
HOUSE COMMITTEE AMENDMENTS

2018 Regular Session

Substitute for Original House Bill No. 762 by Representative Hilferty as proposed by the House Committee on Administration of Criminal Justice

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To enact Chapter 3-G of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:563 through 563.1.9, relative to terrorism; to require persons convicted of terrorism offenses to provide notification to local law enforcement agencies; to provide for the specific information required to be provided to law enforcement agencies; to provide for the failure to notify; to provide for notification procedures for offenders residing in Louisiana who were convicted of terrorism offenses under the laws of another state or jurisdiction; to require certain entities to inform persons of notification requirements; to provide for the duration of notification requirements; to create the crime of harboring a terrorist offender; to provide criminal penalties; to provide relative the release of notification information; to provide for a limitation of liability; to provide for forms; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 3-G of Title 15 of the Louisiana Revised Statutes of 1950, comprised of R.S. 15:563 through 563.1.9, is hereby enacted to read as follows:

CHAPTER 3-G. NOTIFICATION REQUIREMENTS OF TERRORIST OFFENDERS

§563. Findings; purpose

The legislature finds that persons who commit offenses involving acts of terrorism and aiding others in acts of terrorism, even after being released from incarceration or commitment, are of paramount governmental interest. The legislature further finds that local law enforcement officers' efforts to protect their communities, conduct investigations, and quickly apprehend persons who commit offenses involving terrorism are impaired by the lack of information available to law enforcement agencies about persons convicted of offenses involving terrorism who

live within the agencies' jurisdiction. In addition, the legislature finds that the penal and mental health components of our justice system are largely hidden from public view and that lack of information from either may result in failure of both systems to meet this paramount concern of public safety. Notification by persons who commit offenses involving terrorism to local law enforcement agencies will further the governmental interests of public safety. Therefore, this state's policy is to assist local law enforcement agencies' efforts to protect their communities by requiring persons who commit offenses involving terrorism to provide notification to local law enforcement agencies. This will allow local law enforcement agencies to become aware of convicted terrorists living within their jurisdiction, which will further the governmental interest of public safety.

§563.1. Definitions

For the purposes of this Chapter, the definitions of terms in this Section shall apply:

- (1) "Act of terrorism" has the same meaning as provided in R.S. 14:128.1.
- (2) "Administration of criminal justice" means performance of any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The term also includes criminal identification activities, the collection, storage, and dissemination of criminal history record information, and the compensation of victims of crime.
- (3) "Aiding others in terrorism" has the same meaning as provided in R.S. 14:128.2.
- (4) "Conviction" means any disposition of charges adverse to the defendant, including a plea of guilty, deferred adjudication, or adjudication withheld for the perpetration or attempted perpetration of or conspiracy to commit a "terrorism" offense as defined by this Section. "Conviction" shall not include a decision not to prosecute, a dismissal, or an acquittal, except when the acquittal is due to a finding of not guilty by reason of insanity and the person was committed. A dismissal

entered after a period of probation, suspension, or deferral of sentence shall be included in the definition of "conviction" for purposes of this Chapter.

(5) "Conviction record" means criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the subject.

(6) "Criminal history record information" means information contained in records collected by criminal justice agencies, other than courts, on individuals, consisting of identifiable descriptions and notations of arrests, detention, indictments, information, or other formal criminal charges, and any disposition arising therefrom, including sentences, correctional supervision, and release. The term includes information contained in records maintained by or obtained from criminal justice agencies, other than courts, which records provide individual identification of a person together with any portion of the individual's record of involvement in the criminal justice system as an alleged or convicted offender, except:

(a) Posters, announcements, or lists for identifying or apprehending fugitives or wanted persons.

(b) Original records of entry maintained by criminal justice agencies to the extent that such records are compiled and maintained chronologically and are accessible only on a chronological basis.

(c) Court indices and records of public judicial proceedings, court decisions, and opinions, and information disclosed during judicial proceedings.

(d) Records of traffic violations which are not punishable by a maximum term of imprisonment of more than ninety days.

(e) Records of any traffic offenses as maintained by the office of motor vehicles for the purpose of regulating the issuance, suspension, revocation, or renewal of drivers' or other operators' licenses.

(f) Records of any aviation violation or offenses as maintained by the Department of Transportation and Development for the purpose of regulating pilots or other aviation operators.

(g) Announcements of pardons.

(7) "Criminal justice agency" means:

(a) A court.

(b) A government agency which performs the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its annual budget to the administration of criminal justice.

