

Regular Session, 2010

SENATE BILL NO. 780

BY SENATORS CHEEK, DORSEY, DUPLESSIS AND MOUNT AND
REPRESENTATIVE BURFORD

SEX OFFENSES. Provides for registration and certain employment activities for sex offenders. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 15:543.1 and to enact R.S. 15:553, relative to sex offenders; to
3 provide for lifetime registration; to prohibit certain types of employment of sex
4 offenders; to provide for penalties; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 15:543.1 is hereby amended and reenacted and R.S. 15:553 is hereby
7 enacted to read as follows:

8 §543.1. Written notification by the courts; form to be used

9 STATE V. _____ JUDICIAL DISTRICT COURT

10 DOCKET # _____ PARISH OF _____

11 DIVISION _____ STATE OF LOUISIANA

12 Notification to Sex Offender

13 In accordance with R.S. 15:543, this court has the duty to provide
14 _____ (name of offender) with the information necessary for
15 awareness of sex offender and child predator registration requirements.

16 _____ has pled guilty to or been found guilty of a violation of
17 R.S. _____. Based on the provisions of Chapter 3-B of Title 15 of the Louisiana

1 Revised Statutes of 1950 and the substance of the statute violated, IT IS ORDERED
 2 that _____ must register for the period of _____ from the
 3 date of his release from prison, being placed on parole, supervised release or
 4 probation, or from the date of his conviction, if the offender is not sentenced to a
 5 term of imprisonment or jail. Additionally, since _____ (hereinafter
 6 referred to as offender) has been convicted of:

7 () An aggravated offense as defined in R.S. 15:541, the offender must
 8 update his/her registration, in person, every 90 days from the date of initial
 9 registration, with the appropriate law enforcement agencies as provided in R.S.
 10 15:542.

11 () A sexual offense involving a victim who is a minor as defined in R.S.
 12 15:541, the offender must update his/her registration, in person, every six months
 13 from the date of initial registration, with the appropriate law enforcement agencies
 14 as provided in R.S. 15:542.

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

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

20 (1) The offender, within three (3) business days of establishing residence in
 21 Louisiana or if a current resident, within three (3) business days after conviction or
 22 adjudication if not immediately incarcerated or taken into custody, or within three
 23 (3) business days after release from confinement, shall obtain and provide the
 24 following information to each sheriff or police department in accordance with R.S.
 25 15:542(B) (except in Orleans Parish where registration shall take place with the New
 26 Orleans Police Department):

- 27 (a) Name and any aliases used by the offender.
- 28 (b) Physical address or addresses of residence.
- 29 (c) Name and physical address of place of employment. If the offender does

1 not have a fixed place of employment, the offender shall provide information with
2 as much specificity as possible regarding the places where he works, including but
3 not limited to travel routes used by the offender.

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

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

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

18 (h) 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 (i) 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 (j) Social security number and date of birth.

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

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

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

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

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

11 (3) If the offender is incarcerated as a result of the crime, the offender shall
12 provide all information listed in Paragraph (1) of this Section to the Department of
13 Public Safety and Corrections, or if a juvenile, to the office of juvenile justice, within
14 ten (10) days prior to release from confinement. The offender shall still appear in
15 person at the sheriff's office within three (3) business days of release from
16 confinement.

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

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

29 (6) The offender shall give notice of the crime for which he was convicted,

1 his name, address, a physical description, and a photograph to the following in
2 accordance with R.S. 15:542(B)(1):

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

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

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

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

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

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

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

26 *Juveniles adjudicated for a crime requiring registration DO NOT have to
27 provide this community notice.

28 (8) In accordance with R.S. 15:542.1, community notice shall be published
29 on two (2) separate days within this period in the official journal of the governing

1 authority of the parish where the offender plans to reside, unless ordered to be
2 published in a different journal or newspaper by the sheriff or local ordinance.

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

5 *Juveniles who are adjudicated for a crime requiring registration DO NOT
6 have to provide this community notice.

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

10 (10) In accordance with R.S. 15:543, an offender must, within ten (10) days
11 prior to release from a correctional facility, provide a photograph and other relevant
12 information noted above to the Department of Public Safety and Corrections and the
13 office of juvenile justice for purposes of the State Sex Offender and Child Predator
14 Registry.

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

24 (12) In accordance with R.S. 15:542.1.2, if an offender is absent from his
25 current address of registration for more than thirty (30) consecutive days or an
26 aggregate of thirty (30) days or more in a calendar year, and is physically present at
27 another address during that same period of time, the offender shall register in person
28 the new address as one of his addresses of residence. If the new address is in a parish
29 different from his current address, he shall also register in person with the sheriff of

1 the new parish within three (3) business days of the tolling of the time periods listed.
2 This requirement notwithstanding, the offender shall still notify the sheriff of one of
3 his parishes of residence in person if he is to take up temporary lodging for seven (7)
4 or more days. It is only after the thirty-day limit is exceeded that the new registration
5 shall occur.

