

2016 Regular Session

HOUSE BILL NO. 1008

BY REPRESENTATIVE CONNICK

1 AN ACT

2 To amend and reenact R.S. 15:543.1, relative to sex offender notification and registration
3 requirements; to modify the notification form issued to sex offenders by courts to
4 reflect statutory changes; to make technical changes to the form; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:543.1 is hereby amended and reenacted to read as follows:

8 §543.1. Written notification by the courts; form to be used

9 STATE V. _____ JUDICIAL DISTRICT COURT

10 DOCKET # _____ PARISH OF _____

11 DIVISION _____ STATE OF LOUISIANA

12 Notification to Sex Offender

13 In accordance with R.S. 15:543, this court has the duty to provide
14 _____ (name of offender) with the information necessary for
15 awareness of sex offender and child predator registration and notification
16 requirements. _____ has pled guilty to, ~~or~~ been found guilty
17 of, or been adjudicated delinquent of a violation of R.S. _____ Title 14, Section
18 _____ Subsection _____ of the Louisiana Revised Statutes of 1950. This crime of
19 conviction or adjudication is:

20 () Under Paragraph (2) of R.S. 15:541, defined as an aggravated offense or,
21 with regard to offenders adjudicated as juveniles, an offense listed in R.S.
22 15:542(A)(3) which, pursuant to R.S. 15:544(B)(2)(a) or (b), requires lifetime
23 registration and notification under Chapter 3-B of Title 15 of the Louisiana Revised
24 Statutes of 1950.

1 () A second conviction for an offense requiring registration and notification
 2 under the provisions of Chapter 3-B of Title 15 of the Louisiana Revised Statutes of
 3 1950 which, pursuant to R.S. 15:544(B)(2)(c), requires lifetime registration and
 4 notification under Chapter 3-B of Title 15 of the Louisiana Revised Statutes of 1950.

5 () Under Paragraph (25) of R.S. 15:541, defined as a sexual offense against
 6 a victim who is a minor which, pursuant to R.S. 15:544(B)(1), requires 25 years of
 7 registration and notification under Chapter 3-B of Title 15 of the Louisiana Revised
 8 Statutes of 1950.

9 () Is defined neither as an aggravated offense nor a sexual offense against
 10 a victim who is a minor under R.S. 15:541 which, pursuant to R.S. 15:544(A),
 11 requires 15 years of registration and notification under Chapter 3-B of Title 15 of the
 12 Louisiana Revised Statutes of 1950.

13 ~~Based on the provisions of Chapter 3-B of Title 15 of the Louisiana Revised Statutes~~
 14 ~~of 1950 and the substance of the statute violated, IT IS ORDERED that~~
 15 ~~_____ must register for the period of _____~~ The above
 16 registration and notification periods shall begin to toll from the date of his release
 17 you are released from prison, from the date of his being placed on parole, supervised
 18 release or probation, or from the date of his your conviction, if the offender is you
 19 are not sentenced to a term of imprisonment or jail. Additionally, since
 20 ~~_____ (hereinafter referred to as offender) has~~ you have been
 21 convicted of:

22 () An aggravated offense as defined in R.S. 15:541(2), the offender you
 23 must update his/her your registration, in person, every ninety days from the date of
 24 initial registration, with the appropriate law enforcement agencies as provided in R.S.
 25 15:542.

26 () A sexual offense involving a victim who is a minor as defined in R.S.
 27 15:541, the offender you must update his/her your registration, in person, every six
 28 months from the date of initial registration, with the appropriate law enforcement
 29 agencies as provided in R.S. 15:542.

1 () An offense not defined in R.S. 15:541 as an aggravated offense or a
 2 sexual offense involving a victim who is a minor, ~~the offender~~ you must update
 3 ~~his/her~~ your registration, in person, annually from the date of initial registration, with
 4 the appropriate law enforcement agencies as provided in R.S. 15:542.

