

2022 Regular Session

SENATE BILL NO. 365

BY SENATOR BARROW

DOMESTIC VIOLENCE. Creates the Louisiana Domestic Violence Registry. (8/1/22)

1 AN ACT

2 To enact Chapter 3-G of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 15:563 through 563.7, relative to domestic violence; to provide relative to the
4 crime of domestic abuse battery; to provide relative to the crime of battery of a
5 dating partner; to provide for the registration of persons who commit offenses
6 involving domestic violence; to provide for purposes and notification; to provide for
7 definitions; to provide for certain criteria; to provide for penalties; and to provide for
8 related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Chapter 3-G of Title 15 of the Louisiana Revised Statutes of 1950, to be
11 comprised of R.S. 15:563 through 563.7, is hereby enacted to read as follows:

12 **CHAPTER 3-G. REGISTRATION OF PERSONS WHO COMMIT**

13 **OFFENSES INVOLVING DOMESTIC VIOLENCE**

14 **§563. Findings; purpose**

15 **The legislature finds that persons who commit offenses involving**
16 **domestic violence, even after being released from incarceration or commitment,**
17 **are of paramount governmental interest. The legislature further finds that local**

1 law enforcement officers' efforts to protect their communities, conduct
2 investigations, and quickly apprehend persons who commit offenses involving
3 domestic violence are impaired by the lack of information available to law
4 enforcement agencies about persons convicted of offenses involving domestic
5 violence, who live within the agencies' jurisdiction, and the penal and mental
6 health components of our justice system are largely hidden from public view
7 and that lack of information from either may result in failure of both systems
8 to meet this paramount concern of public safety. Release of information about
9 persons who commit offenses involving domestic violence to public agencies will
10 further the governmental interests of public safety and public scrutiny of the
11 criminal and mental health systems so long as the information released is
12 rationally related to the furtherance of those goals. Therefore, this state's policy
13 is to assist local law enforcement agencies' efforts to protect their communities
14 by requiring persons who commit offenses involving domestic violence to
15 register with the Louisiana Bureau of Criminal Identification and Information
16 and to require the exchange of relevant information about persons who commit
17 offenses involving domestic violence among state, local, and federal public
18 agencies and officials.

19 §563.1. Definitions

20 For the purposes of this Chapter, the following shall apply:

21 (1) "Conviction" means any disposition of charges adverse to the
22 defendant, including a plea of guilty, deferred adjudication, adjudication
23 withheld for the perpetration or attempted perpetration of or conspiracy to
24 commit an offense involving domestic violence. "Conviction" shall not include
25 a decision not to prosecute, a dismissal, or an acquittal, except when the
26 acquittal is due to a finding of not guilty by reason of insanity and the person
27 was committed. However, a dismissal entered after a period of probation,
28 suspension, or deferral of sentence shall be included in the definition of
29 "conviction" for purposes of this Chapter.

1 (2) "Disposition" means the formal conclusion of a criminal proceeding
2 at whatever stage it occurs in the criminal justice system.

3 (3) "Offense involving domestic violence" includes the following:

4 (a) Battery of a dating partner (R.S. 14:34.9).

5 (b) Domestic abuse battery (R.S. 14:35.3).

6 §563.2. Powers and duties of the Louisiana Bureau of Criminal

7 Identification and Information

8 A.(1) The Louisiana Bureau of Criminal Identification and Information
9 shall develop and maintain the central registry known as the State Domestic
10 Violence Offender Registry. The registry shall contain the information
11 transmitted to the bureau pursuant to the provisions of this Chapter and shall
12 be developed and maintained in accordance with the provisions of federal law.
13 Upon receipt of the registration and information of any person subject to the
14 provisions of this Chapter, including juveniles required to register, the bureau
15 shall immediately enter the appropriate information in the public registry. The
16 bureau shall accept electronically submitted information and registration
17 renewal information from law enforcement.

18 (2)(a) The bureau shall provide for public access to the information
19 contained in the registry, including internet-based access, which shall have field-
20 search capabilities which comply with the provisions of any federal guidelines
21 adopted pursuant thereto.

22 (b) Notwithstanding the provisions of Subparagraph (2)(a) of this
23 Subsection, the following information shall be exempt from public access as well
24 as any other mandatory exemptions which may be required by any federal
25 guidelines adopted pursuant thereto:

26 (i) Social security numbers.

27 (ii) Names of the victims of the offenses requiring registration.

28 (iii) Any information with regard to arrests that did not result in
29 convictions.

1 (iv) Telephone numbers, subject to the provisions of Subparagraphs (b)
2 and (c) of this Paragraph.

3 (v) Travel and immigration documents.

4 (vi) Email addresses, online screen names, or other online identities used
5 by offenders to communicate on the internet, subject to the provisions of
6 Subparagraphs (b) and (c) of this Paragraph.

