

2022 Regular Session

HOUSE BILL NO. 103

BY REPRESENTATIVE THOMAS

DRUGS/CONTROLLED: Provides relative to reporting requirements for persons convicted of production or manufacturing of methamphetamine

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 563.5, relative to reporting requirements of persons convicted
4 of production or manufacturing of methamphetamine; to provide for purposes and
5 notification; to provide for definitions; to provide relative to the duty of offenders to
6 notify law enforcement; to provide relative to the failure to register; to provide
7 relative to the duration of registration requirements; and to provide for related
8 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,
11 comprised of R.S. 15:563 through 563.5, is hereby enacted to read as follows:

12 CHAPTER 3-G. REPORTING REQUIREMENTS OF PERSONS CONVICTED OF
13 PRODUCTION OR MANUFACTURING OF METHAMPHETAMINE

14 §563. Findings; purpose

15 The legislature finds that persons who commit the offense of production or
16 manufacturing of methamphetamine, even after being released from incarceration
17 or commitment, are of paramount public interest. The legislature further finds that
18 local law enforcement officers' efforts to protect their communities, conduct
19 investigations, and quickly apprehend persons who commit the offense of production
20 or manufacturing of methamphetamine are impaired by the lack of information

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 available to law enforcement agencies, and that lack of information is of paramount
2 concern of public safety. Release of information to public agencies about persons
3 who commit the offense of production or manufacturing of methamphetamine will
4 further the interests of public safety and public scrutiny of the criminal and mental
5 health systems so long as the information released is rationally related to the
6 furtherance of those goals. Therefore, this state's policy is to assist local law
7 enforcement agencies' efforts to protect their communities by requiring persons who
8 commit the offense of production or manufacturing of methamphetamine to register
9 with state and local law enforcement agencies and to require the exchange of
10 relevant information about persons who commit the offense of production or
11 manufacturing of methamphetamine among state, local, and federal public agencies
12 and officials.

13 §563.1. Definitions

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

15 (1) "Conviction" means any disposition of charges adverse to the defendant,
16 including a plea of guilty, deferred adjudication, adjudication withheld for the
17 perpetration or attempted perpetration of or conspiracy to commit an offense
18 involving the production or manufacturing of methamphetamine. "Conviction" shall
19 not include a decision not to prosecute, a dismissal, or an acquittal, except when the
20 acquittal is due to a finding of not guilty by reason of insanity and the person was
21 committed.

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

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

1 §563.2. Registration of persons convicted of production or manufacturing of
2 methamphetamine

3 A. Any person over the age of seventeen residing in this state who has been
4 convicted of the offense of production or manufacturing of methamphetamine as
5 provided in R.S. 40:967 shall be required to register in person with the sheriff of the
6 person's residence, or residences, if there is more than one, and with the chief of
7 police if the address of any of the person's residences is located in an incorporated
8 area which has a police department.

9 B.(1) The offender shall register with the appropriate law enforcement
10 agency provided in Subsection A of this Section and provide all of the following
11 information:

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

13 (b) Physical address or addresses of residence.

14 (c) Two forms of proof of residence for each residential address provided,
15 including but not limited to a driver's license, bill for utility service, and bill for
16 telephone service. If those forms of proof of residence are not available, the offender
17 may provide an affidavit of an adult resident living at the same address. The
18 affidavit shall certify that the affiant understands his obligation to provide written
19 notice pursuant to R.S. 15:563.4.

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

24 (e) A current photograph of himself.

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

1 (g) A description of every vehicle registered to or operated by the offender,
2 including license plate number and a copy of the offender's driver's license or
3 identification card.

4 (h) Social security number and date of birth.

5 (i) Past or current employment, membership, or association with a public
6 safety agency or emergency service organization.

7 (2) Every offender required to register in accordance with this Chapter shall
8 appear in person and provide the information required by Paragraph (1) of this
9 Subsection to the appropriate law enforcement agency within thirty business days of
10 establishing residence in Louisiana, or if a current resident, within thirty business
11 days after conviction or adjudication if not immediately incarcerated or taken into
12 custody after conviction or adjudication. If incarcerated, once released from
13 confinement, every offender shall appear in person within thirty business days to
14 register with the appropriate law enforcement agency pursuant to the provisions of
15 this Section.

