

Regular Session, 2014

HOUSE BILL NO. 885

BY REPRESENTATIVE CONNICK

SEX OFFENSE/REGISTRY: Provides for certain procedures relative to the end of registration and notification requirements of convicted sex offenders and child predators

1 AN ACT

2 To enact R.S. 15:544.2, relative to registration and notification of sex offenders and child  
3 predators; to provide for a determination of the end of a registration and notification  
4 period by the Department of Justice; to provide for the procedures for such  
5 determinations; to provide for the duties of office of state police, the Department of  
6 Justice, and certain sheriffs for purposes of this determination; to provide relative to  
7 the adjustment of these determinations; to provide relative to appeals of such  
8 determinations made by the Department of Justice; to provide for the issuance of a  
9 formal letter relative to an offender's successful completion of the registration and  
10 notification requirements; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 15:544.2 is hereby enacted to read as follows:

13 §544.2. Registration and notification period end date; determination; procedures

14 A.(1) Except as provided in Subsection B of this Section, for an offender  
15 who is required to register as a sex offender or child predator pursuant to the  
16 provisions of this Chapter, at least fourteen years from the date of conviction for  
17 which the offender is required to register pursuant to the provisions of this Chapter  
18 or from the date of the offender's latest release from incarceration for a felony

1 offense, whichever is later, the following procedures shall be complied with by the  
2 following entities:

3 (a) The office of state police and the sheriff of the parish or parishes in which  
4 the offender resides shall upload the offender's registration history to the offender's  
5 file in the Sex Offender and Child Predator Registry.

6 (b) The Department of Justice shall review the offender's criminal history  
7 and registration history and post a prospective registration and notification period  
8 end date to the offender's file in the Sex Offender and Child Predator Registry.  
9 When posting the prospective registration and notification period end date, the  
10 Department of Justice shall include any details relied upon at the time to calculate  
11 the registration and notification period end date. If at any time after the  
12 determination of the registration and notification period end date, the offender's  
13 criminal history or registration history reflects actions or inaction that, pursuant to  
14 the provisions of this Chapter, requires the running of the registration period to begin  
15 anew or to be suspended, the registration and notification period end date shall be  
16 revised by the Department of Justice accordingly.

17 (c) Within thirty days from the date on which the Department of Justice posts  
18 its determination of the registration and notification period end date to the offender's  
19 file in the Sex Offender and Child Predator Registry, the Department of Justice or  
20 its authorized agent shall give the offender written notice of the prospective  
21 registration and notification period end date which shall inform the offender that the  
22 registration and notification period end date shall be revised if the offender's criminal  
23 history or registration history subsequently reflects actions or inaction that, pursuant  
24 to the provisions of this Chapter, requires the end date to be recalculated. The  
25 written notice shall also inform the offender of his right to seek review of the  
26 Department of Justice's determination as provided in Subsections D and F of this  
27 Section. The date on which the letter is sent notifying the offender of his registration  
28 and notification period end date shall be entered by the Department of Justice or its  
29 authorized agent in the offender's registry profile and included in the notification of

1 registration obligations which shall be signed by the offender during the next in-  
2 person period renewal of registration for the offender as required by the provisions  
3 of R.S. 15:542.1.1.

4 (2) The provisions of this Subsection shall not apply to any of the following:

5 (a) Any person convicted of a sexual offense against a victim who is a minor  
6 as defined by R.S. 15:541.

7 (b) Any person convicted of an aggravated offense as defined by R.S.  
8 15:541.

9 (c) Any person who has been convicted of more than one offense that  
10 requires registration pursuant to the provisions of this Chapter.

11 B.(1) For an offender who is required to register pursuant to the provisions  
12 of this Chapter for a conviction of a sexual offense against a victim who is a minor  
13 as defined by R.S. 15:541, at least twenty-four years after the date of conviction for  
14 which the offender is required to register pursuant to the provisions of this Chapter  
15 or the date of the offender's latest release from incarceration for a felony offense, the  
16 following procedures shall be complied with by the following entities:

17 (a) The office of state police and the sheriff of the parish or parishes in which  
18 the offender resides shall upload the offender's registration history to the offender's  
19 file in the Sex Offender and Child Predator Registry.

