
DIGEST

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HB 762 Original

2018 Regular Session

Hilferty

Abstract: Requires persons convicted of a terrorism offense to register with law enforcement and provide notification, and provides for this information to be included in a state registry.

Present law provides for the crime of terrorism and defines it as the commission of any of the following acts when the offender has the intent to intimidate or coerce the civilian population, influence the policy of a unit of government by intimidation or coercion, or affect the conduct of a unit of government by intimidation or coercion:

- (1) Intentional killing of a human being.
- (2) Intentional infliction of serious bodily injury upon a human being.
- (3) Kidnapping of a human being.
- (4) Aggravated arson upon any structure, watercraft, or movable.
- (5) Intentional aggravated criminal damage to property.

Present law provides for the crime of aiding others in terrorism and defines it as the raising, soliciting, collecting, or providing material support or resources with intent that it will be used, in whole or in part, to plan, prepare, carry out, or aid in any act of terrorism or to hinder the prosecution of terrorism or the concealment of, or escape from, an act of terrorism.

Proposed law creates registration and notification requirements for persons who have committed an offense of terrorism, which includes a present law act of terrorism or aiding others in terrorism.

Proposed law provides for the following registration requirements:

- (1) Requires that terrorist offenders register with the sheriff, and in some cases, with the municipal police department, where the offender resides, works, and attends school.
- (2) Provides for the type of information to be provided to law enforcement upon registration by the offender, including names used; address of residence, school, or place of employment; conviction information; photograph; fingerprints, palm prints, and a DNA sample; telephone numbers; description of the offender's vehicles; social security number and date of birth; e-mail address and online identifiers; physical description; temporary lodging information; and

- travel and immigration documents.
- (3) Requires registration within three business days of establishing residence, being convicted, or being released from incarceration.
 - (4) Requires the payment of an annual registration fee of \$60 to the appropriate law enforcement agency to defray the cost of registration, and makes provisions for those who are unable to pay the registration fee.
 - (5) Requires in-person periodic renewals with law enforcement, and requires the offender to notify law enforcement of a change of address, residence, or other registration information.
 - (6) Contains registration procedures for out-of-state offenders.
 - (7) Requires law enforcement to forward registration information to the La. Bureau of Criminal Identification and Information (bureau). Requires the bureau to create and maintain a registry of information transmitted to the bureau pursuant to proposed law. Provides for the sharing of this information with law enforcement agencies and designate the bureau as the state agency who will receive information regarding out-of-state offenders. Requires the bureau to provide for the capability of comparing the database of registered users of a social networking site to the list of online identifiers of persons included in the registry.
 - (8) Provides for the uses of the information stored in the registry and provides that the registry shall not be available to the public.

With regard to records in possession of any court, proposed law provides that these records are subject to disclosure to the district attorney, sheriff, and any law enforcement officials for the purpose of implementing proposed law.

Proposed law requires the courts and the Dept. of Public Safety and Corrections to utilize the proposed written notification form to notify offenders of their registration and notification requirements.

Provides that offenders required to register pursuant to proposed law who enter an emergency shelter during a declaration of emergency must notify the management of the shelter and certain law enforcement officials within 24 hours of entering the shelter. Further requires the Dept. of Public Safety and Corrections to provide information to the offender who is under the supervision of the department regarding the protocol to be followed in emergency situations.

Proposed law requires that a person register and provide notification for a period of 15 years from the date of initial registration in this state. If the person has a prior offense which requires registration, he must register and provide notification for the duration of his lifetime. Proposed law contains some exceptions.

Proposed law contains procedures to be used to determine the registration and notification period end date, including a review of the offender's criminal history and registration history by the Dept.

of Justice.

Requires law enforcement agencies to record the fingerprints of persons in their custody who are convicted of a terrorism offense.

Proposed law creates the following crimes:

- (1) Harboring or concealing a terrorist offender, punishable by imprisonment up to five years or a fine of not more than \$5,000, or both, with at least two years to be served without benefit of probation, parole, or suspension of sentence.
- (2) Prohibition of employment for certain terrorist offenders (operating a bus, taxicab, or limousine for hire), punishable by imprisonment for five to 10 years at hard labor and a fine of not more than \$10,000, with three years served without benefit of probation, parole, or suspension of sentence.
- (3) Failure to register as a terrorist offender by failing to register, provide information periodically renew and update registration information, provide proof of residence, provide notification of a change in registration information, or the failure to provide notification. Also prohibits a person from knowingly providing false information or failing to pay the registration fee. Proposed law contains criminal penalties for these offenses, and the penalties differ according to the specific violation committed.

Proposed law provides for the release or dissemination of information by criminal justice agencies, including the committee on parole, and provides for a limitation of liability.

(Adds R.S. 15:563-563.3)