(8) "Dissemination" means disclosing criminal history record information or disclosing the absence of criminal history record information to any person or agency outside the agency possessing the information, subject to the following exceptions:

(a) When criminal justice agencies jointly participate in the maintenance of a single recordkeeping department as an alternative to maintaining separate records, the furnishing of information by that department to personnel of any participating agency.

(b) The furnishing of information by any criminal justice agency to another for the purpose of processing a matter through the criminal justice system, such as a police department providing information to a prosecutor for use in preparing a charge.

(c) The reporting of an event to a recordkeeping agency for the purpose of maintaining the record.

(9) "Online identifier" means any electronic e-mail address, instant message name, chat name, social networking name, or other similar internet communication name.

(10) "Residence" means a dwelling where an offender regularly resides, regardless of the number of days or nights spent there. For those offenders who lack a fixed abode or dwelling, "residence" shall include the area or place where the offender habitually lives, including but not limited to a rural area with no address or a shelter.

(11) "School" includes any public or nonpublic school which the person attends, including but not limited to institutions of postsecondary education.

(12) "Social networking web site" means an internet web site that:

(a) Allows users to create web pages or profiles about themselves that are available publicly or available to other users; or

(b) Offers a mechanism for communication among users, such as a forum, chat room, electronic e-mail, or instant messaging.

(13) "Student at an institution of postsecondary education" means a person who is enrolled in and attends, on a full-time or part-time basis, any course of academic or vocational instruction conducted at an institution of postsecondary education.

(14) "Terrorism offense" means deferred adjudication, adjudication withheld, or conviction for the perpetration or attempted perpetration of or conspiracy to commit an act of terrorism as defined in R.S. 14:128.1, or aiding others in terrorism as defined in R.S. 14:128.2, and this Section. A conviction for any offense provided in this definition includes a conviction for the offense under the laws of another state, or military, territorial, foreign, tribal, or federal law which is equivalent to an offense provided for in this Chapter.

(15) "Terrorist offender" means any person who has committed a "terrorism offense" as defined in this Section.

(16)(a) "Worker" or "employee" means a person who engages in or who knows or reasonably should know that he will engage in any type of occupation, employment, work, or volunteer service on a full-time or part-time basis, with or without compensation, within this state for more than seven consecutive days, or an aggregate of thirty days or more in a calendar year.

(b) The term includes but is not limited to:

(i) A person who is self-employed.

(ii) An employee or independent contractor.

(iii) A paid or unpaid intern, extern, aide, assistant, or volunteer.

§563.1.1. Notification requirements of terrorist offenders

A. The following persons shall be required to provide notification as a terrorist offender in accordance with the provisions of this Chapter:

(1) Any adult residing in this state who has pled guilty to, has been convicted of, or where adjudication has been deferred or withheld for the perpetration or attempted perpetration of, or any conspiracy to commit a terrorism offense.

(2) Any juvenile who has pled guilty or has been convicted of a terrorism offense, including any conviction for an offense under the laws of another state, or military, territorial, foreign, tribal, or federal law which is equivalent to a terrorism offense for which a juvenile would have to provide notification.

(3) Any juvenile, who has attained the age of fourteen years at the time of commission of the offense, who has been adjudicated delinquent based upon the perpetration, attempted perpetration, or conspiracy to commit any terrorism offense.

B.(1) The persons listed in Subsection A of this Section shall notify the sheriff of the parish of the person's residence, or residences, if there is more than one, and the chief of police if the address of any of the person's residences is located in an incorporated area which has a police department. If the offender resides in a municipality with a population in excess of three hundred thousand persons, he shall notify the police department of his municipality of residence.

(2) The offender shall also notify the sheriff of the parish or parishes where the offender is an employee and with the sheriff of the parish or parishes where the offender attends school. If the offender is employed or attends school in a municipality with a population in excess of three hundred thousand persons, then he shall notify only, pursuant to this Paragraph, the police department of the municipality where he is employed or attends school. The offender shall also notify the parish of conviction for the initial notification only. No notification in the parish of conviction is necessary if the offender is incarcerated at the time of conviction or immediately taken into custody by law enforcement after the conviction.

C.(1) The offender shall notify and provide all of the following information to the appropriate law enforcement agencies listed in Subsection B of this Section in accordance with the time periods provided for in this Subsection:

(a) Name and any aliases used by the offender.

(b) Physical address or addresses of residence.

