

2022 Regular Session

HOUSE BILL NO. 103

BY REPRESENTATIVE THOMAS

DRUGS/CONTROLLED: Provides relative to reporting requirements for persons convicted of production or manufacturing of methamphetamine

1 AN ACT

2 To enact Chapter 3-G of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised  
3 of R.S. 15:563 through 563.5, relative to reporting requirements of persons convicted  
4 of production or manufacturing of methamphetamine; to provide for purposes and  
5 notification; to provide for definitions; to provide relative to the duty of offenders to  
6 notify law enforcement; to provide relative to the failure to register; to provide  
7 relative to the duration of registration requirements; and to provide for related  
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Chapter 3-G of Title 15 of the Louisiana Revised Statutes of 1950,  
11 comprised of R.S. 15:563 through 563.5, is hereby enacted to read as follows:

12 CHAPTER 3-G. REPORTING REQUIREMENTS OF PERSONS CONVICTED OF  
13 PRODUCTION OR MANUFACTURING OF METHAMPHETAMINE

14 §563. Findings; purpose

15 The legislature finds that persons who commit the offense of production or  
16 manufacturing of methamphetamine, even after being released from incarceration  
17 or commitment, are of paramount public interest. The legislature further finds that  
18 local law enforcement officers' efforts to protect their communities, conduct  
19 investigations, and quickly apprehend persons who commit the offense of production  
20 or manufacturing of methamphetamine are impaired by the lack of information

1 available to law enforcement agencies, and that lack of information is of paramount  
2 concern of public safety. Release of information to public agencies about persons  
3 who commit the offense of production or manufacturing of methamphetamine will  
4 further the interests of public safety and public scrutiny of the criminal and mental  
5 health systems so long as the information released is rationally related to the  
6 furtherance of those goals. Therefore, this state's policy is to assist local law  
7 enforcement agencies' efforts to protect their communities by requiring persons who  
8 commit the offense of production or manufacturing of methamphetamine to register  
9 with state and local law enforcement agencies and to require the exchange of  
10 relevant information about persons who commit the offense of production or  
11 manufacturing of methamphetamine among state, local, and federal public agencies  
12 and officials.

13 §563.1. Definitions

14 For the purposes of this Chapter, the following shall apply:

15 (1) "Conviction" means any disposition of charges adverse to the defendant,  
16 including a plea of guilty, deferred adjudication, adjudication withheld for the  
17 perpetration or attempted perpetration of or conspiracy to commit an offense  
18 involving the production or manufacturing of methamphetamine. "Conviction" shall  
19 not include a decision not to prosecute, a dismissal, or an acquittal, except when the  
20 acquittal is due to a finding of not guilty by reason of insanity and the person was  
21 committed.

22 (2) "Disposition" means the formal conclusion of a criminal proceeding at  
23 whatever stage it occurs in the criminal justice system.

24 (3) "Residence" means a dwelling where an offender regularly resides,  
25 regardless of the number of days or nights spent there. For those offenders who lack  
26 a fixed abode or dwelling, "residence" shall include the area or place where the  
27 offender habitually lives, including but not limited to a rural area with no residence  
28 or a shelter.

1       §563.2. Registration of persons convicted of production or manufacturing of  
2               methamphetamine

3               A. Any person over the age of seventeen residing in this state who has been  
4               convicted of the offense of production or manufacturing of methamphetamine as  
5               provided in R.S. 40:967 shall be required to register in person with the sheriff of the  
6               person's residence, or residences, if there is more than one, and with the chief of  
7               police if the address of any of the person's residences is located in an incorporated  
8               area which has a police department.

9               B.(1) The offender shall register with the appropriate law enforcement  
10              agency provided in Subsection A of this Section and provide all of the following  
11              information:

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

13                      (b) Physical address or addresses of residence.

14                      (c) Two forms of proof of residence for each residential address provided,  
15                      including but not limited to a driver's license, bill for utility service, and bill for  
16                      telephone service. If those forms of proof of residence are not available, the offender  
17                      may provide an affidavit of an adult resident living at the same address. The  
18                      affidavit shall certify that the affiant understands his obligation to provide written  
19                      notice pursuant to R.S. 15:563.4.

20                      (d) The crime for which he was convicted and the date and place of such  
21                      conviction, and if known by the offender, the court in which the conviction was  
22                      obtained, the docket number of the case, the specific statute under which he was  
23                      convicted, and the sentence imposed.

24                      (e) A current photograph of himself.

25                      (f) Telephone numbers, including fixed location phone and mobile phone  
26                      numbers assigned to the offender or associated with any residence address of the  
27                      offender.

1           (g) A description of every vehicle registered to or operated by the offender,  
2           including license plate number and a copy of the offender's driver's license or  
3           identification card.

4           (h) Social security number and date of birth.

5           (i) Past or current employment, membership, or association with a public  
6           safety agency or emergency service organization.

7           (2) Every offender required to register in accordance with this Chapter shall  
8           appear in person and provide the information required by Paragraph (1) of this  
9           Subsection to the appropriate law enforcement agency within thirty business days of  
10           establishing residence in Louisiana, or if a current resident, within thirty business  
11           days after conviction or adjudication if not immediately incarcerated or taken into  
12           custody after conviction or adjudication. If incarcerated, once released from  
13           confinement, every offender shall appear in person within thirty business days to  
14           register with the appropriate law enforcement agency pursuant to the provisions of  
15           this Section.

