
DIGEST

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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.