5 Based on the foregoing, you are hereby notified of the following:

6 (1) ~~The offender~~ That you, within three (3) business days of establishing
 7 residence in Louisiana or if a current resident, within three (3) business days after
 8 conviction or adjudication if not immediately incarcerated or taken into custody, or
 9 within three (3) business days after release from confinement, shall obtain and
 10 provide the following information to each sheriff or police department in accordance
 11 with R.S. 15:542(B) (except in Orleans Parish where registration shall take place
 12 with the New Orleans Police Department):

- 13 (a) Name and any aliases used by ~~the offender~~ you.
- 14 (b) Physical address or addresses of residence.
- 15 (c) Name and physical address of place of employment. If ~~the offender~~ you
 16 ~~does do~~ not have a fixed place of employment, ~~the offender~~ you shall provide
 17 information with as much specificity as possible regarding the places where ~~he works~~
 18 you work, including but not limited to travel routes used by ~~the offender~~ you.
- 19 (d) Name and physical address of the school in which ~~he is~~ you are a student.
- 20 (e) Two forms of proof of residence for each residential address provided,
 21 including but not limited to a driver's license, bill for utility service, and bill for
 22 telephone service. If those forms of proof of residence are not available, ~~the offender~~
 23 you may provide an affidavit of an adult resident living at the same address. The
 24 affidavit shall certify that the affiant understands his obligation to provide written
 25 notice pursuant to R.S. 15:542.1.4 to the appropriate law enforcement agency with
 26 whom ~~the offender~~ you last registered when ~~the offender~~ you no longer ~~resides~~ reside
 27 at the residence provided in the affidavit.
- 28 (f) The crime for which ~~he was~~ you were convicted and the date and place
 29 of such conviction, and if known by ~~the offender~~ you, the court in which the

1 conviction was obtained, the docket number of the case, the specific statute under
2 which ~~he was~~ you were convicted, and the sentence imposed.

3 (g) A current photograph, fingerprints, palm prints, and a DNA sample.

4 (h) Telephone numbers, including fixed location phone and mobile phone
5 numbers assigned to ~~the offender~~ you or associated with ~~any~~ your residence address
6 ~~of the offender~~.

7 (i) A description of every motorized vehicle registered to or operated by ~~the~~
8 ~~offender~~ you, including license plate number and vehicle identification number, and
9 a copy of ~~the offender's~~ your driver's license and identification card. This
10 information should always be provided before the vehicle is operated and, if the
11 vehicle is registered to you, no more than three days after the vehicle is registered,
12 even if it has not yet been operated.

13 (j) Social security number and date of birth.

14 (k) A description of ~~the~~ your physical characteristics ~~of the offender~~,
15 including but not limited to sex, race, hair color, eye color, height, age, weight, scars,
16 tattoos, or other identifying marks on ~~the~~ your body ~~of the offender~~.

17 (l) Every e-mail address, online screen name, or other online identity used
18 by ~~the offender~~ you to communicate on the Internet.

19 (m)(i) Temporary lodging information regarding any place where ~~the~~
20 ~~offender plans~~ you plan to stay for seven or more days and the length of the stay.
21 This information shall be provided at least three days prior to the date of departure
22 unless an emergency situation has prevented the timely disclosure of the information.

23 (ii) Temporary lodging information regarding international travel shall be
24 provided regardless of the number of days or nights ~~the offender plans~~ you plan to
25 stay. This information shall be provided at least twenty-one days prior to the date
26 of departure unless an emergency situation has prevented the timely disclosure of the
27 information. Upon receipt of this information by the bureau from the law
28 enforcement agency, this information shall then be sent by the bureau to the United
29 States Marshals Service's National Sex Offender Targeting Center for transmission
30 to the proper authorities.

1 (n) Travel and immigration documents, including but not limited to passports
 2 and documents establishing immigration status.

3 (o) A state sex offender identification card from the office of motor vehicles.

4 (2) ~~the offender~~ You shall register with the sheriff and police chief in each
 5 parish and municipality where you maintain your ~~of his/her~~ residence(s) and with the
 6 sheriff of the parish in which ~~the offender is~~ you are employed and ~~attends~~ attend
 7 school in accordance with R.S. 15:542. For initial registration only, ~~the offender~~
 8 you, if you are not immediately taken into physical custody, shall register on the date
 9 of conviction or adjudication with the sheriff in the parish of ~~the offender's~~
 10 your conviction or adjudication in accordance with R.S. 15:542. If ~~the offender~~
 11 ~~lives, works, or attends~~ you live, work, or attend school in Orleans Parish, however,
 12 ~~the offender~~ you shall register with the New Orleans Police Department and not with
 13 the sheriff of that parish.

14 (3) If ~~the offender is~~ you are incarcerated as a result of the crime, ~~the~~
 15 ~~offender~~ you shall provide all information listed in Paragraph (1) of this Section to
 16 the Department of Public Safety and Corrections, or if a juvenile, to the office of
 17 juvenile justice, within ten (10) days prior to release from confinement. ~~The~~
 18 ~~offender~~ You shall still appear in person at the sheriff's office within three (3)
 19 business days of release from confinement. ~~The offender~~ You shall register with the
 20 sheriff of the parish in which the residence address ~~he~~ you initially supplied to the
 21 department is located, unless the residence has changed and ~~he has~~ you have
 22 registered with the sheriff of the parish in which the new residence address is
 23 located.

