

2023 Regular Session

SENATE BILL NO. 217

BY SENATORS HENRY, FESI AND MCMATH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME/PUNISHMENT. Creates a state wide database for individuals convicted of child abuse/neglect. (8/1/23)

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 563.2, relative to offenses against minors; to create the Child

4 Abuse and Neglect Registry; to provide relative to registration requirements; to

5 provide for crimes of conviction; to provide for duties of the Louisiana Bureau of

6 Criminal Identification and Information; to provide relative to a public database; to

7 provide for exempt data; to provide relative to restrictions; to provide for duration

8 of registration; and to provide for related 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 563.2, is hereby enacted to read as follows:

12 **CHAPTER 3-G. CHILD ABUSE AND NEGLECT REGISTRY**

13 **§563. Registration of persons convicted of child abuse or neglect**

14 **A. Any person residing in this state who has pled guilty or nolo**

15 **contendere to, or has been convicted of, any of the following offenses, or who**

16 **has pled guilty or nolo contendere to, or has been convicted of any conspiracy**

17 **to commit any of the following offenses, where the victim is a minor, as defined**

1 in Children's Code Article 116, shall be required to register and provide
2 notification as a child abuser in accordance with the provisions of this Chapter:

3 (1) R.S. 14:30 (First degree murder)

4 (2) R.S. 14:30.1 (Second degree murder)

5 (3) R.S. 14:31 (Manslaughter)

6 (4) R.S. 14:34 (Aggravated battery)

7 (5) R.S. 14:34.1 (Second degree battery)

8 (6) R.S. 14:34.7 (Aggravated second degree battery)

9 (7) R.S. 14:35 (Simple battery)

10 (8) R.S. 14:35.3 (Domestic abuse battery)

11 (9) R.S. 14:37 (Aggravated assault)

12 (10) R.S. 14:37.1 (Assault by drive-by shooting)

13 (11) R.S. 14:37.4 (Aggravated assault with a firearm)

14 (12) R.S. 14:37.7 (Domestic abuse aggravated assault)

15 (13) R.S. 14:38 (Simple assault)

16 (14) R.S. 14:39 (Negligent injuring)

17 (15) R.S. 14:42 (First degree rape)

18 (16) R.S. 14:42.1 (Second degree rape)

19 (17) R.S. 14:43 (Third degree rape)

20 (18) R.S. 14:43.1 (Sexual battery)

21 (19) RS 14:43.1.1 (Misdemeanor sexual battery)

22 (20) R.S. 14:43.2 (Second degree sexual battery)

23 (21) R.S. 14:43.3 (Oral sexual battery)

24 (22) R.S. 14:43.4 (Female genital mutilation)

25 (23) R.S. 14:43.5 (Intentional exposure to HIV)

26 (24) R.S. 14:44 (Aggravated kidnapping)

27 (25) R.S. 14:44.1 (Second degree kidnapping)

28 (26) R.S. 14:44.2 (Aggravated kidnapping of a child)

29 (27) R.S. 14:45 (Simple kidnapping)

1 (28) R.S. 14:46 (False imprisonment)

2 (29) R.S. 14:46.1 (False imprisonment; offender armed with dangerous

3 weapon)

4 (30) R.S. 14:46.2 (Human trafficking)

5 (31) R.S. 14:46.3 (Trafficking of children for sexual purposes)

6 (32) R.S. 14:46.4 (Re-homing of a child)

7 (33) R.S. 14:74 (Criminal neglect of family)

8 (34) R.S. 14:79.1 (Criminal Abandonment)

9 (35) R.S. 14:80 (Felony carnal knowledge of a juvenile)

10 (36) R.S. 14:80.1 (Misdemeanor carnal knowledge of a juvenile)

11 (37) R.S. 14:81 (Indecent behavior with juveniles)

12 (38) R.S. 14:81.1 (Pornography involving juveniles)