20 (b) The Department of Justice shall review the offender's criminal history  
21 and registration history and post a prospective registration and notification period  
22 end date to the offender's file in the Sex Offender and Child Predator Registry.  
23 When posting the prospective registration and notification period end date, the  
24 Department of Justice shall include any details relied upon at the time to calculate  
25 the registration and notification period end date. If at any time after the  
26 determination of the registration and notification period end date, the offender's  
27 criminal history or registration history reflects actions or inaction that, pursuant to  
28 the provisions of this Chapter, requires the running of the registration period to begin

1 anew or to be suspended, the registration and notification period end date shall be  
2 revised by the Department of Justice accordingly.

3 (c) Within thirty days from the date on which the Department of Justice posts  
4 its determination of the registration and notification period end date to the offender's  
5 file in the Sex Offender and Child Predator Registry, the Department of Justice or  
6 its authorized agent shall give the offender written notice of the prospective  
7 registration and notification period end date which shall inform the offender that the  
8 registration and notification period end date shall be revised if the offender's criminal  
9 history or registration history subsequently reflects actions or inaction that, pursuant  
10 to the provisions of this Chapter, requires the end date to be recalculated. The  
11 written notice shall also inform the offender of his right to seek review of the  
12 Department of Justice's determination as provided in Subsections D and F of this  
13 Section. The date on which the letter is sent notifying the offender of his registration  
14 and notification period end date shall be entered by the Department of Justice or its  
15 authorized agent in the offender's registry profile and included in the notification of  
16 registration obligations which shall be signed by the offender during the next in-  
17 person period renewal of registration for the offender as required by the provisions  
18 of R.S. 15:542.1.1.

19 C. The registration and notification period end date, calculated and  
20 maintained by the Department of Justice pursuant to the provisions of Subsections  
21 A and B of this Section, shall be set in accordance with the provisions of this Chapter  
22 and shall be binding for purposes of enforcement of the registration and notification  
23 provisions of this Chapter unless overturned by the court of competent jurisdiction  
24 pursuant to R.S. 15:544.1.

25 D. If an offender, who is currently residing in this state and is under an active  
26 obligation to register and provide notification pursuant to the provisions of this  
27 Chapter, believes that the determined registration and notification period end date  
28 is incorrect, the offender may seek further review of the end date determination by  
29 the Department of Justice within forty-five days of date on which the notice was sent

1 pursuant to Subparagraph (A)(1)(c) or (B)(1)(c) of this Section. The request shall  
2 be made in writing and addressed to: Office of the Attorney General, SPAT Unit,  
3 Post Office Box 94005, Baton Rouge, Louisiana 70804-9005. The request for  
4 review shall include all of the following:

5 (1) Name, date of birth, social security number, and phone number of the  
6 offender.

7 (2) Address of residence and parish in which the offender is currently  
8 residing.

9 (3) The offense for which the offender was convicted that requires  
10 registration and notification pursuant to the provisions of this Chapter, the  
11 jurisdiction of conviction, the court of conviction, the date of conviction, and the  
12 latest release from incarceration for the conviction that requires registration and  
13 notification pursuant to the provisions of this Chapter.

14 (4) Specific legal or factual reasons why the offender believes the current  
15 registration and notification period end date as determined by the Department of  
16 Justice is incorrect.

17 (5) A copy of the most recent offender contract signed by the offender at the  
18 office of the sheriff of the parish in which the offender resides.

19 (6) An affidavit of verification that all allegations of fact are true and  
20 accurate.

21 E. If the request for review meets all of the requirements set forth in  
22 Subsection D of this Section, the request shall be reviewed by the Department of  
23 Justice. The Department of Justice shall post its decision, and any pertinent law and  
24 facts relied upon in making its decision, to the offender's registry file. The  
25 Department of Justice or their authorized agent shall provide written notice of the  
26 department's decision to the offender within thirty days from the date on which the  
27 decision was posted to the offender's file in the Sex Offender and Child Predator  
28 Registry by the Department of Justice. If the request for review submitted by the  
29 offender does not meet the procedural requirements set forth in Subsection D of this

1        Section, the request for review shall be rejected and the offender shall be given  
2        notice of the rejection through the same method as the notification of the prospective  
3        registration and notification end date determination and the date of such notice shall  
4        be entered into the offender's registry profile.