7 (c) Notwithstanding the provisions of Subparagraph (2)(b) of this
8 Subsection which provides for exemptions to public access of telephone
9 numbers, email addresses, online screen names, or other online identities, the
10 registry shall contain the ability to search by telephone numbers, email
11 addresses, online screen names, or other online identities to provide information
12 to the person conducting the search regarding whether or not that information
13 has been linked to a domestic violence offender. This search shall not disclose
14 the name or any other identifying information about the offender to the person
15 conducting the search, except to identify that the information has been linked
16 to a domestic violence offender.

17 (d) Notwithstanding the provisions of Subparagraphs (2)(b) and (c) of
18 this Subsection, the bureau shall, upon request by any person or entity in a
19 manner prescribed by the bureau, provide a list of telephone numbers, email
20 addresses, online screen names, static internet protocol addresses, or other
21 online identities of persons in the State Domestic Violence Offender Registry for
22 the purpose of identifying and monitoring a registered user associated with the
23 telephone number, email address, online screen name, static internet protocol
24 address, or other online identity. The information provided to the person or
25 entity shall not disclose the name or other identifying information of the
26 domestic violence offender that is associated with, or who is using, any of the
27 telephone numbers, email addresses, online screen names, static internet
28 protocol addresses, or other online identities in the provided list.

29 B. The bureau shall develop and maintain the registry as to provide for

1 automatic email notifications at the time in which an offender begins residence,
2 employment, or school attendance within a certain geographic radius or zip
3 code. This function of the registry shall allow members of the public and
4 organizations to request automatic email notifications to be sent to an email
5 address provided by the requestor for a certain geographic radius or zip code
6 specified by the requestor.

7 C.(1) Immediately upon entry of the required information into the
8 registry, the bureau shall notify the sheriff of the parish in which the offender's
9 address of residence is located, and the chief of police if the address is located
10 in an incorporated area which has a police department.

11 (2) Immediately upon entry of the required information into the registry,
12 the bureau shall transmit to the Federal Bureau of Investigation the conviction
13 data and fingerprints of the offender registered.

14 D. The bureau is hereby designated as the state agency to receive
15 information regarding out-of-state domestic violence offenders who establish a
16 residence in this state pursuant to R.S. 15:563.7.

17 E. The bureau may promulgate rules and regulations in accordance with
18 the Administrative Procedure Act to implement the provisions of this Chapter,
19 and any federal guidelines adopted pursuant thereto.

20 F.(1) The bureau shall provide for the capability which would allow a
21 social networking website to compare the database of registered users of that
22 social networking website to the list of electronic mail addresses, instant
23 message addresses, and other similar online identifiers of persons in the State
24 Domestic Violence Offender Registry.

25 (2) A social networking website desiring to compare its database of
26 registered users to the list of electronic mail addresses, instant message
27 addresses, and other online identifiers of persons in the registry shall provide
28 to the bureau all of the following information:

29 (a) The name, address, and telephone number of the entity operating the

1 social networking website.

2 (b) The legal nature and corporate status of the entity operating the
3 social networking website.

4 (c) A statement signed by the chief legal officer of the social networking
5 website to the effect that the information obtained from the registry shall not
6 be disclosed for any purpose other than for comparing the database of
7 registered users of the social networking website against the list of electronic
8 mail addresses, instant message addresses, and other online identifiers of
9 persons contained in the state registry to protect children from online sexual
10 predators, and that disclosure of this information for any other purpose may be
11 unlawful.

12 (d) The name, address, and telephone number of a natural person who
13 is authorized to receive service of process for the entity operating the social
14 networking website.

15 (3) After complying with the requirements of Paragraph (2) of this
16 Subsection, the entity operating the social networking website may screen users
17 or compare its database of registered users to the list of electronic mail
18 addresses, instant message addresses, and other online identifiers of persons
19 contained in the State Domestic Violence Offender Registry as frequently as the
20 bureau will allow for the purpose of identifying, monitoring, or removing a
21 registered user associated with electronic mail addresses, instant message
22 addresses, and other online identifiers contained in the registry.

23 (4) An entity operating a social networking website which complies with
24 the provisions of Paragraphs (2) and (3) of this Subsection, the entity, its
25 directors, officers, employees, or agents may claim such compliance as a defense
26 to a claim for liability arising against the entity or such persons.

27 §563.3. Registration of domestic violence offenders

28 A. Any adult residing in this state who has pled guilty to, has been
29 convicted of, or where adjudication has been deferred or withheld for the

1 perpetration or attempted perpetration of, or conspiracy to commit, a domestic
2 violence offense as defined in R.S. 15:563.1 shall be required to provide the
3 following information in person to the bureau:

4 (1)(a) The crime for which he was convicted, his name, residential
5 address, jurisdiction of conviction, and a photograph or copy thereof, within
6 twenty-one days of the date of conviction, if the offender is not taken into
7 custody at the time of conviction, or within twenty-one days of the date of
8 release from confinement or within twenty-one days of establishing residency
9 in the locale where the offender plans to have his domicile.