13 (39) R.S. 14:81.2 (Molestation of a juvenile or a person with a physical
14 or mental disability)

15 (40) R.S. 14:81.3 (Computer-aided solicitation of a minor)

16 (41) R.S. 14:82 (Prostitution)

17 (42) R.S. 14:82.1 (Prostitution; persons under eighteen; additional
18 offenses)

19 (43) R.S. 14:82.2 (Purchase of commercial sexual activity; penalties)

20 (44) R.S. 14:92 (Contributing to the delinquency of juveniles)

21 (45) R.S. 14:92.1 (Encouraging or contributing to child delinquency)

22 (46) R.S. 14:92.2 (Improper supervision of a minor by parent or legal
23 custodian)

24 (47) R.S. 14:93.2.1 (Child desertion)

25 (48) R.S. 14:93.2.3 (Second degree cruelty to juveniles)

26 B.(1) An offender listed in Subsection A of this Section shall register in
27 person with the sheriff of the parish of the person's residence, or residences, if
28 there is more than one, and with the chief of police if the address of any of the
29 person's residences is located in an incorporated area which has a police

1 department. If the offender resides in a municipality with a population in excess
2 of three hundred thousand persons, he shall register in person with the police
3 department of his municipality of residence.

4 (2) The offender shall also register in person with the sheriff of the
5 parish or parishes where the offender is an employee and with the sheriff of the
6 parish or parishes where the offender attends school. If the offender is employed
7 or attends school in a municipality with a population in excess of three hundred
8 thousand persons, then he shall register only with the police department of the
9 municipality where he is employed or attends school. The offender shall also
10 register in the parish of conviction for the initial registration only. No
11 registration in the parish of conviction is necessary if the offender is
12 incarcerated at the time of conviction or immediately taken into custody by law
13 enforcement after the conviction.

14 (3) If the offender is a student at an institution of postsecondary
15 education in this state, the offender shall also register with the campus law
16 enforcement agency of the institution at least one business day prior to the
17 beginning of the school term or semester.

18 C.(1) The offender shall register and provide all of the following
19 information to the appropriate law enforcement agencies listed in Subsection
20 B of this Section in accordance with the time periods provided for in this
21 Subsection:

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

23 (b) The offender's physical address or addresses of residence.

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

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

29 (e) Two forms of proof of residence for each residential address

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

9 (f) The crime for which the offender was convicted and the date and
10 place of such conviction, and if known by the offender, the court in which the
11 conviction was obtained, the docket number of the case, the specific statute
12 under which he was convicted, and the sentence imposed.

13 (g) A current photograph of the offender.

14 (h) The offender's fingerprints, palm prints, and a DNA sample, if not
15 already provided.

16 (i) The offender's telephone numbers, including fixed location phone and
17 mobile phone numbers assigned to the offender or associated with any residence
18 address of the offender.

19 (j) A description of every motorized vehicle registered to or operated by
20 the offender, including license plate number and vehicle identification number,
21 and a copy of the offender's driver's license and identification card. This
22 information shall be provided prior to the offender's operation of the vehicle.

23 (k) The offender's social security number and date of birth.

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

27 (m) Every email address, online screen name, or other online identifiers
28 used by the offender to communicate on the internet. If the offender uses a
29 static internet protocol address, that address shall also be provided to the

1 appropriate law enforcement agency. Required notice shall be given before any
2 online identifier or static internet protocol address is used to communicate on
3 the internet. For purposes of this Subparagraph, "static internet protocol
4 address" is a numerical label assigned to a computer by an internet service
5 provider to be the computer's permanent address on the internet.

6 (n)(i) Temporary lodging information regarding any place where the
7 offender plans to stay for seven or more days. This information shall be
8 provided at least three days prior to the date of departure unless an emergency
9 situation has prevented the timely disclosure of the information.