5                F. Within one hundred eighty days of the issuance of notice pursuant to  
6        Subsections A, B, D, or E of this Section, whichever is later, the offender may file  
7        a petition for injunctive relief or for a declaratory judgment pursuant to the  
8        provisions of R.S. 15:544.1. Failure to timely file a petition for such relief pursuant  
9        to the provisions of this Subsection shall constitute a waiver by the offender and shall  
10       make the registration and notification period end date determination by the  
11       Department of Justice final, unless the registration and notification period end date  
12       is revised by the Department of Justice because the offender's criminal history or  
13       registration history reflects actions or inaction that, pursuant to the provisions of this  
14       Chapter, requires the running of the registration period to begin anew or to be  
15       suspended.

16                G. When an offender has complied with all registration and notification  
17       requirements for the period of time required by the provisions of this Chapter, the  
18       Department of Justice shall, upon request by the offender, issue a formal letter  
19       verifying that the offender has completed all his requirements. This letter shall state  
20       that the offender is no longer required to register and notify as a sex offender or a  
21       child predator for the underlying sex offense or criminal offense against a victim  
22       who is a minor, as defined by R.S. 15:541, which gave rise to his obligation to  
23       register, unless the offender is convicted of another offense which requires  
24       registration and notification pursuant to the provisions of this Chapter.

25                H. If at any time after the determination of the registration and notification  
26       period end date is made pursuant to the provisions of this Chapter, the offender's  
27       criminal history or registration history reflects actions or inaction that, pursuant to  
28       the provisions of this Chapter, requires the running of the registration period to begin  
29       anew or to be suspended, and the registration and notification period end date is

1        revised by the Department of Justice, the Department of Justice shall post the  
 2        updated registration and notification period end date to the offender's file in the Sex  
 3        Offender and Child Predator Registry. Within thirty days from the date on which the  
 4        Department of Justice posts the revised registration and notification period end date  
 5        to the offender's file, the sheriff of the parish or parishes in which the offender  
 6        resides shall give the offender written notice by mail of the revised end date and  
 7        notify the offender of his right to seek review of the determination by the Department  
 8        of Justice as provided in Subsections D and F of this Section.  
 9        Section 2. The provisions of this Act shall become effective on January 1, 2015.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Connick

HB No. 885

**Abstract:** Provides for certain procedures relative to the end of registration and notification requirements of convicted sex offenders and child predators.

Present law requires certain persons convicted of certain sex offenses or criminal offenses against a victim who is a minor to register as a sex offender in the Sex Offender and Child Predator Registry and to provide notification to certain persons. The duration of such registration and notification requirements depends upon the offense for which the offender was convicted.

Proposed law retains present law and provides for the procedure by which an offender's registration and notification period end date is determined.

In this regard, proposed law provides for the following:

- (1) Requires the office of state police and the sheriff of the parish where the offender resides to upload the offender's registration history to the Sex Offender and Child Predator Registry and requires the Dept. of Justice (DOJ) to review the offender's criminal history and registration history and post a prospective registration end date to the offender's file in the Sex Offender and Child Predator Registry.
- (2) Requires the DOJ to revise the registration and notification period end date if the offender's criminal history or registration history subsequently reflects actions or inaction that, pursuant to present law, requires the running of the registration period to begin anew or to be suspended.
- (3) Authorizes the offender to seek review of the determination made by the DOJ and provides the procedure and requirements for requesting such review.
- (4) Provides that the registration and notification period end date calculated by the DOJ shall be set in accordance with the provisions of present law regarding sex offender

- registration and notification and shall be binding unless overturned by the court pursuant to the procedures set forth in proposed law.
- (5) Authorizes the offender to file a petition for injunctive relief or for declaratory judgment of the registration and notification period end date determined by the DOJ.
- (6) When an offender has complied with all registration and notification requirements for the requisite amount of time pursuant to the provisions of present law, requires the DOJ to issue a formal letter verifying that the offender has completed his requirements.

(Adds R.S. 15:544.2)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Amended the time period that the end date determination process begins to at least 14 years and at least 24 years after conviction or latest release from incarceration.
2. Provided that the DOJ or its authorized agent is the entity that is required to provide notice to the offender of the end date determination and of the offender's right to seek review of the determination.
3. Provided that the DOJ or its authorized agent is the entity that shall enter the determined end date and the date on which notice of the end date determination was sent to the offender into the offender's file in the Sex Offender and Child Predator Registry.
4. Added language that provides that if the application for the request for review of the end date determination does not include all of the information required by proposed law, the application will be rejected and the offender shall be given notice of the rejection.