(c) Name and physical address of place of employment. If the offender does not have a fixed place of employment, the offender shall provide information with as much specificity as possible regarding the places where he works, including but not limited to travel routes used by the offender.

(d) Name and physical address of the school in which he is a student.

(e) Two forms of proof of residence for each residential address provided, including but not limited to a driver's license, bill for utility service, and bill for telephone service. If those forms of proof of residence are not available, the offender may provide an affidavit of an adult resident living at the same address. The affidavit shall certify that the affiant understands his obligation to provide written notice pursuant to R.S. 15:563.1.3 to the appropriate law enforcement agency to whom the offender last provided notification when the offender no longer resides at the residence provided in the affidavit.

(f) The crime for which he was convicted and the date and place of such conviction, and if known by the offender, the court in which the conviction was obtained, the docket number of the case, the specific statute under which he was convicted, and the sentence imposed.

(g) A current photograph.

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

(i) A description of every motorized vehicle registered to or operated by the offender, including license plate number and vehicle identification number, and a copy of the offender's driver's license and identification card. This information shall be provided prior to the offender's operation of the vehicle.

(j) Social security number and date of birth.

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

(l) Every e-mail address, online screen name, or other online identifiers used by the offender to communicate on the internet. If the offender uses a static internet protocol address, that address shall also be provided to the appropriate law enforcement agency. Required notice must be given before any online identifier or static internet protocol address is used to communicate on the internet. For purposes of this Subparagraph, "static internet protocol address" is a numerical label assigned to a computer by an internet service provider to be the computer's permanent address on the internet.

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

(ii) Temporary lodging information regarding international travel shall be provided regardless of the number of days or nights the offender plans to stay. This information shall be provided at least twenty-one days prior to the date of departure unless an emergency situation has prevented the timely disclosure of the information.

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

(2) Unless an earlier time period is specified in the provisions of Paragraph (1) of this Subsection, every offender required to notify in accordance with this Section shall appear in person and provide the information required by Paragraph (1) of this Subsection to the appropriate law enforcement agencies within three business days of establishing residence in Louisiana. If the offender is a current resident of Louisiana and is not immediately taken into custody or incarcerated after conviction or adjudication, he shall provide the information on the date of conviction to the sheriffs of the parish where the offender was convicted or adjudicated and shall, within three business days after conviction or adjudication, provide the information to the sheriff of the parishes of the offender's residence, employment, and school. If incarcerated immediately after conviction or placed in a secure facility immediately after adjudication, the information required by Paragraph (1) of this

Subsection shall be provided to the secretary of the Department of Public Safety and Corrections, or his designee, or the deputy secretary for youth services, or his designee, whichever has custody of the offender, within ten days prior to release from confinement. Once released from confinement, every offender shall appear in person within three business days to notify the appropriate law enforcement agencies pursuant to the provision of this Section. The offender shall notify the sheriff of the parish in which the residence address he initially supplied to the parish sheriff is located, unless his residence address has changed and he has notified the sheriff of the parish in which his new residence address is located.

(3) Knowingly providing false information to any law enforcement officer, office, or agency required to receive notification information pursuant to the provisions of this Chapter shall constitute a failure to notify pursuant to R.S. 15:563.1.4.

D. The offender shall pay to the appropriate law enforcement agencies to whom he is required to provide notification an annual fee of sixty dollars to defray the costs of maintaining the record of the offender. The offender shall pay such fee upon the initial notification and on the anniversary thereof. Failure by the offender to pay the fee within thirty days of initial notification shall constitute a failure to notify and shall subject the offender to prosecution under the provisions of R.S. 15:563.1.4. The offender shall not be prevented from notifying in accordance with this Section for failure to pay the annual fee.

E. Any person subject to the notification requirements provided by this Chapter shall notify the appropriate law enforcement agencies in person annually from the date of initial notification of the offender's continued residence in Louisiana.

F. The terrorist offender notification requirements required by this Chapter are mandatory and shall not be waived or suspended by any court. Any order waiving or suspending terrorist offender notification requirements shall be null, void, and of no effect. Any order waiving or suspending notification requirements shall not be construed to invalidate an otherwise valid conviction.

§563.1.2. Procedures for offenders convicted or adjudicated under the laws of another state, or military, territorial, foreign, tribal, or federal law; procedures for Louisiana offenders with out-of-state activities

A. Any person who is convicted or adjudicated of an offense under the laws of another state, or military, territorial, foreign, tribal, or federal law for which R.S. 15:563.1.1 requires notification shall be subject to and shall comply with all of the notification requirements of this Chapter within three business days of establishing a residence in Louisiana.

