

First Extraordinary Session, 2005

HOUSE BILL NO. 26

BY REPRESENTATIVES CRAVINS, BRUCE, AND JANE SMITH AND SENATOR N. GAUTREAUX

CRIME/SEX OFFENSES: Provides for criminal penalties for failure to register as a sex offender (Item #12)

1 AN ACT

2 To amend and reenact R.S. 15:542(C)(2)(a) and (b) and (F)(1), relative to penalties for
3 failure to register as a sex offender; to provide that penalties for failure to register as
4 a sex offender shall apply to sex offenders who fail to notify appropriate law
5 enforcement officials when they are temporarily displaced from their residence due
6 to an evacuation order or declaration of an emergency; to amend the criminal
7 penalties for a first conviction of failure to register as a sex offender; and to provide
8 for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 15:542(C)(2)(a) and (b) and (F)(1) are hereby amended and
11 reenacted to read as follows:

12 §542. Registration of sex offenders

13 * * *

14 C.

15 * * *

16 (2) Any person required to register pursuant to this Section shall send written
17 notifications upon change of address in accordance with the following provisions:

18 (a) If the offender changes his residence address within the same parish or
19 is temporarily displaced from his residence due to an evacuation order or declaration

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 of emergency issued by the governor or the local governing authority, the person
 2 shall send written notice of the change of address to the sheriff and the police chief
 3 or, if the residence is within a parish with a population in excess of four hundred fifty
 4 thousand, the police department, within ten days of establishing the new residence.
 5 Within thirty calendar days from receipt of this written notification, the sheriff shall
 6 send written notification of the offender's address change to the Department of
 7 Public Safety and Corrections.

8 (b) If any person required to register pursuant to this Section moves to a new
 9 parish or is temporarily displaced from his residence due to an evacuation order or
 10 declaration of emergency issued by the governor or the local governing authority, the
 11 person shall register with the sheriff in the new parish and the police chief or, if the
 12 residence is within a parish with a population in excess of four hundred fifty
 13 thousand, the police department in such parish, within ten days of establishing the
 14 new residence. The person shall also send written notice, within ten days after the
 15 change of address in the new parish, to the sheriff and the police chief or, if the
 16 residence is within a parish with a population in excess of four hundred fifty
 17 thousand, the police department with whom the person last registered. Within thirty
 18 calendar days from receipt of this written notification, the sheriff shall send written
 19 notification of the offender's address change to the Department of Public Safety and
 20 Corrections.

21 * * *

22 F.(1) A person who fails to register as required by this Section shall, upon
 23 first conviction, be ~~fin~~~~ed not more than one thousand dollars~~ or imprisoned with or
 24 without hard labor for not less than ~~one year~~ thirty days nor more than five years, ~~or~~
 25 ~~both.~~ with at least thirty days imposed without benefit of probation, parole, or
 26 suspension of sentence, and may be fined not less than five hundred dollars nor more
 27 than one thousand dollars.

28 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

Cravins

HB No. 26

Abstract: Provides for a minimum sentence of 30 days for failure to register as a sex offender and provides that such penalties shall apply to an offender who fails to register after being displaced from his residence in certain circumstances.

Present law contains sex offender registration and notification requirements that apply to persons convicted of certain sex offenses. Requires these offenders to send written notice of a change of address within 10 days of relocating to the sheriff and chief of police or to the police department in the case of a parish with a population in excess of 450,000.

Proposed law retains present law and provides that the change of address requirement shall apply to offenders who are temporarily displaced due to an evacuation order or declaration of emergency issued by the governor or local governing authority.

Present law provides for the following penalties for failure to register as a sex offender:

- (1) For the first conviction, the offender shall be fined not more than \$1,000, imprisoned with or without hard labor for not less than one year nor more than five years, or both.
- (2) For the second or subsequent conviction, the offender shall be fined not less than \$1,000 nor more than \$2,500 or imprisoned with or without hard labor for three to 10 years without benefit of parole, probation, or suspension of sentence.

Proposed law changes the penalties for a first conviction to include imprisonment with or without hard labor for a minimum of 30 days and a maximum of five years. Provides that at least 30 days shall be imposed without benefit of probation, parole, or suspension of sentence. Provides that a fine may be imposed of not less than \$500 nor more than \$1,000.

Proposed law retains present law with respect to a second or subsequent conviction.

(Amends R.S. 15:542(C)(2)(a) and (b) and (F)(1))