

First Extraordinary Session, 2005

SENATE BILL NO. 1

BY SENATORS AMEDEE, CHAISSON, FONTENOT, N. GAUTREAUX, SCHEDLER, ADLEY, BAJOIE, BARHAM, BOASSO, BROOME, CAIN, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, B. GAUTREAUX, HINES, HOLLIS, JACKSON, JONES, KOSTELKA, MALONE, MARIONNEAUX, MICHOT, MOUNT, MURRAY, NEVERS, QUINN, ROMERO, SMITH, THEUNISSEN AND ULLO AND REPRESENTATIVE LAMBERT

SEX OFFENSES. Enhances penalties for failure to register as a sex offender and requires re-registration under certain circumstances.

1 AN ACT  
2 To amend and reenact R.S. 15:542(A), (C)(2) and (F) and 545(A) and to enact R.S.  
3 15:542(A)(4), relative to registration of sex offenders; to provide for enhanced  
4 penalties for failure to register as a sex offender; to provide for registration of  
5 offenders housed in emergency housing; to provide for re-registration of sex  
6 offenders under certain circumstances; to provide for the police chief or police  
7 department to send written notices; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:542(A), (C)(2) and (F) and 545(A) are hereby amended and  
10 reenacted and R.S. 15:542(A)(4) is hereby enacted to read as follows:

11 §542. Registration of sex offenders

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

1 area which has a police department. If the adult or juvenile resides in a parish with  
2 a population in excess of four hundred fifty thousand, he shall register with the  
3 police department of his municipality of residence.

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

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

14 (4) Any person required to register under this Section who is absent from  
15 his last address of registration for more than thirty days shall re-register with  
16 the sheriff of the parish of the person's new residence and with the chief of  
17 police if the relocation address is located in an incorporated area which has a  
18 police department. Any person required to register under this Paragraph shall  
19 provide community notification as required by Subsections (B) (1), (2), (3), and  
20 (4) of this Section and R.S. 15:542.1(L). If a person required to register under  
21 this Paragraph fails to register, keep registration current, or notify the bureau  
22 of the relocation address, the person shall be in violation of this Section and  
23 subject to the penalties provided in R.S. 15:542(F).

24 \* \* \*

25 C.(1) \* \* \*

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

28 (a) If the offender changes his residence address within the same parish, the  
29 person shall send written notice of the change of address to the sheriff and the police

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

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

20 \* \* \*

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

26 (2) Upon second or subsequent convictions, whoever fails to register as  
 27 required by this Section shall be fined ~~not less than one~~ **three** thousand dollars ~~nor~~  
 28 ~~more than two thousand five hundred dollars or~~ **and** imprisoned with ~~or without~~ hard  
 29 labor for not less than ~~three years nor more than ten~~ **five** years **nor more than**



and a minimum term of imprisonment of 5 years and a maximum term of imprisonment of 10 years without benefit of parol, 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 parol, 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.

Proposed law requires that any person who is required to register as a sex offender and who is absent from his last address of registration for more than 30 days shall re-register with the sheriff of the parish of his new residence and with the chief of police if the new address is located in an incorporated area which has a police department.

Proposed law further requires that such person shall provide all community notification, based on the new address, as required by present law for a person required to register as a sex offender.

Present law requires that the sheriff of a parish in which a sex offender is registered shall notify DPS&C in writing if the offender notifies officials that he has changed his residence within the same parish. Further requires that when a sex offender changes his address to a different parish and is required to register in such parish, the sheriff of the new parish shall notify DPS&C in writing of the offender's address change.

Proposed law retains present law and further provides that a police chief or, if the residence is in a parish with a population in excess of 400,000, a police department which receives such notification shall also provide notification to DPS&C.

Present law requires every sheriff of every parish, the chief of police of each municipality and each chief officer of every other law enforcement agency of the state to record the fingerprints of all persons in their respective custody who have been convicted of a sex offense for which imprisonment might be imposed. Further requires the sheriff forward such fingerprints and registration information to the Louisiana Bureau of Criminal Identification and Information for inclusion in a central registry of sex offenders.

Proposed law retains present law and provides that a police chief, or if the residence in a parish with a population in excess of 400,000, a police department which obtains fingerprints from such offenders shall forward the fingerprints and information to the Louisiana Bureau of Criminal Identification and Information.

(Amends R.S. 15:542(A), (C)(2) and (F) and 545(A); adds R.S. 15:542(A)(4))

#### 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.

Senate Floor Amendments to engrossed bill.

1. Adds the requirement that any person who is required to register as a sex offender and who is absent from his last address of registration for more than 30 days re-register with the sheriff of the parish of his new residence and with the chief of police if the relocation address is located in an incorporated area which has a police department.
2. Adds the requirement that any such person shall also provide community notification as required by law based on the area of his new address.
3. Clarifies that notification of a sex offender's change of address which is required to be forwarded to DPS&C by a sheriff is also required to be forwarded by the police chief or, if the residence is in a parish with a population in excess of 400,000 , by the police department.
4. Clarifies that fingerprints required to be obtained from a sex offender held in or remanded to custody and forwarded to the Louisiana Bureau of Criminal Identification and Information by the sheriff is also required to be forwarded by the police chief or, if the residence is in a parish with a population in excess of 400,000, by the police department.