**
28 Corrections, office of adult **services, division of** probation and parole.

29 **(c) For Fiscal Year 2010-2011, and thereafter, residual monies available**

1 for appropriation after satisfying the requirements of Subparagraphs (a) of this
2 Paragraph shall be appropriated to the Department of Justice, office of the
3 attorney general. Of that residual amount, one hundred fifty thousand dollars
4 shall be allocated to the office of the attorney general of which fifty thousand
5 dollars shall be allocated for personnel and other costs to assist and monitor
6 sheriff participation in utilization of the computer system, and one hundred
7 thousand dollars of which shall be allocated to the cost of maintenance of the
8 computer system which shall interface with the computer systems of the sheriffs
9 of the parishes for registration of sex offenders.

10 (c) ~~(d)~~ For ~~Fiscal Year 2006-2007~~, residual monies available for
11 appropriation after satisfying the requirements of Subparagraphs (a) and (b) of this
12 Paragraph shall be appropriated to the Department of Public Safety and Corrections,
13 office of state police, for distribution to the sheriff of each parish, based on the
14 population of convicted sex offenders, sexually violent predators, and child predators
15 residing in the respective parish according to the State Sex Offender and Child
16 Predator Public Registry. Such population data shall be as compiled and certified by
17 the undersecretary of the Department of Public Safety and Corrections on the first
18 day of June. The office of state police shall make these distributions to the recipient
19 sheriffs no later than June fifteenth. For Fiscal Years ~~2007-2008~~ and thereafter,
20 residual monies available for appropriation after satisfying the requirements of
21 Subparagraphs (a) and (b) of this Paragraph shall be appropriated to the Department
22 of Justice, office of the attorney general. Of such residual monies, for Fiscal Year
23 ~~2007-2008~~, the amount of two hundred thousand dollars shall be allocated to the
24 office of the attorney general to facilitate the acquisition, implementation, and
25 support of a computer system for the sheriff of each parish to monitor and track
26 convicted sex offenders, sexually violent predators, and child predators residing in
27 such parish according to the State Sex Offender and Child Predator Registry. For
28 Fiscal Years ~~2008-2009~~ and thereafter, the amount of one hundred fifty thousand
29 dollars shall be allocated to the office of the attorney general of which fifty thousand

1 dollars shall be allocated for personnel and other costs to assist and monitor sheriff
 2 participation in utilization of the computer system, and one hundred thousand dollars
 3 of which shall be allocated to the cost of maintenance of the computer system. The
 4 **After providing for the allocations in Subparagraphs (a), (b) and (c) of this**
 5 **Paragraph, the** remainder of the residual monies shall be distributed **in the Sex**
 6 **Offender Registry Technology Fund shall, pursuant to an appropriation to the**
 7 **office of the attorney general, be distributed** to the sheriff of each parish, based
 8 on the population of convicted sex offenders, sexually violent predators, and child
 9 predators **who are** residing **in the parish and who are active sex offender**
 10 **registrants or active child predator registrants** in the respective parishes
 11 according to the State Sex Offender and Child Predator Registry. ~~Such~~ **These** funds
 12 shall be used to cover the costs associated with sex offender registration and
 13 compliance. ~~Such population~~ **Population** data **necessary to implement the**
 14 **provisions of this Subparagraph** shall be as compiled and certified by the
 15 undersecretary of the Department of Public Safety and Corrections on the first day
 16 of June **of each year**. The office of the attorney general shall make these
 17 distributions **based on the data certified by the undersecretary of the**
 18 **Department of Public Safety and Corrections** to the recipient sheriffs no later than
 19 June fifteenth **of each year to sheriffs who are actively registering offenders**
 20 **pursuant to this Paragraph.**

The original instrument was prepared by Carla S. Roberts. The following digest, which does not constitute a part of the legislative instrument, was prepared by Martha Hess.