B. Any nonresident full-time or part-time worker employed in this state shall notify the appropriate law enforcement agencies as provided in R.S. 15:563.1.1 within three business days of employment. The provisions of this Subsection shall apply to any person employed in this state, with or without compensation.

C. Nonresident full-time or part-time students enrolled in this state who are required to notify shall do so within three business days with the appropriate law enforcement agencies as provided in R.S. 15:563.1.1.

D. Any resident of this state required to notify as required by R.S. 15:563.1.1 shall notify the appropriate law enforcement agencies as provided in R.S. 15:563.1.1 if he leaves the state for full-time or part-time employment in another state, with or without compensation, for a period of more than seven consecutive days or for an aggregate of thirty days or more during the calendar year.

E. Any resident of this state required to notify under the provisions of this Chapter shall notify the appropriate law enforcement agencies as provided in R.S. 15:563.1.1 within three business days if he leaves the state to enroll in any school as a full-time or part-time student.

F. Any resident of this state required to provide notification under the provisions of this Chapter shall notify the appropriate law enforcement authority of his intent to establish residence in another state within three days prior to establishing residence in another state.

§563.1.3. Duty of offenders to notify law enforcement of change of address, residence, or other notification information

A. Unless an earlier time period is otherwise specified in the provisions of this Chapter, those persons required to notify pursuant to the provisions of this Chapter shall appear in person at the local sheriff's office of the parish of residence, or the police department in the case of a municipality with a population in excess of three hundred thousand, where the offender has currently provided notification to update information within three business days of establishing a new or additional physical residential address or of changes in information previously provided when any of the following occur:

(1) The offender changes his place of residence or establishes a new or additional residence.

(2) The offender has vacated his current address with the intent not to return.

(3) The offender has been absent from his current address of notification for more than ninety consecutive days or an aggregate of ninety days or more per calendar year and is physically present at another address during that same time period.

(4) The offender has a change in name, place of employment, or any information previously provided pursuant to R.S. 15:563.1.1.

B. If the new or additional residence is located in a different parish than where the offender initially provided notification, he shall appear in person with the sheriff of the parish of the new or additional residence to provide notification within the same time period established in Subsection A of this Section.

C. Any person required to provide notification in accordance with the provisions of this Chapter shall also be required to send a written notice of change of address or other information to the law enforcement agency to whom he previously provided notification within three business days of establishing a new or additional residence.

D. The notice of change of address required by this Section shall include proof of residence as required by R.S. 15:563.1.1(C).

E. Any terrorist offender who fails to provide change of address or other information as provided in this Section shall be subject to criminal prosecution as provided in R.S. 15:563.1.4.

F. The offender shall appear in person at the sheriff's office in the parish of residence at least three days prior to establishing temporary lodging to provide temporary lodging information regarding any place where the offender plans to stay for seven consecutive days or more.

§563.1.4. Failure to notify; penalties

A.(1) A person who fails to timely notify, fails to timely provide any information required by the provisions of this Chapter, fails to timely and periodically renew and update notification information as required by the provisions of this Chapter, fails to timely provide proof of residence, fails to timely provide notification of change of address or other notification information, or fails to provide notification as required by the provisions of this Chapter, and a person who knowingly provides false information to local law enforcement as provided in R.S. 15:563.1.1(C)(3), shall, upon first conviction, be fined not more than one thousand dollars and imprisoned with hard labor for not less than two years nor more than ten years without benefit of parole, probation, or suspension of sentence.

(2) Upon second or subsequent convictions, the offender shall be fined three thousand dollars and imprisoned with hard labor for not less than five years nor more than twenty years without benefit of parole, probation, or suspension of sentence.

(3) An offender who fails to pay the annual notification fee in accordance with the provisions of R.S. 15:563.1.1 shall be fined not more than five hundred dollars, imprisoned for not more than six months, or both. Upon a second or subsequent conviction for the failure to pay the annual fee, the offender shall be punished in accordance with the provisions of Paragraphs (1) and (2) of this Subsection.

B.(1) Any person who certifies by affidavit the location of the residence of the offender shall send written notice to the local sheriff's office. This notification shall be made any time the offender is absent from the residence for a period of thirty

days or more, or the offender vacates the residence with the intent to establish a new residence at another location. This notification shall be sent within three days of the end of the thirty day period or within three days of the offender vacating the residence with the requisite intent.