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

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

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

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

27 (17) For those offenders who have been convicted of a sex offense as defined
28 in R.S. 15:541 involving a victim who was under the age of thirteen (13) at the time
29 of the offense, R.S. 14:91.2 is applicable which prohibits such offenders from

1 residing or being present in certain locations. A copy of this statute is provided to
2 you with this notification.

3 THUS DONE AND SIGNED this ____ day of _____, 20__ in
4 open court, in _____, Louisiana.

5 _____
6 Judge, ____ Judicial District Court

7 I hereby certify that the above requirements have been explained to me, that
8 I have received a copy of the above notice of sex offender registration and
9 notification requirements, and a copy of the statutes providing for such requirements.
10 I also understand that I will be subject to any changes made by the legislature to the
11 registration laws from this day forward.

12 _____
13 (Name of Sex Offender)

14 _____
15 Defense Counsel Signature

16 * * *

17 **§553. Prohibition of employment for certain sex offenders**

18 **A. It shall be unlawful for any person who is required to maintain**
19 **registration pursuant Chapter 3-B of Title 15 to operate any bus, taxicab, or**
20 **limousine for hire.**

21 **B. It shall be unlawful for any person who is required to maintain**
22 **registration pursuant to Chapter 3-B of Title 15 to engage in employment as a**
23 **service worker who goes into a residence to provide any type of service.**

24 **C. It shall be unlawful for any person whose offense involved a minor**
25 **child and who is required to maintain registration pursuant to Chapter 3-B of**
26 **Title 15 to operate any carnival or amusement ride.**

27 **D. For the purposes of this Section, the following terms and phrases**
28 **shall have the meanings ascribed to them:**

29 **(1) "Bus" means a motor vehicle with a seating capacity of six or more**

1 persons, exclusive of the operator, which is used in the transportation of
2 passengers for hire, excluding any vehicle leased without the provision of a
3 driver.

4 (2) "Carnival or amusement ride" means either of the following:

5 (a) A device that is intended to give amusement, excitement, pleasure, or
6 thrills to riders whom the device carries along or around a fixed or restricted
7 course or within a defined area.

8 (b) A structure that gives amusement, excitement, pleasure, or thrills to
9 people who move around, over, or through the structure without the aid of a
10 moving device integral to the structure.

11 (3) "Taxicab" means all motor vehicles for hire, carrying six passengers
12 or less, including the driver thereof, which are subject to call from a garage,
13 office, taxistand, or otherwise.

14 E. Any person who violates the provisions of this Section shall be fined
15 not more than ten thousand dollars and imprisoned for not less than five years
16 nor more than ten years at hard labor. Three years shall be served without the
17 benefit of parole, probation, or suspension of sentence.

18 F. The provisions of this Section shall only apply to offenses occurring
19 on or after August 15, 2010.

20 Section 2. This Act shall become effective upon signature by the governor or, if not
21 signed by the governor, upon expiration of the time for bills to become law without signature
22 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
23 vetoed by the governor and subsequently approved by the legislature, this Act shall become
24 effective on the day following such approval.

The original instrument was prepared by Michelle Ducharme. The following
digest, which does not constitute a part of the legislative instrument, was
prepared by Michael Bell.

DIGEST

Cheek (SB 780)

Present law requires the court to provide written notification to any person convicted of a sex offense and a criminal offense against a victim who is a minor of the registration

requirements and the notification requirements as provided in present law.

Proposed law maintains present law and adds that the court shall notify the person convicted of a sex offense and criminal offense against a victim who is a minor that certain types of employment is prohibited for the duration of registration.

Present law provides for the duration of registration and notification period for sex offenders.

Present law provides that a person required to register pursuant to law who was convicted of a sexual offense against a victim who is a minor shall register and maintain his registration and provide community notification for a period of 25 years, or the duration of the lifetime of the offender as provided by law, unless the conviction is reversed, set aside, or vacated.

Proposed law prohibits certain sex offenders from maintaining certain types of employment.

Proposed law provides that it shall be unlawful for any person who is required to maintain registration pursuant to law to operate any bus, taxicab, or limousine for hire. Further prohibits any person who is required to maintain registration to engage in employment as a service worker who goes into a residence to provide any type of service.

Proposed law provides that it will be unlawful for any person whose offense involved a minor child and who is required to maintain registration pursuant to law to operate any carnival or amusement ride.

Proposed law provides for definitions.

Proposed law provides for penalties if a sex offender who is required to register pursuant to law engages in certain types of employment; proposed law further provides that the provisions of this law will only apply to offenses occurring on or after August 15, 2010.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 15:543.1; adds R.S. 15:553)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill.

1. Prohibits any person whose offense involved a minor child and who is required to maintain registration pursuant to law to operate any carnival or amusement ride.
2. Deletes the proposed duration of registration and notification period.
3. Provides for application of certain offenses occurring on or after 8/15/10.