DIGEST

Crowe (SB 47)

Proposed law retains present law requirement that when a court places a defendant on supervised probation, as a condition of probation, the court shall order the defendant to pay a monthly fee of \$5.50 to the Department of Public Safety and Corrections and that the fee collected be credited into the Sex Offender Registry Fund and that the monies in this Fund be paid as follows:

- (1) Present law requires that for FY 06-07 the amount of \$190,000 be appropriated to the Department of Public Safety and Corrections, office of state police, to be used to administer programs for registration of sex offenders in compliance with federal and state laws, and to support of community notification efforts by local law

enforcement agencies and provides that this amount be reduced to \$25,000 for FY 2007-2008 and thereafter. Proposed law provides that the \$25,000 allocated to the office of state police shall be for FY 2007-2008 through FY 2009-2010. For FY 2010-2011 and thereafter, the \$25,000 shall be used by the office of state police for the purposes of maintaining and administering the programs for the registration of sex offenders.

- (2) Present law requires that for FY 06-07 and each year thereafter, an amount equal to 15% of the total residual monies available for appropriation from the fund after satisfying the requirements of present law Item (1) above be appropriated to the Department of Public Safety and Corrections, office of adult probation and parole. Proposed law retains this provision but provides that it applies for FY 2010-2011 and each year thereafter and that an amount equal to 15% of the total residual monies available for appropriation from the Fund be appropriated to the Department of Public Safety and Corrections, office of adult services, division of probation and parole.
- (3) Present law requires that for FY 06-07, residual monies available for appropriation after satisfying the requirements of present law Items (1) and (2) above, be appropriated to the Department of Public Safety and Corrections, office of state police, for distribution to the sheriff of each parish, based on the population of convicted sex offenders, sexually violent predators, and child predators residing in the respective parish according to the State Sex Offender and Child Predator Public Registry. Requires that the population data be compiled and certified by the undersecretary of the department on the first day of June and that the office of state police distribute the monies to the recipient sheriffs not later than June fifteenth. Proposed law deletes this provision regarding FY 06-07.

Present law requires that for FY 07-08 and thereafter, residual monies available for appropriation after satisfying the requirements of present law Items (1) and (2) above, be appropriated to the Department of Justice, office of the attorney general. Requires that of these residual monies for FY 07-08, \$200,000 be allocated to the office of the attorney general to facilitate the acquisition, implementation, and support of a computer system for the sheriff of each parish to monitor and track convicted sex offenders, sexually violent predators, and child predators residing in such parish according to the State Sex Offender and Child Predator Registry. Proposed law deletes this provision.

Present law requires that for FY 08-09 and thereafter, \$150,000 shall be allocated to the office of the attorney general of which \$50,000 shall be allocated for personnel and other costs to assist and monitor sheriff participation in utilization of the computer system, and \$100,000 be allocated to the cost of maintenance of the computer system. Proposed law requires that for FY 2010-2011, and thereafter, all residual monies available after satisfying the requirements of proposed law Item (1) above (payments for the office of adult services, division of probation and parole) are to be appropriated to the Department of Justice, office of the attorney general. Provides that of this amount, \$150,000 be allocated to the office of the attorney general of which \$50,000 shall be allocated for personnel and other costs to assist and monitor sheriff participation in utilization of the computer system, and \$100,000 shall be allocated to the cost of maintenance of the computer system which shall interface with the computer systems of the sheriffs of the parishes for registration of sex offenders.

Present law requires the distribution of the remainder of residual monies to the sheriff of each parish, based on the population of convicted sex offenders, sexually violent predators, and child predators residing in the respective parishes according to the State Sex Offender and Child Predator Registry. Requires that these funds be used to cover the costs associated with sex offender registration and compliance.

Requires that the population data be compiled and certified by the undersecretary of the Department of Public Safety and Corrections on the first day of June and that the attorney general distribute funds to the recipient sheriffs no later than June fifteenth. Proposed law retains this provision but provides that after payments to the office of state police, office of adult services, division of probation and parole and to the office of the attorney general, the attorney general, pursuant to an appropriation, shall distribute the remaining monies to the recipient sheriffs not later than June 15th of each year to sheriffs who actively register sex offenders.

Effective August 15, 2010.

(Amends C. Cr. P. 895.1(F))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Finance to the original bill.

1. Restores present law regarding appropriations to the Dept. of Public Safety and Corrections, office of state police, through FY 2009-2010.
2. Provides that for FY 2010-2011, and thereafter, the appropriation of \$25,000 to the office of state police shall be used for the purposes of maintaining and administering the programs for the registration of sex offenders.
3. Technical amendments.