(2) Any person who fails to provide the notice required by this Subsection shall be fined not more than five hundred dollars, imprisoned for not more than six months, with or without hard labor, or both.

§563.1.5. Duration of notification period

A.(1) A person required to notify pursuant to the provisions of this Chapter shall comply with the requirement for a period of fifteen years from the date of initial notification for a first offense and for the duration of the lifetime of the offender for a second or subsequent offense, unless the underlying conviction is reversed, set aside, or vacated pursuant to the Code of Criminal Procedure Article 893 or 894, or a similar provision of federal law or law from another state or military jurisdiction. The requirement to provide notification shall apply to an offender who receives a pardon as a first-time offender pursuant to Article IV, Section 5(E)(1) of the Constitution of Louisiana and R.S. 15:572.

(2) A person with a prior conviction or adjudication for an offense for which notification is required by the provisions of this Chapter, whether or not the prior offense required notification at the time of commission or conviction, who subsequently is convicted of or adjudicated for an offense which requires notification under the provisions of this Chapter shall provide notification for the duration of their lifetime, even if granted a first offender pardon, unless the underlying conviction is reversed, set aside, or vacated, except for those convictions that were reversed, set, aside, or vacated pursuant to Code of Criminal Procedure Article 893 or 894, or a similar provision of federal law or law from another state or military jurisdiction.

B. A person who is required to provide notification pursuant to the provisions of R.S. 15:563.1.1 shall provide notification pursuant to the provisions of this Chapter for the period of notification provided by the jurisdiction of conviction

or for the period of notification provided by the provisions of this Section, whichever period is longer.

C.(1) If an offender begins the period of notification and is subsequently incarcerated for any reason other than a misdemeanor arrest or a misdemeanor conviction or for a felony arrest which does not result in a conviction, then the period of notification shall begin anew on the day the offender is released from incarceration, with no credit for the period of time in which the offender complied with notification requirements prior to his incarceration.

(2) An offender required to notify pursuant to the provisions of this Chapter shall receive credit only for the period of time in which he resides in this state and is in compliance with all notification requirements of this state.

D.(1) Notwithstanding the provisions of Subsection A or B of this Section, the court, upon motion of the district attorney, and after a contradictory hearing, shall have the authority to order a person required to provide notification pursuant to the provisions of this Chapter to notify for the duration of the lifetime of the offender upon a showing by a preponderance of the evidence that the offender poses a substantial risk of committing another offense requiring notification pursuant to this Chapter. The district attorney and the offender may enter into a plea agreement requiring the offender to provide notification for the duration of the lifetime of the offender without a contradictory hearing.

(2) Whenever the notification period of a terrorist offender has been increased to lifetime pursuant to the provisions of Paragraph (1) of this Subsection, upon maintenance of a clean record for the minimum time period applicable to the offense of conviction as provided by the provisions of Subsection A or B of this Section, the offender may petition the court in the jurisdiction of conviction, or if convicted under the laws of another state, or military, territorial, foreign, tribal, or federal law, in the jurisdiction of the offender's residence, to be relieved of the notification requirements of this Chapter. The district attorney shall be served with the petition, and the matter shall be set for contradictory hearing. Upon a finding by clear and convincing evidence that the offender has maintained a "clean record" as

defined in this Section and that the offender does not pose a substantial risk of committing another offense requiring notification pursuant to this Chapter, the court may order that the offender be relieved of the obligation to notify pursuant to this Chapter.

§563.1.6. Duties of the courts, sheriffs, the Department of Public Safety and Corrections, and the office of juvenile justice; informing the offender of notification requirements

A. The court shall provide written notification to any person convicted of a terrorism offense of the notification requirements of this Chapter. For purposes of this Subsection, the court shall use the form contained in R.S. 15:563.1.7 and shall provide a copy of the notification statutes to the offender. Such notice shall be included on any guilty plea forms and judgment and sentence forms provided to the defendant, and an entry shall be made in the court minutes stating that the written notification was provided to such offenders.

B. When a person who is required to provide notification under this Chapter is released from incarceration or placed under parole, supervised release, or probation, the Department of Public Safety and Corrections for adult offenders, or the office of juvenile justice for juvenile offenders, or the sheriff if the offender is housed in the parish jail, or the court if the offender is not incarcerated or placed in the jurisdictional custody of the Department of Public Safety and Corrections or the office of juvenile justice, shall:

(1) Inform the person of the duty to notify local law enforcement authorities in accordance with the provisions of this Chapter.

