

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.

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AN ACT

To enact Chapter 3-G of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:563 through 563.3, relative to offenses against minors; to create the Child Abuse and Neglect Registry; to provide relative to registration requirements; to provide for crimes of conviction; to provide for duties of the Louisiana Bureau of Criminal Identification and Information; to provide relative to a public database; to provide for exempt data; to provide relative to restrictions; to provide for duration of registration; to provide relative to implementation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 3-G of Title 15 of the Louisiana Revised Statutes of 1950, comprised of R.S. 15:563 through 563.3, is hereby enacted to read as follows:

CHAPTER 3-G. CHILD ABUSE AND NEGLECT REGISTRY

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

A. Any person residing in this state who has pled guilty or nolo contendere to, or has been convicted of, any of the following felony offenses, or who has pled guilty or nolo contendere to, or has been convicted of any conspiracy to commit any of the following felony offenses, where the victim is a minor, as defined in Children's Code Article 116, may be required to register and provide notification as a child abuser in accordance with the provisions of this Chapter:

(1) R.S. 14:34 (Aggravated battery)

(2) R.S. 14:34.1 (Second degree battery)

1 **(3) R.S. 14:34.7 (Aggravated second degree battery)**

2 **(4) R.S. 14:35.3 (Domestic abuse battery)**

3 **(5) R.S. 14:37.1 (Assault by drive-by shooting)**

4 **(6) R.S. 14:37.4 (Aggravated assault with a firearm)**

5 **(7) R.S. 14:37.7 (Domestic abuse aggravated assault)**

6 **(8) R.S. 14:43.5 (Intentional exposure to HIV)**

7 **(9) R.S. 14:46.4 (Re-homing of a child)**

8 **(10) R.S. 14:79.1 (Criminal Abandonment)**

9 **(11) R.S. 14:93.2.3 (Second degree cruelty to juveniles)**

10 **B.(1) Upon conviction, the court shall provide written notification to any**
 11 **person convicted of an offense listed in Subsection A of this Section when the**
 12 **victim is a minor that he shall be required to register on the Child Abuse and**
 13 **Neglect Registry upon release, or as a condition of his probation or parole.**

14 **(2) An offender listed in Subsection A of this Section shall register in**
 15 **person with the sheriff of the parish of the person's residence, or residences, if**
 16 **there is more than one, and with the chief of police if the address of any of the**
 17 **person's residences is located in an incorporated area which has a police**
 18 **department. If the offender resides in a municipality with a population in excess**
 19 **of three hundred thousand persons, he shall register in person with the police**
 20 **department of his municipality of residence.**

21 **C.(1) No later than three business days after release, the offender shall**
 22 **register and provide all of the following information to the appropriate law**
 23 **enforcement agencies listed in Subsection B of this Section:**

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

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

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

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

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

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

14 (g) A current photograph of the offender.

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

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

22 (j) The offender's social security number and date of birth.

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

26 (l) Every email address of the offender.

27 (2) Knowingly providing false information to any law enforcement
28 officer, office, or agency required to receive registration information pursuant
29 to the provisions of this Chapter shall constitute a failure to register and, upon
30 conviction, be fined not more than one thousand dollars and be imprisoned for

1 not more than one year.

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

5 E.(1) The offender registration and notification requirements required
6 by this Chapter are mandatory and shall not be waived or suspended by any
7 court. Any order waiving or suspending offender registration and notification
8 requirements shall be null, void, and of no effect. Any order waiving or
9 suspending registration and notification requirements shall not be construed to
10 invalidate an otherwise valid conviction, unless by joint written motion of the
11 district attorney and the offender.

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

16 (3) Notwithstanding the provisions of Paragraph (1) of this Subsection,
17 the court may waive registration and notification requirements for an offender
18 convicted of second degree battery as provided in R.S. 14:34.1.

19 §563.1. Duties of the Louisiana Bureau of Criminal Identification and
20 Information

21 A.(1) The Louisiana Bureau of Criminal Identification and Information
22 shall develop and maintain the central registry known as the Child Abuse and
23 Neglect Registry. The registry shall contain the information transmitted to the
24 bureau pursuant to the provisions of this Chapter. Upon receipt of the
25 registration and information of any person subject to the provisions of this
26 Chapter, the bureau shall immediately enter the appropriate information in the
27 public registry. The bureau shall accept electronically submitted information
28 and registration renewal information from law enforcement.

29 (2)(a) The bureau shall provide for public access to the information
30 contained in the registry, including internet-based access, which shall have field-

1 search capabilities.

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

4 (i) Social security numbers.

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

6 (iii) Telephone numbers, subject to the provisions of Subparagraphs (c)
7 and (d) of this Paragraph.

8 (iv) Email addresses.

9 (c) Notwithstanding the provisions of Subparagraph (b) of this
10 Paragraph, which provides for exemptions to public access of telephone
11 numbers, email addresses, online screen names, or other online identities, the
12 registry shall contain the ability to search by telephone numbers, email
13 addresses, online screen names, or other online identities to provide information
14 to the person conducting the search regarding whether or not that information
15 has been linked to a person convicted of an offense in R.S. 15:563(A). This
16 search shall not disclose the name or any other identifying information about
17 the offender to the person conducting the search, except to identify that the
18 information has been linked to a person convicted of an offense in
19 R.S. 15:563(A).

20 (d) Notwithstanding the provisions of Subparagraphs (b) and (c) of this
21 Paragraph, the bureau shall, upon request by any person or entity in a manner
22 prescribed by the bureau, provide a list of telephone numbers, email addresses,
23 online screen names, static internet protocol addresses, or other online identities
24 of persons in the Child Abuse and Neglect Registry for the purpose of
25 identifying and monitoring a registered user associated with the telephone
26 number, email address, online screen name, static internet protocol address, or
27 other online identity. The information provided to the person or entity shall not
28 disclose the name or other identifying information of the offender that is
29 associated with, or who is using, any of the telephone numbers, email addresses,
30 online screen names, static internet protocol addresses, or other online identities

1 in the provided list.

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

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

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

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

11 B. The bureau shall develop and maintain the registry as to provide for
12 automatic email notifications at the time when an offender begins residence,
13 employment, or school attendance within a certain geographic radius or zip
14 code. This function of the registry shall allow members of the public and
15 organizations to request automatic email notifications to be sent to an email
16 address provided by the requestor for a certain geographic radius or zip code
17 specified by the requestor.

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

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

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

29 (2) A social networking website desiring to compare its database of
30 registered users to the list of electronic mail addresses, instant message

1 addresses, and other online identifiers of persons in the registry shall provide
2 to the bureau all of the following information:

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

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

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

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

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

26 (4) An entity operating a social networking website which complies with
27 the provisions of Paragraphs (2) and (3) of this Subsection, and its directors,
28 officers, employees, or agents may claim such compliance as a defense to a claim
29 for liability arising against the entity or those persons.

30 §563.2. Duration of registration and notification period

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

6 §563.3. Subject to appropriation

7 The implementation of this Chapter shall be subject to the appropriation
 8 of funds by the legislature for this purpose.

9 Section 2. This Act shall become effective on July 1, 2024.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____