

SENATE BILL NO. 780

BY SENATORS CHEEK, ADLEY, ALARIO, APPEL, BROOME, CHABERT, CLAITOR, DONAHUE, DORSEY, DUPLESSIS, ERDEY, N. GAUTREAUX, KOSTELKA, LAFLEUR, LONG, MARIONNEAUX, MARTINY, MORRELL, MOUNT, NEVERS, RISER, SHAW, SMITH, THOMPSON AND WALSWORTH AND REPRESENTATIVES BURFORD, ANDERS, ARMES, ARNOLD, AUSTIN BADON, BALDONE, BARRAS, BARROW, HENRY BURNS, TIM BURNS, CARMODY, CARTER, CHAMPAGNE, CHANDLER, CHANEY, CONNICK, CORTEZ, DANAHAY, DIXON, DOVE, DOWNS, FANNIN, FOIL, GEYMANN, GISCLAIR, GUILLORY, HARDY, HAZEL, HENDERSON, HENRY, HILL, HINES, HOFFMANN, HONORE, HOWARD, HUTTER, MICHAEL JACKSON, JOHNSON, KATZ, KLECKLEY, LABRUZZO, LAMBERT, LANDRY, LEBAS, LEGER, LITTLE, LORUSSO, MCVEA, MONICA, MORENO, MORRIS, NORTON, PEARSON, PERRY, POPE, RICHARD, RICHARDSON, ROBIDEAUX, ROY, SIMON, GARY SMITH, JANE SMITH, PATRICIA SMITH, TALBOT, TEMPLET, THIERRY, WHITE, WILLIAMS AND WOOTON

1 AN ACT

2 To amend and reenact R.S. 15:529.1(A) and 543.1 and to enact R.S. 15:553, relative to sex  
3 offenders; to provide for penalties for multiple sex offenses; to provide with respect  
4 to the habitual offender law; to prohibit certain types of employment of sex  
5 offenders; to provide for penalties; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. This Act shall be known as the "Justin M. Bloxom Act" in honor of Justin  
8 M. Bloxom, a resident of Stonewall, Louisiana, who was murdered on March 30, 2010.

9 Section 2. R.S. 15:529.1(A) and 543.1 are hereby amended and reenacted and R.S.  
10 15:553 is hereby enacted to read as follows:

11 §529.1. Sentences for second and subsequent offenses; certificate of warden or  
12 clerk of court in the state of Louisiana as evidence

13 A.(†) Any person who, after having been convicted within this state of a  
14 felony ~~or adjudicated a delinquent under Title VIII of the Louisiana Children's Code~~  
15 ~~for the commission of a felony-grade violation of either the Louisiana Controlled~~  
16 ~~Dangerous Substances Law involving the manufacture, distribution, or possession~~  
17 ~~with intent to distribute a controlled dangerous substance or a crime of violence as~~

1 listed in Paragraph (2) of this Subsection, or who, after having been convicted under  
2 the laws of any other state or of the United States, or any foreign government of a  
3 crime which, if committed in this state would be a felony, thereafter commits any  
4 subsequent felony within this state, upon conviction of said felony, shall be punished  
5 as follows:

6 ~~(a)~~(1) If the second felony is such that upon a first conviction the offender  
7 would be punishable by imprisonment for any term less than his natural life, then the  
8 sentence to imprisonment shall be for a determinate term not less than one-half the  
9 longest term and not more than twice the longest term prescribed for a first  
10 conviction;

11 **(2)(a) If the second felony and the prior felony are sex offenses as**  
12 **defined in R.S. 15:541, or the prior felony would be a sex offense as defined in**  
13 **R.S. 15:541, except it occurred prior to June 18, 1992, or the conviction was**  
14 **obtained under the laws of any other state, the United States, or any foreign**  
15 **government, the person shall be sentenced to imprisonment at hard labor for**  
16 **a determinate term not less than two-thirds of the longest possible sentence for**  
17 **the conviction and not more than three times the longest possible sentence**  
18 **prescribed for a first conviction, without benefit of probation, parole, or**  
19 **suspension of sentence.**

20 **(b) If the second felony and the prior felony are sex offenses as defined**  
21 **in R.S. 15:541, or the prior felony would be a sex offense as defined in R.S.**  
22 **15:541, except it occurred prior to June 18, 1992, or the conviction was obtained**  
23 **under the laws of any other state, the United States, or any foreign government,**  
24 **and the victims of the previous offense and the instant offense were under the**  
25 **age of thirteen years at the time of the commission of the offense or any part**  
26 **thereof, the person shall be imprisoned for the remainder of his natural life,**  
27 **without benefit of parole, probation, or suspension of sentence.**

28 ~~(b)~~(3) If the third felony is such that upon a first conviction, the offender  
29 would be punishable by imprisonment for any term less than his natural life then:

30 ~~(i)~~(a) The person shall be sentenced to imprisonment for a determinate term

1 not less than two-thirds of the longest possible sentence for the conviction and not  
 2 more than twice the longest possible sentence prescribed for a first conviction; or

3 ~~(ii)~~**(b)** If the third felony and the two prior felonies are felonies defined as  
 4 a crime of violence under R.S. 14:2(B), a sex offense as defined in R.S. 15:540 et  
 5 seq. when the victim is under the age of eighteen at the time of commission of the  
 6 offense, or as a violation of the Uniform Controlled Dangerous Substances Law  
 7 punishable by imprisonment for ten years or more, or any other crimes punishable  
 8 by imprisonment for twelve years or more, or any combination of such crimes, the  
 9 person shall be imprisoned for the remainder of his natural life, without benefit of  
 10 parole, probation, or suspension of sentence.

11 ~~(e)~~**(4)** If the fourth or subsequent felony is such that, upon a first conviction  
 12 the offender would be punishable by imprisonment for any term less than his natural  
 13 life then:

14 ~~(i)~~**(a)** The person shall be sentenced to imprisonment for the fourth or  
 15 subsequent felony for a determinate term not less than the longest prescribed for a  
 16 first conviction but in no event less than twenty years and not more than his natural  
 17 life; or

18 ~~(ii)~~**(b)** If the fourth felony and two of the prior felonies are felonies defined  
 19 as a crime of violence under R.S. 14:2(B), a sex offense as defined in R.S. 15:540  
 20 et seq. when the victim is under the age of eighteen at the time of commission of the  
 21 offense, or as a violation of the Uniform Controlled Dangerous Substances Law  
 22 punishable by imprisonment for ten years or more, or of any other crime punishable  
 23 by imprisonment for twelve years or more, or any combination of such crimes, the  
 24 person shall be imprisoned for the remainder of his natural life, without benefit of  
 25 parole, probation, or suspension of sentence.

26 ~~(2)(a) Attempted first degree murder.~~

27 ~~(b) Attempted second degree murder.~~

28 ~~(c) Manslaughter.~~

29 ~~(d) Armed robbery.~~

30 ~~(e) Forcible rape.~~

- 1                    ~~(f) Simple rape.~~
- 2                    ~~(g) Second degree kidnapping.~~
- 3                    ~~(h) A second or subsequent aggravated battery.~~
- 4                    ~~(i) A second or subsequent aggravated burglary.~~
- 5                    ~~(j) A second or subsequent offense of burglary of an inhabited dwelling.~~

\* \* \*

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

STATE V. \_\_\_\_\_ JUDICIAL DISTRICT COURT

DOCKET # \_\_\_\_\_ PARISH OF \_\_\_\_\_

DIVISION \_\_\_\_\_ STATE OF LOUISIANA

Notification to Sex Offender

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

\_\_\_\_\_ has pled guilty to or been found guilty of a violation of R.S. \_\_\_\_\_. Based on the provisions of Chapter 3-B of Title 15 of the Louisiana Revised Statutes of 1950 and the substance of the statute violated, IT IS ORDERED that \_\_\_\_\_ must register for the period of \_\_\_\_\_ from the date of his release from prison, being placed on parole, supervised release or probation, or from the date of his conviction, if the offender is not sentenced to a term of imprisonment or jail. Additionally, since \_\_\_\_\_ (hereinafter referred to as offender) has been convicted of:

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

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

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

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

6 (1) The offender, within three (3) business days of establishing residence in  
7 Louisiana or if a current resident, within three (3) business days after conviction or  
8 adjudication if not immediately incarcerated or taken into custody, or within three  
9 (3) business days after release from confinement, shall obtain and provide the  
10 following information to each sheriff or police department in accordance with R.S.  
11 15:542(B) (except in Orleans Parish where registration shall take place with the New  
12 Orleans Police Department):

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

14 (b) Physical address or addresses of residence.

15 (c) Name and physical address of place of employment. If the offender does  
16 not have a fixed place of employment, the offender shall provide information with  
17 as much specificity as possible regarding the places where he works, including but  
18 not limited to travel routes used by the offender.

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

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

28 (f) The crime for which he was convicted and the date and place of such  
29 conviction, and if known by the offender, the court in which the conviction was  
30 obtained, the docket number of the case, the specific statute under which he was

1 convicted, and the sentence imposed.

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

3 (h) Telephone numbers, including fixed location phone and mobile phone  
4 numbers assigned to the offender or associated with any residence address of the  
5 offender.

6 (i) A description of every vehicle registered to or operated by the offender,  
7 including license plate number and a copy of the offender's driver's license or  
8 identification card.

9 (j) Social security number and date of birth.