(2) Inform the person of the duty to provide in-person verification as required by the provisions of this Chapter.

(3) Inform the person of the duty to provide information regarding a change of address and other information and proof of residence as required by the provisions of this Chapter.

(4) Inform the person that if the person changes residence to another state, the person shall notify in writing the law enforcement agency designated for terrorist

offender reporting under the laws of the state in which the new address is located if that state has a notification requirement, within three days from the date the person establishes residence in the new state.

(5) Require the person to read and sign a form stating that the requirements of the provisions of this Chapter and the penalty for failure to comply with those requirements have been explained.

C. The sheriff of the parish of the offender's residence shall provide written notification of the notification requirements contained in this Chapter to every offender who presents himself to the sheriff for the purpose of fulfilling the notification requirements contained in this Chapter as well as a copy of the notification statutes. The offender shall sign an affidavit confirming receipt of such notification.

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

STATE V. _____ JUDICIAL DISTRICT COURT

DOCKET # _____

PARISH OF _____

DIVISION _____ STATE OF LOUISIANA

Notification to Terrorist Offender

In accordance with R.S. 15:563.1.6, this court has the duty to provide _____ (name of offender) with the information necessary for awareness of terrorist offender notification requirements. _____ has pled guilty to, been found guilty of, or been adjudicated delinquent of a violation of Title 14, Section _____ Subsection _____ of the Louisiana Revised Statutes of 1950.

This crime of conviction or adjudication is:

() Under R.S. 15:563, defined as a terrorism offense or, with regard to offenders adjudicated as juveniles, an offense listed in R.S. 15:563.1 which, pursuant to R.S. 15:563.1.5, requires fifteen-year notification under Chapter 3-G of Title 15 of the Louisiana Revised Statutes of 1950.

() A second conviction for an offense requiring notification under the provisions of Chapter 3-G of Title 15 of the Louisiana Revised Statutes of 1950

which, pursuant to R.S. 15:563.1.5, requires lifetime notification under Chapter 3-G of Title 15 of the Louisiana Revised Statutes of 1950.

The above notification periods shall begin to toll from the date you are released from prison, from the date of being placed on parole, supervised release or probation, or from the date of your conviction, if you are not sentenced to a term of imprisonment or jail.

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

(1) That you, within three (3) business days of establishing residence in Louisiana or if a current resident, within three (3) business days after conviction or adjudication if not immediately incarcerated or taken into custody, or within three (3) business days after release from confinement, shall obtain and provide the following information to each sheriff or police department in accordance with R.S. 15:563.1.1(B) (except in Orleans Parish where notification shall take place with the New Orleans Police Department):

(a) Name and any aliases used by you.

(b) Physical address or addresses of residence.

(c) Name and physical address of place of employment. If you do not have a fixed place of employment, you shall provide information with as much specificity as possible regarding the places where you work, including but not limited to travel routes used by you.

(d) Name and physical address of the school in which you are a student.

(e) Two forms of proof of residence for each residential address provided, including but not limited to a driver's license, bill for utility service, and bill for telephone service. If those forms of proof of residence are not available, you may provide an affidavit of an adult resident living at the same address. The affidavit shall certify that the affiant understands his obligation to provide written notice pursuant to R.S. 15:563.1.3 to the appropriate law enforcement agency with whom you last provided notification when you no longer reside at the residence provided in the affidavit.

(f) The crime for which you were convicted and the date and place of such conviction, and if known by you, the court in which the conviction was obtained, the docket number of the case, the specific statute under which you were convicted, and the sentence imposed.

(g) A current photograph.

(h) Telephone numbers, including fixed location phone and mobile phone numbers assigned to you or associated with your residence address.

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

(j) Social security number and date of birth.

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

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

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

(ii) Temporary lodging information regarding international travel shall be provided regardless of the number of days or nights you plan to stay. This information shall be provided at least twenty-one days prior to the date of departure unless an emergency situation has prevented the timely disclosure of the information.

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

(2) You shall notify the sheriff and police chief in each parish and municipality where you maintain your residence(s) and with the sheriff of the parish

in which you are employed and attend school in accordance with R.S. 15:563.1.1. For initial notification only, you, if you are not immediately taken into physical custody, shall notify on the date of conviction or adjudication with the sheriff in the parish of your conviction or adjudication in accordance with R.S. 15:563.1.1. If you live, work, or attend school in Orleans Parish, however, you shall notify the New Orleans Police Department and not with the sheriff of that parish.