10 (ii) Temporary lodging information regarding international travel shall
11 be provided regardless of the number of days or nights the offender plans to
12 stay. This information shall be provided at least twenty-one days prior to the
13 date of departure unless an emergency situation has prevented the timely
14 disclosure of the information.

15 (o) The offender's travel and immigration documents, including but not
16 limited to passports and documents establishing immigration status.

17 (2)(a) Unless an earlier time period is specified in the provisions of
18 Paragraph (1) of this Subsection, every offender required to register in
19 accordance with this Section shall appear in person and provide the information
20 required by Paragraph (1) of this Subsection to the appropriate law
21 enforcement agencies within three business days of establishing residence in
22 Louisiana. If the offender is a current resident of Louisiana and is not
23 immediately taken into custody or incarcerated after conviction or adjudication,
24 he shall provide the information on the date of conviction to the sheriff of the
25 parish where the offender was convicted or adjudicated and shall, within three
26 business days after conviction or adjudication, provide the information to the
27 sheriff of the parishes of the offender's residence, employment, and school.

28 (b) If incarcerated immediately after conviction, the information
29 required by Paragraph (1) of this Subsection shall be provided to the secretary

1 of the Department of Public Safety and Corrections, or his designee, within ten
2 days prior to release from confinement. Once released from confinement, the
3 offender shall appear in person within three business days to register with the
4 appropriate law enforcement agencies pursuant to the provision of this Section.
5 The offender shall register with the sheriff of the parish in which the residence
6 address he initially supplied to the Department of Public Safety and Corrections
7 is located, unless his residence address has changed and he has registered with
8 the sheriff of the parish in which his new residence address is located.

9 (3) Knowingly providing false information to any law enforcement
10 officer, office, or agency required to receive registration information pursuant
11 to the provisions of this Chapter shall constitute a failure to register and be
12 subject to the penalties provided in R.S. 15:542.1.4(A)(1).

13 D. Upon receipt of the registration information as required by the
14 provisions of this Section, the law enforcement agency shall immediately
15 forward the offender's information to the bureau electronically.

16 E.(1) The offender registration and notification requirements required
17 by this Chapter are mandatory and shall not be waived or suspended by any
18 court. Any order waiving or suspending offender registration and notification
19 requirements shall be null, void, and of no effect. Any order waiving or
20 suspending registration and notification requirements shall not be construed to
21 invalidate an otherwise valid conviction, unless by joint written motion of the
22 district attorney and the offender.

23 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection
24 and any other provision of law to the contrary, an offender required to register
25 as a sex offender in accordance with R.S. 15:540 et seq. shall not be required to
26 register pursuant to the provisions of this Chapter.

27 §563.1. Duties of the Louisiana Bureau of Criminal Identification and
28 Information

29 A.(1) The Louisiana Bureau of Criminal Identification and Information

1 shall develop and maintain the central registry known as the Child Abuse and
2 Neglect Registry. The registry shall contain the information transmitted to the
3 bureau pursuant to the provisions of this Chapter. Upon receipt of the
4 registration and information of any person subject to the provisions of this
5 Chapter, the bureau shall immediately enter the appropriate information in the
6 public registry. The bureau shall accept electronically submitted information
7 and registration renewal information from law enforcement.

8 (2)(a) The bureau shall provide for public access to the information
9 contained in the registry, including internet-based access, which shall have field-
10 search capabilities.

11 (b) Notwithstanding the provisions of Subparagraph (a) of this
12 Paragraph, the following information shall be exempt from public access:

13 (i) Social security numbers.

14 (ii) Names of the victims of the offenses requiring registration.

15 (iii) Any information with regard to arrests that did not result in
16 convictions.

17 (iv) Telephone numbers, subject to the provisions of Subparagraphs (c)
18 and (d) of this Paragraph.

19 (v) Travel and immigration documents.

20 (vi) Email addresses, online screen names, or other online identities used
21 by offenders to communicate on the internet, subject to the provisions of
22 Subparagraphs (c) and (d) of this Paragraph.

