

SENATE BILL NO. 1 (Duplicate of House Bill No. 26)

BY SENATOR AMEDEE AND REPRESENTATIVE CRAVINS AND COAUTHORED BY SENATORS CHAISSON, FONTENOT, N. GAUTREAU, SCHEDLER, ADLEY, BAJOIE, BARHAM, BOASSO, BROOME, CAIN, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, B. GAUTREAU, HINES, HOLLIS, JACKSON, JONES, KOSTELKA, MALONE, MARIONNEAUX, MICHOT, MOUNT, MURRAY, NEVERS, QUINN, ROMERO, SMITH, THEUNISSEN AND ULLO AND REPRESENTATIVES ALARIO, ALEXANDER, BADON, BALDONE, BARROW, BAUDOIN, BAYLOR, BEARD, BRUCE, BRUNEAU, BURRELL, R. CARTER, CAZAYOUX, CROWE, DAMICO, DANIEL, DARTEZ, DEWITT, DORSEY, DOVE, ERDEY, FANNIN, FARRAR, FAUCHEUX, FRITH, GALLOT, GRAY, GREENE, E. GUILLORY, M. GUILLORY, HARRIS, HEATON, HEBERT, HILL, HONEY, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNARD, KENNEY, KLECKLEY, LABRUZZO, LAFLEUR, LAMBERT, MCDONALD, MONTGOMERY, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROBIDEAUX, ROMERO, SALTER, SCALISE, SCHNEIDER, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOWNSEND, TRAHAN, WALKER, WALSWORTH, WHITE, WINSTON AND WOOTON

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 that penalties for failure to register
7 shall apply to sex offenders who fail to notify appropriate law enforcement officials
8 when they are temporarily displaced from their residences in certain circumstances;
9 and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

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

13 §542. Registration of sex offenders

1 A.(1) Any adult residing in this state who has pled guilty to, has been
2 convicted of, or where adjudication has been deferred or withheld for the
3 perpetration or attempted perpetration of any sex offense and any juvenile who has
4 pled guilty or has been convicted of a sex offense as provided for in Children's Code
5 Article 857 shall register with the sheriff of the parish of the person's residence and
6 with the chief of police if the address of the residence is located in an incorporated
7 area which has a police department. If the adult or juvenile resides in a parish with
8 a population in excess of four hundred fifty thousand, he shall register with the
9 police department of his municipality of residence.

10 **(2)(a) Notwithstanding any other provision of the law to the contrary,**
11 **during a declaration of emergency, any person who has been required to**
12 **register as a sex offender as provided for in this Section, who enters an**
13 **emergency shelter shall, within the first twenty-four hours of admittance, notify**
14 **the management of the facility of their sex offender status. The sex offender**
15 **shall provide his full name, date of birth, social security number, and last**
16 **address of registration prior to the declaration of emergency.**

17 **(b) For purposes of this Subsection, "emergency shelter" includes the**
18 **use of any facility, building or structure operated by a nonprofit, tax-exempt**
19 **organization under Section 501(c)(3) of the Internal Revenue Code, which**
20 **provides the basic necessities of life, including but not limited to water, food,**
21 **and shelter, to persons who are displaced from their homes due to a man-made**
22 **or natural emergency or disaster.**

23 **(3) The manager or director of the emergency shelter shall make a**
24 **reasonable effort to notify the chief law enforcement officer of the parish or**
25 **municipality in which the shelter is located of the presence of the sex offender**
26 **in the emergency shelter. No person associated with a nonprofit organization,**
27 **which operates an emergency shelter shall be liable for any injury or claim**
28 **arising out of the failure of the manager or operator to communicate the**
29 **presence of a sex offender in the shelter to the appropriate law enforcement**
30 **official.**

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

11 * * *

12 C.(1) * * *

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

15 (a) If the offender changes his residence address within the same parish, or
 16 is temporarily displaced from his residence and establishes any temporary
 17 residence for a period of not less than ten consecutive days following the
 18 issuance of an evacuation order or declaration of emergency issued by the
 19 governor or the local governing authority in accordance with law the person
 20 shall send written notice of the change of address to the sheriff and the police chief
 21 or, if the residence is within a parish with a population in excess of four hundred fifty
 22 thousand, the police department, within ten days of establishing the new residence.
 23 Within thirty calendar days from receipt of this written notification, the sheriff and
 24 the police chief or, if the residence is in a parish with a population in excess of
 25 four hundred fifty thousand, the police department shall send written notification
 26 of the offender's address change to the Department of Public Safety and Corrections.

27 (b) If any person required to register pursuant to this Section moves to a new
 28 parish, or is temporarily displaced from his residence and establishes any
 29 temporary residence for a period of not less than ten consecutive days following
 30 the issuance of an evacuation order or declaration of emergency issued by the

1 governor or the local governing authority in accordance with law the person
 2 shall register with the sheriff in the new parish and the police chief or, if the
 3 residence is within a parish with a population in excess of four hundred fifty
 4 thousand, the police department in such parish, within ten days of establishing the
 5 new residence. The person shall also send written notice, within ten days after the
 6 change of address in the new parish, to the sheriff and the police chief or, if the
 7 residence is within a parish with a population in excess of four hundred fifty
 8 thousand, the police department with whom the person last registered. Within thirty
 9 calendar days from receipt of this written notification, the sheriff and the police
 10 chief or, if the residence is in a parish with a population in excess of four
 11 hundred fifty thousand, the police department shall send written notification of
 12 the offender's address change to the Department of Public Safety and Corrections.

13 * * *

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

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

24 * * *

25 §545. Duty of law enforcement

26 A. It shall be the duty of the sheriff of every parish, the chief of police of
 27 each municipality, and every chief officer of every other law enforcement agency
 28 operating within this state, to record the fingerprints of all persons held in or
 29 remanded to their custody when convicted of any sex offense for which the penalty
 30 of imprisonment might be imposed and to disseminate and file such fingerprints in

1 the same manner as those recorded upon every arrest. The sheriff **and the police**
 2 **chief or, if the residence is in a parish with a population in excess of four**
 3 **hundred fifty thousand, the police department** shall forward the fingerprints and
 4 information obtained pursuant to R.S. 15:542 and 542.1 to the Louisiana Bureau of
 5 Criminal Identification and Information, hereinafter referred to as "the bureau"
 6 within five working days. The bureau shall maintain a central registry of sex
 7 offenders required to register under R.S. 15:542 and 542.1 and shall adopt rules,
 8 regulations, and policies in accordance with the provisions set forth pursuant to R.S.
 9 15:547.

10 * * *

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____