(3) If you are incarcerated as a result of the crime, you shall provide all information listed in Paragraph (1) of this Section to the Department of Public Safety and Corrections, or if a juvenile, to the office of juvenile justice, within ten (10) days prior to release from confinement. You shall still appear in person at the sheriff's office within three (3) business days of release from confinement. You shall notify the sheriff of the parish in which the residence address you initially supplied to the department is located, unless the residence has changed and you have notified the sheriff of the parish in which the new residence address is located.

(4) You have a duty to provide notice of change of address or other notification information to the sheriff of the parish of residence within three business days. If the new or additional residence is located in a different parish, then you must notify the sheriff of the parish in which the new or additional residence is located. You shall also send written notice within three business days of re-notifying in the new parish to the sheriff of the parish of former notification in accordance with R.S. 15:563.1.1. If the new address is situated within a municipality, you must also notify the police department of that municipality within three business days of establishing the residence.

(5) In accordance with R.S. 15:563.1.3, if you change your place of residence or establish a new or additional residence, you shall appear in person at the office of the sheriff of your parish of residence where you are currently providing notification within three (3) business days of the change to provide notification of the new address. If the new address is located in a different parish, then you shall also appear in person at the office of the sheriff of your new parish of residence within the same time period. If your parish of residence is in Orleans Parish, then

the notification shall take place at the New Orleans Police Department and not with the Orleans Parish Sheriff.

(6) In accordance with R.S. 15:563.1.3, if you are absent from your current address of notification for more than ninety (90) consecutive days or an aggregate of ninety (90) days or more in a calendar year, and are physically present at another address during that same period of time, you shall provide notification, in person, of the new address as one of your addresses of residence. If the new address is in a parish different from your current address, you shall also notify, in person, the sheriff of the new parish within three (3) business days of the tolling of the time periods listed. This requirement notwithstanding, you shall still notify the sheriff of one of your parishes of residence in person if you are to take up temporary lodging for seven (7) or more days. It is only after the ninety-day limit is exceeded that the new notification shall occur.

(7) You shall also appear in person at the office of the sheriff of any of your parishes of residence when there is a change in your name, place of employment, or enrollment. This appearance shall occur within three (3) business days of the change. If your address of residence is in Orleans Parish, this notification update shall take place at the New Orleans Police Department and not with the Orleans Parish Sheriff's Office.

(8) In accordance with R.S. 15:563.1.1 you shall update your notification annually on the anniversary of the initial notification by appearing in person at the office of each law enforcement agency with which you are required to notify and shall pay an annual fee of sixty dollars (\$60.00).

(9) Failure to comply with any of these notification requirements is a felony for which you shall be punished by a fine of up to one thousand dollars (\$1,000.00) and imprisonment at hard labor for not less than two (2) years nor more than ten (10) years without benefit of parole, probation, or suspension of sentence. Upon a second or subsequent conviction, you shall be punished by a fine of up to three thousand dollars (\$3,000.00) and imprisonment at hard labor for not less than five (5) years,

nor more than twenty (20) years without benefit of parole, probation, or suspension of sentence.

THUS DONE AND SIGNED this _____ day of _____, 20____ in open court, in _____, Louisiana.

Judge, _____ Judicial District Court

I hereby certify that the above requirements have been explained to me, that I have received a copy of the above notice of terrorist offender notification requirements, and a copy of the statutes providing for such requirements. I also understand that I will be subject to any changes made by the legislature to the notification laws from this day forward.

(Name of Terrorist Offender)

Defense Counsel Signature

§563.1.8. Harboring or concealing a terrorist offender; penalties

A. Harboring or concealing a terrorist offender is committed when a person knows or has reason to know that a terrorist offender convicted of a terrorism offense and required to notify law enforcement as a terrorist offender as provided for in Chapter 3-G of this Title has failed to comply with the notification requirements of this Chapter and with the intent of assisting the terrorist offender in eluding a state or local law enforcement agency does any of the following:

(1) Withholds information from or does not notify the law enforcement agency about a terrorist offender's noncompliance with the requirements of this Chapter.

(2) Harbors or attempts to harbor or assists another person in harboring or attempting to harbor a terrorist offender.

(3) Conceals or attempts to conceal or assists another person in concealing or attempting to conceal a terrorist offender.

(4) Provides information to the law enforcement agency regarding a terrorist offender which the person knows to be false.