16           (3) Knowingly providing false information to the appropriate law  
17           enforcement agency pursuant to the provisions of this Chapter shall constitute a  
18           failure to register pursuant to R.S. 15:562.4(A).

19           §563.3. Duty of offenders to notify law enforcement of change of address,  
20           residence, or other registration information

21           A. Those persons required to register pursuant to the provisions of this  
22           Chapter shall appear in person at the appropriate law enforcement agency within  
23           thirty business days of establishing a new or additional physical residential address  
24           or of changes in information previously provided when any of the following occur:

25           (1) The offender changes his place of residence or establishes a new or  
26           additional residence.

27           (2) The offender has vacated his current address of registration with the  
28           intent not to return.

1           (3) The offender has been absent from his current address of registration for  
2           more than ninety consecutive days or an aggregate of ninety days or more per  
3           calendar year and is physically present at another address during that same time  
4           period.

5           (4) The offender has a change in name.

6           B. The notice of change of address required by this Section shall include  
7           proof of residence as required by R.S. 15:563.2(B)(1)(c).

8           C. Any person who commits the offense of production or manufacturing of  
9           methamphetamine who fails to provide change of address or other information as  
10          provided in this Section shall be subject to criminal prosecution as provided in R.S.  
11          15:563.4.

12          §563.4. Failure to register; penalties

13           A. A person who fails to register, periodically renew and update registration,  
14           provide proof of residence or notification of change of address or other registration  
15           information, as required by the provisions of this Chapter, and a person who  
16           knowingly provides false information to the appropriate law enforcement agency as  
17           provided in R.S. 15:563.2(B)(3), shall be fined not more than one thousand dollars,  
18           imprisoned for not more than six months, or both.

19           B.(1) Any person who certifies by affidavit the location of the residence of  
20           the offender shall send written notice to the appropriate law enforcement agency.  
21           This notification shall be made any time the offender is absent from the residence for  
22           a period of ninety days or more, or the offender vacates the residence with the intent  
23           to establish a new residence at another location. This notification shall be sent  
24           within thirty days of the offender vacating the residence with the requisite intent.

25           (2) Any person who fails to provide the notice required by this Subsection  
26           shall be fined not more than five hundred dollars, imprisoned for not more than six  
27           months, or both.

- 1           §563.5. Duration of registration and notification period
- 2                   A person required to register pursuant to the provisions of this Chapter shall
- 3           comply with the requirement as long as they are under an order of imprisonment for
- 4           a first offense and for the duration of the lifetime of the offender for a second or
- 5           subsequent offense, unless the underlying conviction is reversed, set aside, or
- 6           vacated.

## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 103 Reengrossed

2022 Regular Session

Thomas

**Abstract:** Requires persons convicted of the offense of production or manufacturing of methamphetamine to register with local law enforcement agencies.

Proposed law provides that persons who commit the offense of production or manufacturing of methamphetamine, even after being released from incarceration or commitment, are of paramount public interest.

Proposed law requires any person over 17 years of age residing in the state who has been convicted of the offense of production or manufacturing of methamphetamine as provided by present law (R.S. 40:967) to register with the sheriff of the person's residence, or residences, if there is more than one, and with the chief of police if the address of any of the person's residences is located in an incorporated area which has a police department.

Proposed law provides for the following definitions:

- (1) "Conviction" means any disposition of charges adverse to the defendant, including a plea of guilty, deferred adjudication, adjudication withheld for the perpetration or attempted perpetration of or conspiracy to commit an offense involving the production or manufacturing of methamphetamine. "Conviction" shall not include a decision not to prosecute, a dismissal, or an acquittal, except when the acquittal is due to a finding of not guilty by reason of insanity and the person was committed.
- (2) "Disposition" means the formal conclusion of a criminal proceeding at whatever stage it occurs in the criminal justice system.
- (3) "Residence" means a dwelling where an offender regularly resides, regardless of the number of days or nights spent there. For offenders who lack a fixed abode or dwelling, "residence" shall include the area or place where the offender habitually lives, including but not limited to a rural area with no residence or a shelter.

Proposed law provides that persons required to register pursuant to proposed law shall appear in person at the appropriate law enforcement agency within 30 business days of establishing a new or additional physical residential address or of changes in information previously provided when any of the following occur:

- (1) The offender changes his place of residence or establishes a new or additional residence.

- (2) The offender has vacated his current address of registration with the intent not to return.
- (3) The offender has been absent from his current address of registration for more than 90 consecutive days or an aggregate of 90 days or more per calendar year and is physically present at another address during that same time period.
- (4) The offender has a change in name.

Proposed law provides that any person who fails to register, periodically renew and update registration, provide proof of residence or notification of change of address or other registration information, as required by proposed law, and a person who knowingly provides false information to the appropriate law enforcement agency, shall be fined not more than \$1,000, imprisoned for not more than six months, or both.

Proposed law requires persons to register as long as they are under an order of imprisonment for a first offense and for the duration of the lifetime of the offender for a second or subsequent offense, unless the underlying conviction is reversed, set aside, or vacated.

(Adds R.S. 15:563 through 563.5)

#### Summary of Amendments Adopted by House

##### The House Floor Amendments to the engrossed bill:

1. Provide that persons who commit the offense of production or manufacturing of methamphetamine, even after being released from incarceration or commitment, are of paramount public interest rather than governmental interest.
2. Relative to the definition of "conviction", remove proposed law which provides that "conviction" includes a dismissal entered after a period of probation, suspension, or deferral of sentence.
3. For a first offense, require persons to register as long as they are under an order of imprisonment rather than for 10 years from the date of initial registration.