

First Extraordinary Session, 2005

SENATE BILL NO. 1

BY SENATORS AMEDEE, CHAISSON, FONTENOT, N. GAUTREAUX AND
SCHEDLER AND REPRESENTATIVE LAMBERT

SEX OFFENSES. Enhances penalties for failure to register as a sex offender.

1 AN ACT

2 To amend and reenact R.S. 15:542(A) and (F), relative to registration of sex offenders; to
3 provide for enhanced penalties for failure to register as a sex offender; to provide for
4 registration of offenders housed in emergency housing; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:542(A) and (F) are hereby amended and reenacted to read as
8 follows:

9 §542. Registration of sex offenders

10 A.(1) Any adult residing in this state who has pled guilty to, has been
11 convicted of, or where adjudication has been deferred or withheld for the
12 perpetration or attempted perpetration of any sex offense and any juvenile who has
13 pled guilty or has been convicted of a sex offense as provided for in Children's Code
14 Article 857 shall register with the sheriff of the parish of the person's residence and
15 with the chief of police if the address of the residence is located in an incorporated
16 area which has a police department. If the adult or juvenile resides in a parish with
17 a population in excess of four hundred fifty thousand, he shall register with the

1 police department of his municipality of residence.

2 (2) Notwithstanding any other provision of the law to the contrary,
 3 during a declaration of emergency, any person who has been required to
 4 register as a sex offender as provided for in this Section, who enters a shelter or
 5 other emergency housing facility shall, within the first twenty-four hours of
 6 admittance, notify the management of the facility of their sex offender status.
 7 The sex offender shall provide his full name, date of birth, social security
 8 number, and last address of registration prior to the declaration of emergency.

9 (3) The manager of the shelter or emergency facility shall whenever
 10 possible notify the chief law enforcement officer of the parish or municipality
 11 of the sex offender's shelter location.

12 * * *

13 F.(1) A person who fails to register as required by this Section shall, upon
 14 first conviction, be fined not more than one thousand dollars ~~or~~ **and** imprisoned with
 15 ~~or without~~ hard labor for not less than one year nor more than five years, or both **two**
 16 **years nor more than ten years without benefit of parole, probation, or**
 17 **suspension of sentence.**

18 (2) Upon second or subsequent convictions, whoever fails to register as
 19 required by this Section shall be fined ~~not less than one~~ **three** thousand dollars ~~nor~~
 20 ~~more than two thousand five hundred dollars or~~ **and** imprisoned with ~~or without~~ hard
 21 labor for not less ~~than three years nor more than ten~~ **five** years **nor more than**
 22 **twenty years** without benefit of parole, probation, or suspension of sentence.

The original instrument was prepared by Dennis C. Weber. The following digest, which does not constitute a part of the legislative instrument, was prepared by Tracy Sabina Sudduth.

DIGEST

Amedee (SB 1)

Present law provides for the following:

- (1) For the first failure to register as a sex offender, a fine of not more than \$1,000 or imprisonment, with or without hard labor for not less than one nor more than five years or both.

- (2) For a second or subsequent offense, the fine is not less than \$1,000 nor more than \$2,500 or imprisonment with or without hard labor for not less than three nor more than 10 years or both fine and imprisonment.

Proposed law increases the penalty for failure to register as a sex offender and provides for the following:

- (1) For the first failure to register as a sex offender, there is a mandatory fine of \$1,000 and a minimum term of imprisonment of 5 years and a maximum term of imprisonment of 10 years without benefit of parole, probation or suspension of sentence. Both fine and imprisonment are mandatory.
- (2) For second or subsequent offense, the fine is increased to \$3,000. The term of imprisonment is increased to a minimum of 5 years and a maximum of 20 years without benefit of parole, probation or suspension of sentence. Both fine and imprisonment are mandatory.

Proposed law provides that any person who is required to register as a sex offender and who enters a shelter or emergency housing facility shall notify that manager of the shelter or facility of their sex offender status within 24 hours of admittance.

Proposed law provides that the manager of shelter or emergency facility shall notify the chief law enforcement officer of the sex offender's shelter location.

(Amends R.S. 15:542(A) and (F))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill.

1. Adds provision for registration of sex offenders entering a shelter or other emergency housing facility.
2. Adds provision for the manager of the shelter or emergency facility to notify the chief law enforcement officer of the parish or municipality where the shelter is located.
3. Reduces the minimum term of imprisonment penalty for the first failure to register as a sex offender from five years to two years.
4. Reduces the minimum term of imprisonment penalty for the second or subsequent failure to register as a sex offender from ten years to five years.