

2022 Regular Session

HOUSE BILL NO. 103

BY REPRESENTATIVE THOMAS

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
21 available to law enforcement agencies, and that lack of information is of paramount
22 concern of public safety. Release of information to public agencies about persons
23 who commit the offense of production or manufacturing of methamphetamine will
24 further the interests of public safety and public scrutiny of the criminal and mental
25 health systems so long as the information released is rationally related to the

1 furtherance of those goals. Therefore, this state's policy is to assist local law
2 enforcement agencies' efforts to protect their communities by requiring persons who
3 commit the offense of production or manufacturing of methamphetamine to register
4 with state and local law enforcement agencies and to require the exchange of
5 relevant information about persons who commit the offense of production or
6 manufacturing of methamphetamine among state, local, and federal public agencies
7 and officials.

8 §563.1. Definitions

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

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

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

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

24 §563.2. Registration of persons convicted of production or manufacturing of
25 methamphetamine

26 A. Any person over the age of seventeen residing in this state who has been
27 convicted of the offense of production or manufacturing of methamphetamine as
28 provided in R.S. 40:967 shall be required to register in person with the sheriff of the
29 person's residence, or residences, if there is more than one, and with the chief of

1 police if the address of any of the person's residences is located in an incorporated
2 area which has a police department.

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

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

7 (b) Physical address or addresses of residence.

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

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

18 (e) A current photograph of himself.

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

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

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

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

28 (2) Every offender required to register in accordance with this Chapter shall
29 appear in person and provide the information required by Paragraph (1) of this
30 Subsection to the appropriate law enforcement agency within thirty business days of

1 establishing residence in Louisiana, or if a current resident, within thirty business
2 days after conviction or adjudication if not immediately incarcerated or taken into
3 custody after conviction or adjudication. If incarcerated, once released from
4 confinement, every offender shall appear in person within thirty business days to
5 register with the appropriate law enforcement agency pursuant to the provisions of
6 this Section.

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

10 §563.3. Duty of offenders to notify law enforcement of change of address,
11 residence, or other registration information

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

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

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

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

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

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

27 C. Any person who commits the offense of production or manufacturing of
28 methamphetamine who fails to provide change of address or other information as
29 provided in this Section shall be subject to criminal prosecution as provided in R.S.
30 15:563.4.

1 §563.4. Failure to register; penalties

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

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

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

17 §563.5. Duration of registration and notification period

18 A person required to register pursuant to the provisions of this Chapter shall
19 comply with the requirement as long as they are under an order of imprisonment for
20 a first offense and for the duration of the lifetime of the offender for a second or
21 subsequent offense, unless the underlying conviction is reversed, set aside, or
22 vacated.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____