

ACT No. 798

Regular Session, 2014

HOUSE BILL NO. 885

BY REPRESENTATIVE CONNICK

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
19 offense, whichever is later, the following procedures shall apply:

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

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

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

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

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

4 (b) Any person convicted of an aggravated offense as defined by R.S.
5 15:541.

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

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

14 (a) The office of state police and the sheriff of each parish in which the
15 offender resides shall upload the offender's registration history to the offender's file
16 in the Sex Offender and Child Predator Registry.

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

28 (c) Within thirty days from the date on which the Department of Justice posts
29 its determination of the registration and notification period end date to the offender's
30 file in the Sex Offender and Child Predator Registry, the Department of Justice or

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

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

20 D. If an offender, who is currently residing in this state and is under an active
21 obligation to register and provide notification pursuant to the provisions of this
22 Chapter, believes that the determined registration and notification period end date
23 is incorrect, the offender may seek further review of the end date determination by
24 the Department of Justice within forty-five days of date on which the notice was sent
25 pursuant to Subparagraph (A)(1)(c) or (B)(1)(c) of this Section. The request shall
26 be made in writing and addressed to: Office of the Attorney General, SPAT Unit,
27 Post Office Box 94005, Baton Rouge, Louisiana 70804-9005. The request for
28 review shall include all of the following:

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

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

3 (3) The offense for which the offender was convicted that requires
 4 registration and notification pursuant to the provisions of this Chapter, the
 5 jurisdiction of conviction, the court of conviction, the date of conviction, and the
 6 latest release from incarceration for the conviction that requires registration and
 7 notification pursuant to the provisions of this Chapter.

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

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

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

15 E. If the request for review meets all of the requirements set forth in
 16 Subsection D of this Section, the request shall be reviewed by the Department of
 17 Justice. The Department of Justice shall post its decision, and any pertinent law and
 18 facts relied upon in making its decision, to the offender's registry file. The
 19 Department of Justice or its authorized agent shall provide written notice of the
 20 department's decision to the offender within thirty days from the date on which the
 21 decision was posted to the offender's file in the Sex Offender and Child Predator
 22 Registry by the Department of Justice. If the request for review submitted by the
 23 offender does not meet the procedural requirements set forth in Subsection D of this
 24 Section, the request for review shall be rejected and the offender shall be given
 25 notice of the rejection through the same method as the notification of the prospective
 26 registration and notification end date determination and the date of such notice shall
 27 be entered into the offender's registry profile.

28 F. Within one hundred eighty days of the issuance of notice pursuant to
 29 Subsections A, B, D, or E of this Section, whichever is later, the offender may file
 30 a petition for injunctive relief or for a declaratory judgment pursuant to the

1 provisions of R.S. 15:544.1. Failure to timely file a petition for such relief pursuant
2 to the provisions of this Subsection shall constitute a waiver by the offender and shall
3 make the registration and notification period end date determination by the
4 Department of Justice final, unless the registration and notification period end date
5 is revised by the Department of Justice because the offender's criminal history or
6 registration history reflects actions or inaction that, pursuant to the provisions of this
7 Chapter, requires the running of the registration period to begin anew or to be
8 suspended.

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

18 H. If at any time after the determination of the registration and notification
19 period end date is made pursuant to the provisions of this Chapter, the offender's
20 criminal history or registration history reflects actions or inaction that, pursuant to
21 the provisions of this Chapter, requires the running of the registration period to begin
22 anew or to be suspended, and the registration and notification period end date is
23 revised by the Department of Justice, the Department of Justice shall post the
24 updated registration and notification period end date to the offender's file in the Sex
25 Offender and Child Predator Registry. Within thirty days from the date on which the
26 Department of Justice posts the revised registration and notification period end date
27 to the offender's file, the Department of Justice or its authorized agent shall give the
28 offender written notice by mail of the revised end date and notify the offender of his
29 right to seek review of the determination by the Department of Justice as provided
30 in Subsections D and F of this Section.

1 Section 2. This Act shall take effect and become operative if and when the Act
2 which originated as House Bill No. 637 of this 2014 Regular Session of the Legislature is
3 enacted and becomes effective.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____