

SB 1 By Senator Amedee

KEYWORD AND SUMMARY AS IT LEFT THE SENATE

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

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Restricts application to offenders who enter emergency shelters which are defined to as facilities, buildings, or structures operated by a non-profit, tax-exempt organization which provides the basic necessities of life.
2. Provides that the manager or director of a shelter make reasonable efforts to notify law enforcement officials of the presence of a sex offender in the shelter.
3. Adds provision that no person associated with a nonprofit organization operating a shelter be held liable for failure of the shelter manager or operator to notify law enforcement officials of the presence of a sex offender.
4. Remove requirement that an offender re-register, and provide community notification, if absent from his last address of registration for more than 30 days.
5. Requires an offender to send a change of address to law enforcement officials if temporarily displaced from his residence and establishes temporary residence for a period of not less than ten consecutive days following issuance of an evacuation order or declaration of emergency issued by the governor or the local governing authority.

DIGEST OF THE SENATE BILL AS IT LEFT THE SENATE

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 Peggy Russell.

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 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 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.

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.

Thomas L. Tyler
Deputy Chief of Staff