B. Whoever commits the crime of harboring or concealing a terrorist offender shall be imprisoned not more than five years, fined not more than five thousand dollars, or both. At least two years of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

§563.1.9. Release of information and dissemination policy

A. Criminal justice agencies shall release relevant and necessary information regarding terrorist offenders to law enforcement agencies as the release of the information is necessary for public protection.

B.(1) An elected official, public employee, public agency, or criminal justice agency shall be immune from civil liability for damages for any discretionary decision to release relevant and necessary information, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith. The authorization and immunity in this Chapter apply to information regarding:

(a) A person who has been convicted of a terrorism offense as defined in this Chapter.

(b) A person found not guilty by reason of insanity of a terrorism offense as defined in this Chapter.

(c) A person found incompetent to stand trial for a terrorism offense and subsequently committed to a treatment facility or institution or hospital.

(2) The immunity provided under this Section applies to the release of relevant information to other employees or officials or local, state, or federal law enforcement agencies.

C. Nothing in this Chapter, except as otherwise provided, shall impose any liability upon a public official, public employee, or public agency for failing to release information as provided in this Chapter.

D. An offender's pending appeal or writ of habeas corpus shall not restrict the agency's, official's, or employee's authority to release relevant information

concerning an offender's prior criminal history. However, the agency shall release the latest dispositions of the charges as they are provided.

E. Conviction records may be disseminated to local, state, or federal law enforcement authorities without restriction.

F. Any criminal history record information which pertains to an incident for which a person is currently being processed by the criminal justice system, including the entire period of correctional supervision extending through final discharge from parole, when applicable, may be disseminated to local, state, or federal law enforcement authorities without restriction.

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)]

HB Draft

2018 Regular Session

Abstract: Requires persons convicted of a terrorism offense to notify and provide specific information to law enforcement and provides for procedures, definitions, and criminal penalties for failure to comply with the requirements.

Present law provides for the crime of terrorism and defines it as the commission of any of the following acts when the offender has the intent to intimidate or coerce the civilian population, influence the policy of a unit of government by intimidation or coercion, or affect the conduct of a unit of government by intimidation or coercion:

- (1) Intentional killing of a human being.
- (2) Intentional infliction of serious bodily injury upon a human being.
- (3) Kidnapping of a human being.
- (4) Aggravated arson upon any structure, watercraft, or movable.
- (5) Intentional aggravated criminal damage to property.

Present law provides for the crime of aiding others in terrorism and defines it as the raising, soliciting, collecting, or providing material support or resources with intent that it will be used, in whole or in part, to plan, prepare, carry out, or aid in any act of terrorism or to hinder the prosecution of terrorism or the concealment of, or escape from, an act of terrorism.

Proposed law creates notification requirements for persons who have committed an offense of terrorism, which includes a present law act of terrorism or aiding others in terrorism.

Proposed law provides for the following notification requirements:

- (1) Requires that terrorist offenders notify the sheriff, and in some cases, the municipal police department, where the offender resides, works, and attends school.

- (2) Provides for the type of information to be provided to law enforcement by the offender, including names used; address of residence, school, or place of employment; conviction information; photograph; telephone numbers; description of the offender's vehicles; social security number and date of birth; e-mail address and online identifiers; physical description; temporary lodging information; and travel and immigration documents.
- (3) Requires the offender to provide notification within three business days of establishing residence, being convicted, or being released from incarceration.
- (4) Requires the payment of an annual fee of \$60 to the appropriate law enforcement agency to defray the cost of maintaining the record of the offender, and makes provisions for those who are unable to pay the fee.
- (5) Requires the person to annually notify the appropriate law enforcement agencies, and requires the offender to notify law enforcement of a change of address, residence, or other information.
- (6) Provides procedures for out-of-state offenders.

Proposed law requires the courts and the Dept. of Public Safety and Corrections to utilize the proposed written notification form to notify offenders of their notification requirements.

Proposed law requires that the terrorist offender provide notification for a period of 15 years from the date of initial notification in this state. If the person has a prior offense which requires notification, he must provide notification for the duration of his lifetime. Proposed law contains some exceptions.

Proposed law creates the following crimes:

- (1) Harboring or concealing a terrorist offender, punishable by imprisonment up to five years or a fine of not more than \$5,000, or both, with at least two years to be served without benefit of probation, parole, or suspension of sentence.
- (2) Failure to provide notification pursuant to proposed law, and further provides criminal penalties that differ according to the specific violation committed.

Proposed law provides for the release or dissemination of information by criminal justice agencies and provides for a limitation of liability.

(Adds R.S. 15:563 - 563.1.9)