23 (c) Notwithstanding the provisions of Subparagraph (b) of this
24 Paragraph, which provides for exemptions to public access of telephone
25 numbers, email addresses, online screen names, or other online identities, the
26 registry shall contain the ability to search by telephone numbers, email
27 addresses, online screen names, or other online identities to provide information
28 to the person conducting the search regarding whether or not that information
29 has been linked to a person convicted of an offense in R.S. 15:563(A). This

1 search shall not disclose the name or any other identifying information about
2 the offender to the person conducting the search, except to identify that the
3 information has been linked to a person convicted of an offense in R.S.
4 15:563(A).

5 (d) Notwithstanding the provisions of Subparagraphs (b) and (c) of this
6 Paragraph, the bureau shall, upon request by any person or entity in a manner
7 prescribed by the bureau, provide a list of telephone numbers, email addresses,
8 online screen names, static internet protocol addresses, or other online identities
9 of persons in the Child Abuse and Neglect Registry for the purpose of
10 identifying and monitoring a registered user associated with the telephone
11 number, email address, online screen name, static internet protocol address, or
12 other online identity. The information provided to the person or entity shall not
13 disclose the name or other identifying information of the offender that is
14 associated with, or who is using, any of the telephone numbers, email addresses,
15 online screen names, static internet protocol addresses, or other online identities
16 in the provided list.

17 (e) The bureau shall maintain a Child Abuse and Neglect Notification
18 and Registration website on the internet, which shall contain a disclaimer
19 informing the public of all of the following:

20 (i) The information contained on the site is obtained from offenders, and
21 the department does not guarantee its accuracy or completeness.

22 (ii) Members of the public are not allowed to use the information to
23 harass or threaten offenders or members of their families.

24 (iii) Harassment, stalking, or threats against offenders or their families
25 are prohibited and doing so may violate Louisiana criminal laws.

26 B. The bureau shall develop and maintain the registry as to provide for
27 automatic email notifications at the time when an offender begins residence,
28 employment, or school attendance within a certain geographic radius or zip
29 code. This function of the registry shall allow members of the public and

1 organizations to request automatic email notifications to be sent to an email
2 address provided by the requestor for a certain geographic radius or zip code
3 specified by the requestor.

4 C.(1) Immediately upon entry of the required information into the
5 registry, the bureau shall notify the sheriff of the parish in which the offender's
6 address of residence is located, and the chief of police if the address is located
7 in an incorporated area which has a police department. Additionally, the
8 bureau shall notify the sheriff of the parish in which the offender is employed
9 or attends school.

10 (2) Immediately upon entry of the required information into the registry,
11 the bureau shall transmit to the Federal Bureau of Investigation the conviction
12 data and fingerprints of the registered offender.

13 (3) Immediately upon entry of information that a person required to
14 register under this Section is enrolled as a student or employed as a worker at
15 any institution of postsecondary education into the registry, the bureau shall
16 notify all law enforcement agencies having jurisdiction over the institution at
17 which the offender is enrolled or employed, including but not limited to the
18 campus law enforcement agency.

19 D. The bureau is hereby designated as the state agency to receive
20 information regarding out-of-state a person convicted of a similar offense as
21 those in R.S. 15:563(A) who establish a residence in this state pursuant to R.S.
22 15:542.1.3.

23 E. The bureau may promulgate rules and regulations in accordance with
24 the Administrative Procedure Act to implement the provisions of this Chapter.

25 F.(1) The bureau shall provide for the capability which would allow a
26 social networking website to compare the database of registered users of that
27 social networking website to the list of electronic mail addresses, instant
28 message addresses, and other similar online identifiers of persons in the Child
29 Abuse and Neglect Registry.

1 (2) A social networking website desiring to compare its database of
2 registered users to the list of electronic mail addresses, instant message
3 addresses, and other online identifiers of persons in the registry shall provide
4 to the bureau all of the following information:

5 (a) The name, address, and telephone number of the entity operating the
6 social networking website.

