DIGEST

SB 196 Original   2017 Regular Session   Cortez

Present law prohibits any person convicted of a sex offense to establish a residence or physically reside within three miles of the victim of the offense for which he was convicted.

Proposed law retains present law and prohibits any person convicted of a sex offense to establish a residence or physically reside within three miles of an immediate family member of the victim of the offense for which he was convicted.

Present law prohibits communication by the offender with the victim of the offense for which he was convicted or an immediate family member of the victim without the consent of the victim and requires the victim to have consented to the communication through the local prosecuting agency and the communication to be made through the counsel of the offender, counsel's staff or representative, or the offender himself if he is representing himself at trial.

Proposed law retains present law and prohibits communication by the offender with the victim of the offense for which he was convicted or an immediate family member of the victim without the consent of the victim or an immediate family member of the victim.

Present law defines "immediate family member" as the spouse, mother, father, aunt, uncle, sibling, or child of the victim, whether related by blood, marriage, or adoption.

Proposed law retains present law.

Proposed law creates an affirmative defense to prosecution if the property where the offender resides was occupied by the offender prior to January 1, 2018.

Proposed law provides that the affirmative defense shall not be available to an offender who pleads guilty to or is convicted of a subsequent sex offense against the same victim after January 1, 2018.

Effective January 1, 2018.

(Amends R.S. 14:91.9(A)(1) and (3) and (D)(2)(a); adds R.S. 14:91.9(D)(3))