

RÉSUMÉ DIGEST

HB 103

2022 Regular Session

Thomas

Proposed law would have provided 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 would have required 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 was more than one, and with the chief of police if the address of any of the person's residences was located in an incorporated area which has a police department.

Proposed law would have provided 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 would have provided that persons required to register should 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 occurred:

- (1) The offender changed his place of residence or established a new or additional residence.
- (2) The offender vacated his current address of registration with the intent not to return.
- (3) The offender was 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 was physically present at another address during that same time period.
- (4) The offender had a change in name.

Proposed law would have provided that any person who failed 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 provided false information to the appropriate law enforcement agency would have been fined not more than \$1,000, imprisoned for not more than six months, or both.

Proposed law would have required persons to register as long as they were 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 was reversed, set aside, or vacated.

(Proposed to add R.S. 15:563 through 563.5)

VETO MESSAGE:

"This bill would have required any person over the age of seventeen who has been convicted of the offense of production or manufacturing of methamphetamine to register with local law

enforcement similar to those convicted of certain sex offenses, regardless of whether the person received a deferred sentence and successfully completed the terms of probation, successfully completed a drug court program, or had the conviction expunged. Furthermore, the legislation would have required lifetime registration for those with two or more convictions. It should be noted that the fiscal note indicates there would be increased costs to law enforcement to implement the registration system this bill would have required. Substance abuse is a serious problem and we should be focusing on providing resources to help treat people with addiction issues rather than creating a registration process that places a scarlet letter on a person convicted of this sole drug offense."