24 (4) During the declaration of an emergency, ~~any offender required to register~~
 25 ~~who enters~~ if you enter an emergency shelter you shall, within the first twenty-four
 26 (24) hours of admittance, notify the management of the facility, the chief of police
 27 of the municipality, and the sheriff of the parish in which the shelter is located of ~~his~~
 28 your sex offender status in accordance with R.S. 15:543.2.

29 (5) ~~An offender required to register has~~ You have a duty to provide notice
 30 of change of address or other registration information to the sheriff of the parish of

1 residence within three business days. If the new or additional residence is located
 2 in a different parish, then ~~offender~~ you must register with the sheriff of the parish in
 3 which the new or additional residence is located. ~~The offender~~ You shall also send
 4 written notice within three business days of re-registering in the new parish to the
 5 sheriff of the parish of former registration in accordance with R.S. 15:542.1.2. If the
 6 new address is situated within a municipality, you must also register with the police
 7 department of that municipality within three business days of establishing the
 8 residence.

9 (6) ~~The offender~~ You shall give notice of the crime for which ~~he was~~ you
 10 were convicted, ~~his~~ your name, address, a physical description, and a photograph to
 11 the following in accordance with R.S. ~~15:542(B)(1)~~ 15:542.1:

12 (a) At least one person in every residence or business within a one-mile
 13 radius in a rural area and a three-tenths of a mile radius in an urban or suburban area
 14 of the address of the residence where ~~the offender~~ you will reside upon release,
 15 including all adult residents of ~~the~~ your residence ~~of the offender~~.

16 (b) The superintendent of the school district where ~~the offender~~ you will
 17 reside.

18 (c) The lessor, landlord, or owner of the residence or the property on which
 19 ~~he resides~~ you reside.

20 (d) The superintendent of the park, playground, and recreation districts
 21 within the designated area where ~~the offender~~ you will reside only if the victim was
 22 under eighteen (18) years of age at the time of the commission of the offense.

23 *Any person convicted of a violation of R.S. 14:89 shall not have to include
 24 a photograph in the notice described in Paragraph (6) ~~of this Subsection~~.

25 *Juveniles adjudicated for a crime requiring registration DO NOT have to
 26 provide this community notice.

27 (7) In accordance with R.S. 15:542.1, community notification shall be given
 28 by mail within twenty-one days of the date of conviction, if ~~the offender is~~ you are
 29 not taken into custody at the time of conviction, and within twenty-one days of the
 30 date of release from confinement if sentenced to a term of imprisonment. This

1 notification shall also occur within twenty-one days of each time ~~the offender~~
 2 ~~changes his~~ you change residence within twenty-one days of establishing residency
 3 in the new locale. This notification shall also occur at least every five years, whether
 4 or not ~~the offender changes~~ you change residences. This notification shall occur in
 5 each jurisdiction in which ~~the offender~~ you regularly ~~resides~~ reside.

6 *Juveniles adjudicated for a crime requiring registration DO NOT have to
 7 provide this community notice.

8 (8) In accordance with R.S. 15:542.1, community notice shall be published
 9 on two (2) separate days within this period in the official journal of the governing
 10 authority of the parish where ~~the offender plans~~ you plan to reside, unless ordered
 11 to be published in a different journal or newspaper by the sheriff or local ordinance.

12 *Those convicted of R.S. 14:92(A)(7) are not required to publish notice in
 13 the newspaper or official journal as provided in Paragraph (8).

14 *Juveniles who are adjudicated for a crime requiring registration DO NOT
 15 have to provide this community notice.

16 (9) In accordance with R.S. 15:542.1(B), an offender who provides
 17 recreational instruction to persons under the age of seventeen (17) shall post a notice
 18 in the building or facility where such instruction is being given. This notice shall
 19 contain your name and photograph, the date and jurisdiction of conviction, and the
 20 crime for which you were convicted.