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

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

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

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

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

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

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

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

13 (6) The offender shall give notice of the crime for which he was convicted,  
14 his name, address, a physical description, and a photograph to the following in  
15 accordance with R.S. 15:542(B)(1):

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

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

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

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

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

28 \*Juveniles adjudicated for a crime requiring registration DO NOT have to  
29 provide this community notice.

30 (7) In accordance with R.S. 15:542.1, community notification shall be given

1 by mail within twenty-one days of the date of conviction, if the offender is not taken  
2 into custody at the time of conviction, and within twenty-one days of the date of  
3 release from confinement if sentenced to a term of imprisonment. This notification  
4 shall also occur within twenty-one days of each time the offender changes his  
5 residence within twenty-one days of establishing residency in the new locale. This  
6 notification shall also occur at least every five years, whether or not the offender  
7 changes residences. This notification shall occur in each jurisdiction in which the  
8 offender regularly resides.

9 \*Juveniles adjudicated for a crime requiring registration DO NOT have to  
10 provide this community notice.

11 (8) In accordance with R.S. 15:542.1, community notice shall be published  
12 on two (2) separate days within this period in the official journal of the governing  
13 authority of the parish where the offender plans to reside, unless ordered to be  
14 published in a different journal or newspaper by the sheriff or local ordinance.

15 \*Those convicted of ~~R.S. 14:92(9)(7)~~ **R.S. 14:89 or 92(A)(7)** are not required  
16 to publish notice in the newspaper or official journal as provided in Paragraph (8).

17 \*Juveniles who are adjudicated for a crime requiring registration DO NOT  
18 have to provide this community notice.

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

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

27 (11) In accordance with R.S. 15:542.1.2, if an offender changes his place of  
28 residence or establishes a new or additional residence, he shall appear in person at  
29 the office of the sheriff of his parish of residence where he is currently registered  
30 within three (3) business days of the change to register the new address. If the new



1 address is located in a different parish, then the offender shall also appear in person  
2 at the office of the sheriff of his new parish of residence within the same time period.  
3 If the offender's parish of residence is in Orleans Parish, then the registration shall  
4 take place at the New Orleans Police Department and not with the Orleans Parish  
5 Sheriff.

6 (12) In accordance with R.S. 15:542.1.2, if an offender is absent from his  
7 current address of registration for more than thirty (30) consecutive days or an  
8 aggregate of thirty (30) days or more in a calendar year, and is physically present at  
9 another address during that same period of time, the offender shall register in person  
10 the new address as one of his addresses of residence. If the new address is in a parish  
11 different from his current address, he shall also register in person with the sheriff of  
12 the new parish within three (3) business days of the tolling of the time periods listed.  
13 This requirement notwithstanding, the offender shall still notify the sheriff of one of  
14 his parishes of residence in person if he is to take up temporary lodging for seven (7)  
15 or more days. It is only after the thirty-day limit is exceeded that the new registration  
16 shall occur.

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

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

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

30 (16) Failure to comply with any of these registration and notification

1 requirements is a felony for which an offender shall be punished by a fine of up to  
 2 one thousand dollars (\$1,000.00) and imprisonment at hard labor for not less than  
 3 two years nor more than ten years without benefit of parole, probation, or suspension  
 4 of sentence. Upon a second or subsequent conviction, the offender shall be punished  
 5 by a fine of up to three thousand dollars (\$3,000.00) and imprisonment at hard labor  
 6 for not less than five years, nor more than twenty years without benefit of parole,  
 7 probation, or suspension of sentence.

8 (17) For those offenders who have been convicted of a sex offense as defined  
 9 in R.S. 15:541 involving a victim who was under the age of thirteen (13) at the time  
 10 of the offense, R.S. 14:91.2 is applicable which prohibits such offenders from  
 11 residing or being present in certain locations. A copy of this statute is provided to  
 12 you with this notification.

13 THUS DONE AND SIGNED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ in  
 14 open court, in \_\_\_\_\_, Louisiana.

15 \_\_\_\_\_  
 16 Judge, \_\_\_\_ Judicial District Court

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

22 \_\_\_\_\_  
 23 (Name of Sex Offender)

24 \_\_\_\_\_  
 25 Defense Counsel Signature

26 \* \* \*

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

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

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

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

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

9           (1) "Bus" means a motor vehicle with a seating capacity of six or more  
10          persons, exclusive of the operator, which is used in the transportation of  
11          passengers for hire, excluding any vehicle leased without the provision of a  
12          driver.

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

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

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

20          (3) "Taxicab" means all motor vehicles for hire, carrying six passengers  
21          or less, including the driver thereof, which are subject to call from a garage,  
22          office, taxi stand, or otherwise.

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

27          F. The provisions of this Section shall apply only to a person ordered by  
28          the court to register as a sex offender on or after August 15, 2010.

29          Section 3. This Act shall become effective upon signature by the governor or, if not  
30          signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
3 effective on the day following such approval.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_