7 (b) The legal nature and corporate status of the entity operating the
8 social networking website.

9 (c) A statement signed by the chief legal officer of the social networking
10 website to the effect that the information obtained from the registry shall not
11 be disclosed for any purpose other than for comparing the database of
12 registered users of the social networking website against the list of electronic
13 mail addresses, instant message addresses, and other online identifiers of
14 persons contained in the state registry to protect children from child abuse or
15 neglect, and that disclosure of this information for any other purpose may be
16 unlawful.

17 (d) The name, address, and telephone number of a natural person who
18 is authorized to receive service of process for the entity operating the social
19 networking website.

20 (3) After complying with the requirements of Paragraph (2) of this
21 Subsection, the entity operating the social networking website may screen users
22 or compare its database of registered users to the list of electronic mail
23 addresses, instant message addresses, and other online identifiers of persons
24 contained in the State Child Abuse or Neglect Registry as frequently as the
25 bureau will allow for the purpose of identifying, monitoring, or removing a
26 registered user associated with electronic mail addresses, instant message
27 addresses, and other online identifiers contained in the registry.

28 (4) An entity operating a social networking website which complies with
29 the provisions of Paragraphs (2) and (3) of this Subsection, and its directors,

1 officers, employees, or agents may claim such compliance as a defense to a claim
 2 for liability arising against the entity or those persons.

3 §563.2. Duration of registration and notification period

4 A person required to register pursuant to the provisions of this Chapter
 5 shall comply with the requirement for ten years from the date of initial
 6 registration for a first offense and for the duration of the lifetime of the offender
 7 for a second or subsequent offense, unless the underlying conviction is reversed,
 8 set aside, or vacated.

The original instrument was prepared by Whitney Kauffeld. The following digest, which does not constitute a part of the legislative instrument, was prepared by Alan Miller.

DIGEST

SB 217 Engrossed

2023 Regular Session

Henry

Proposed law creates the Child Abuse and Neglect Registry.

Proposed law provides for the following:

- (1) Requires persons convicted of enumerated offenses, where the victim is a child, to register with local law enforcement agencies, where they work, attend school, reside, and in the parish of conviction, and to provide them with information regarding their identities, residence, conviction, and other personal information.
- (2) Provides procedures for offenders to provide information to local law enforcement agencies regarding a change of address, residence, employment, or schooling.
- (3) Provides that every offender must register within three business days of a change of status in employment, education, residence, or address.
- (4) Requires in-person verification by the offender at each registration period.
- (5) Provides that the crime of failing to register includes the failure to register, periodically renew and update registration, provide proof of residence, notification of change of address, or other registration information. Provides that knowingly providing false information to law enforcement also constitutes a failure to register.
- (6) Provides that the La. Bureau of Criminal Identification and Information must develop and maintain the registry known as the Child Abuse and Neglect Registry. Provides that upon receipt of registration information, the bureau must immediately enter the appropriate information in the registry.
- (7) Provides for an exception to the registration requirements of proposed law if the offender is also required to register as a sex offender.
- (8) Provides that certain information is exempt from public view: social security numbers, names of victims, arrests that did not result in conviction, telephone numbers, travel and immigration documents, email address, and online screen names.

- (9) Provides that the website must contain a disclaimer regarding potential inaccuracies, and prohibits using the information for harassment, stalking, or threats to the offender.
- (10) Provides for email notification to local law enforcement agencies upon registration of offender.
- (11) Provides for social networking sites to have information to compare registered users with email addresses, instant message addresses, or other similar online identifiers with persons on the registry.
- (12) Requires offenders to maintain their registration for a period of 10 years for the first offense, and for life for any second or subsequent offense.

Effective August 1, 2023

(Adds R.S. 15:563-563.2)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Makes technical changes.
2. Adds exception to proposed law registration requirement when the offender is already required to register as a sex offender.