16 (3) Knowingly providing false information to the appropriate law
17 enforcement agency pursuant to the provisions of this Chapter shall constitute a
18 failure to register pursuant to R.S. 15:562.4(A).

19 §563.3. Duty of offenders to notify law enforcement of change of address,
20 residence, or other registration information

21 A. Those persons required to register pursuant to the provisions of this
22 Chapter shall appear in person at the appropriate law enforcement agency within
23 thirty business days of establishing a new or additional physical residential address
24 or of changes in information previously provided when any of the following occur:

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

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

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

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

6 B. The notice of change of address required by this Section shall include
7 proof of residence as required by R.S. 15:563.2(B)(1)(c).

8 C. Any person who commits the offense of production or manufacturing of
9 methamphetamine who fails to provide change of address or other information as
10 provided in this Section shall be subject to criminal prosecution as provided in R.S.
11 15:563.4.

12 §563.4. Failure to register; penalties

13 A. A person who fails to register, periodically renew and update registration,
14 provide proof of residence or notification of change of address or other registration
15 information, as required by the provisions of this Chapter, and a person who
16 knowingly provides false information to the appropriate law enforcement agency as
17 provided in R.S. 15:563.2(B)(3), shall be fined not more than one thousand dollars,
18 imprisoned for not more than six months, or both.

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

25 (2) Any person who fails to provide the notice required by this Subsection
26 shall be fined not more than five hundred dollars, imprisoned for not more than six
27 months, or both.

1 §563.5. Duration of registration and notification period
 2 A person required to register pursuant to the provisions of this Chapter shall
 3 comply with the requirement as long as they are under an order of imprisonment for
 4 a first offense and for the duration of the lifetime of the offender for a second or
 5 subsequent offense, unless the underlying conviction is reversed, set aside, or
 6 vacated.

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 103 Reengrossed

2022 Regular Session

Thomas

Abstract: Requires persons convicted of the offense of production or manufacturing of methamphetamine to register with local law enforcement agencies.

Proposed law provides that persons who commit the offense of production or manufacturing of methamphetamine, even after being released from incarceration or commitment, are of paramount public interest.

Proposed law requires any person over 17 years of age residing in the state who has been convicted of the offense of production or manufacturing of methamphetamine as provided by present law (R.S. 40:967) to register with the sheriff of the person's residence, or residences, if there is more than one, and with 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.

Proposed law provides for the following definitions:

- (1) "Conviction" means any disposition of charges adverse to the defendant, including a plea of guilty, deferred adjudication, adjudication withheld for the perpetration or attempted perpetration of or conspiracy to commit an offense involving the production or manufacturing of methamphetamine. "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.
- (2) "Disposition" means the formal conclusion of a criminal proceeding at whatever stage it occurs in the criminal justice system.
- (3) "Residence" means a dwelling where an offender regularly resides, regardless of the number of days or nights spent there. For 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 residence or a shelter.

Proposed law provides that persons required to register pursuant to proposed law shall appear in person at the appropriate law enforcement agency within 30 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 of registration with the intent not to return.
- (3) The offender has been absent from his current address of registration for more than 90 consecutive days or an aggregate of 90 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.

Proposed law provides that any person who fails to register, periodically renew and update registration, provide proof of residence or notification of change of address or other registration information, as required by proposed law, and a person who knowingly provides false information to the appropriate law enforcement agency, shall be fined not more than \$1,000, imprisoned for not more than six months, or both.

Proposed law requires persons to register as long as they are under an order of imprisonment 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.

(Adds R.S. 15:563 through 563.5)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Provide that persons who commit the offense of production or manufacturing of methamphetamine, even after being released from incarceration or commitment, are of paramount public interest rather than governmental interest.
2. Relative to the definition of "conviction", remove proposed law which provides that "conviction" includes a dismissal entered after a period of probation, suspension, or deferral of sentence.
3. For a first offense, require persons to register as long as they are under an order of imprisonment rather than for 10 years from the date of initial registration.