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

13 (c) A description of every vehicle registered to or operated by the
14 offender, including license plate number and a copy of the offender's driver's
15 license or identification card.

16 (d) Social security number and date of birth.

17 (2) Give any other information deemed appropriate by the court in
18 which the defendant was convicted of the offense that subjects him to the duty
19 to register.

20 B. Knowingly providing false information to the bureau pursuant to the
21 provisions of this Chapter shall constitute a failure to register pursuant to R.S.
22 15:563.3(A)(1).

23 C. Any juvenile required to register in accordance with the provisions
24 of this Chapter shall be exempt from the requirements of this Section.

25 §563.4. Duty of offenders to notify law enforcement of change of address,
26 residence, or other registration information

27 A. Those persons required to register pursuant to the provisions of this
28 Chapter shall appear in person at the bureau's office within thirty business days
29 of establishing a new or additional physical residential address or of changes in

1 information previously provided when any of the following occur:

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

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

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

10 (4) The offender has a change in name.

11 B. The notice of change of address required by this Section shall include
12 proof of residence as required by R.S. 15:563.3(A)(1)(a).

13 C. Any person who commits an offense involving domestic violence who
14 fails to provide change of address or other information as provided in this
15 Section shall be subject to criminal prosecution as provided in R.S. 15:563.5.

16 §563.5. Failure to register; penalties

17 A. A person who fails to register, periodically renew and update
18 registration, provide proof of residence or notification of change of address or
19 other registration information, as required by the provisions of this Chapter,
20 and a person who knowingly provides false information to the bureau as
21 provided in R.S. 15:563.3(B), shall be fined not more than one thousand dollars,
22 imprisoned for not more than six months, or both.

23 B.(1) Any person who certifies by affidavit the location of the residence
24 of the offender shall send written notice to the bureau. This notification shall be
25 made any time the offender is absent from the residence for a period of ninety
26 days or more, or the offender vacates the residence with the intent to establish
27 a new residence at another location. This notification shall be sent within thirty
28 days of the offender vacating the residence with the requisite intent.

29 (2) Any person who fails to provide the notice required by this

1 Subsection shall be fined not more than five hundred dollars, imprisoned for not
2 more than six months, or both.

3 §563.6. Duration of registration and notification period

4 A person required to register pursuant to the provisions of this Chapter
5 shall comply with the requirement for ten years for a first offense and for the
6 duration of the lifetime of the offender for a second or subsequent offense,
7 unless the underlying conviction is reversed, set aside, or vacated.

8 §563.7. Procedures for offenders convicted or adjudicated under the laws of
9 another state, or military, territorial, foreign, tribal, or federal
10 law; procedures for Louisiana offenders with out-of-state
11 activities

12 Any person who is convicted or adjudicated of an offense under the laws
13 of another state, or military, territorial, foreign, tribal, or federal law for which
14 R.S. 15:563 requires registration shall be subject to and shall comply with all
15 of the registration requirements of this Chapter within three business days of
16 establishing a residence in Louisiana. Such person shall also notify the bureau
17 within three business days of establishing residence in Louisiana and shall
18 provide the bureau, within thirty days of establishing residence in Louisiana,
19 certified copies of court records pertaining to the offense or offenses which
20 require registration as a domestic violence offender, including but not limited
21 to the bill of information, indictment, court minutes, and final disposition.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Michael Bell.

SB 365 Original DIGEST Barrow
 2022 Regular Session

Proposed law creates the State Domestic Violence Offender Registry.

Proposed law provides for definitions.

Proposed law requires the Louisiana Bureau of Criminal Identification and Information to
develop and maintain a central registry which will contain the information transmitted to the
bureau pursuant to the provisions of proposed law.

Proposed law requires the offender to provide personal information within 21 days of the

date of conviction, if the offender is not taken into custody at the time of conviction, or within 21 days of the date of release from confinement or within 21 days of establishing residency in the locale where the offender plans to have his domicile.

Proposed law provides for offenders to notify the bureau of changes of address and residence within 30 days of the change.

Proposed law requires an offender who fails to register, periodically renew and update registration, provide proof of residence or notification of change of address or other registration information, to be fined not more than \$1,000, imprisoned for not more than six months, or both.

Proposed law requires an offender to register and comply with the requirements of proposed law for 10 years 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.

Proposed law requires any person who has been convicted or adjudicated of an offense under the laws of another state, or military, territorial, foreign, tribal, or federal law for which proposed law mandates registration, must be subject to and has to comply with the registration requirements within three business days of establishing a residence in Louisiana.

Effective August 1, 2022.

(Adds R.S. 15:563-563.7)