21 (10) In accordance with R.S. ~~15:543~~ 15:542(C)(2), ~~an offender~~ you must,
 22 within ten (10) days prior to release from a correctional facility, provide a
 23 photograph and all other relevant required registration information to the Department
 24 of Public Safety and Corrections, or if a juvenile, to the office of juvenile justice for
 25 purposes of the State Sex Offender and Child Predator Registry. Providing false
 26 information during this process constitutes failure to register exposing you to
 27 prosecution and the penalties detailed at the end of this document. The address
 28 provided to the Department of Public Safety and Corrections through this process
 29 shall be presumed to be your residence address. In accordance with R.S.
 30 15:542(C)(2), you must register with the sheriff of the parish in which this address

1 is located within three business days of your release from confinement, whether or
2 not you actually establish a residence there, unless you establish a residence
3 elsewhere AND register with that jurisdiction within three business days of your
4 release from confinement. Failure to do so is a violation of the registration statutes
5 and will subject you to prosecution under R.S. 15:542.1.4.

6 (11) In accordance with R.S. 15:542.1.2, if ~~an offender changes your~~ you
7 change your place of residence or ~~establishes~~ establish a new or additional residence,
8 ~~he~~ you shall appear in person at the office of the sheriff of ~~his~~ your parish of
9 residence where ~~he is~~ you are currently registered within three (3) business days of
10 the change to register the new address. If the new address is located in a different
11 parish, then ~~the offender~~ you shall also appear in person at the office of the sheriff
12 of ~~his~~ your new parish of residence within the same time period. If ~~the offender's~~
13 your parish of residence is in Orleans Parish, then the registration shall take place at
14 the New Orleans Police Department and not with the Orleans Parish Sheriff.

15 (12) In accordance with R.S. 15:542.1.2, if ~~an offender is~~ you are absent
16 from ~~his~~ your current address of registration for more than thirty (30) consecutive
17 days or an aggregate of thirty (30) days or more in a calendar year, and ~~is~~
18 are physically present at another address during that same period of time, ~~the~~
19 ~~offender~~ you shall register in person the new address as one of ~~his~~ your addresses of
20 residence. If the new address is in a parish different from ~~his~~ your current address,
21 ~~he~~ you shall also register in person with the sheriff of the new parish within three (3)
22 business days of the tolling of the time periods listed. This requirement
23 notwithstanding, ~~the offender~~ you shall still notify the sheriff of one of ~~his~~ your
24 parishes of residence in person if ~~he is~~ you are to take up temporary lodging for
25 seven (7) or more days. It is only after the thirty-day limit is exceeded that the new
26 registration shall occur.

27 (13) ~~The offender~~ You shall also appear in person at the office of the sheriff
28 of any of ~~his~~ your parishes of residence when there is a change in ~~the offender's~~
29 your name, place of employment, or enrollment. This appearance shall occur within
30 three (3) business days of the change. If ~~the offender's~~ your address of residence is

1 in Orleans Parish, this registration update shall take place at the New Orleans Police
2 Department and not with the Orleans Parish Sheriff's Office.

3 (14) ~~The offender~~ You shall be prohibited from certain types of employment
4 in accordance with R.S. 15:553 for the duration of the registration period. A copy
5 of this statute is provided to you with this notification.

6 (15) In accordance with R.S. 15:542(C), ~~the offender~~ you shall update ~~his~~
7 your registration annually on the anniversary of the initial registration by appearing
8 in person at the office of each law enforcement agency with which ~~he is~~ you are
9 required to register and shall pay an annual registration fee of sixty dollars (\$60.00).

10 (16) Failure to comply with any of these registration and notification
11 requirements is a felony for which ~~an offender~~ you shall be punished by a fine of up
12 to one thousand dollars (\$1,000.00) and imprisonment at hard labor for not less than
13 two years nor more than ten years without benefit of parole, probation, or suspension
14 of sentence. Upon a second or subsequent conviction, ~~the offender~~ you shall be
15 punished by a fine of up to three thousand dollars (\$3,000.00) and imprisonment at
16 hard labor for not less than five years, nor more than twenty years without benefit of
17 parole, probation, or suspension of sentence.

18 (17) For those offenders who have been convicted of a sex offense as defined
19 in R.S. 15:541 involving a victim who was under the age of thirteen (13) at the time
20 of the offense, R.S. 14:91.2 is applicable which prohibits such offenders from
21 residing or being present in certain locations. A copy of this statute is provided to
22 you with this notification.

23 (18) For those offenders who have been convicted of R.S. 14:81 (indecent
24 behavior with juveniles), R.S. 14:81.1 (pornography involving juveniles), R.S.
25 14:81.3 (computer-aided solicitation of a minor), or R.S. 14:283 (video voyeurism)
26 or have been convicted of a sex offense as defined in R.S. 15:541 in which the victim
27 of the sex offense was a minor, R.S. 14:91.5, which prohibits such offenders from
28 using certain social networking websites, is applicable. A copy of this statute is
29 provided to you with this notification.

