

2023 Regular Session

SENATE BILL NO. 217

BY SENATORS HENRY, FESI AND MCMATH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME/PUNISHMENT. Creates a state wide database for individuals convicted of child abuse/neglect. (7/1/24)

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 563.3, relative to offenses against minors; to create the Child

4 Abuse and Neglect Registry; to provide relative to registration requirements; to

5 provide for crimes of conviction; to provide for duties of the Louisiana Bureau of

6 Criminal Identification and Information; to provide relative to a public database; to

7 provide for exempt data; to provide relative to restrictions; to provide for duration

8 of registration; to provide relative to implementation; and to provide for related

9 matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Chapter 3-G of Title 15 of the Louisiana Revised Statutes of 1950,

12 comprised of R.S. 15:563 through 563.3, is hereby enacted to read as follows:

13 **CHAPTER 3-G. CHILD ABUSE AND NEGLECT REGISTRY**

14 **§563. Registration of persons convicted of child abuse or neglect**

15 **A. Any person residing in this state who has pled guilty or nolo**

16 **contendere to, or has been convicted of, any of the following felony offenses, or**

17 **who has pled guilty or nolo contendere to, or has been convicted of any**

1 conspiracy to commit any of the following felony offenses, where the victim is
2 a minor, as defined in Children's Code Article 116, shall be required to register
3 and provide notification as a child abuser in accordance with the provisions of
4 this Chapter:

5 (1) R.S. 14:34 (Aggravated battery)

6 (2) R.S. 14:34.1 (Second degree battery)

7 (3) R.S. 14:34.7 (Aggravated second degree battery)

8 (4) R.S. 14:35.3 (Domestic abuse battery)

9 (5) R.S. 14:37.1 (Assault by drive-by shooting)

10 (6) R.S. 14:37.4 (Aggravated assault with a firearm)

11 (7) R.S. 14:37.7 (Domestic abuse aggravated assault)

12 (8) R.S. 14:43.5 (Intentional exposure to HIV)

13 (9) R.S. 14:46.4 (Re-homing of a child)

14 (10) R.S. 14:79.1 (Criminal Abandonment)

15 (11) R.S. 14:93.2.3 (Second degree cruelty to juveniles)

16 B.(1) Upon conviction, the court shall provide written notification to any
17 person convicted of an offense listed in Subsection A of this Section when the
18 victim is a minor that he shall be required to register on the Child Abuse and
19 Neglect Registry upon release, or as a condition of his probation or parole.

20 (2) An offender listed in Subsection A of this Section shall register in
21 person with the sheriff of the parish of the person's residence, or residences, if
22 there is more than one, and with the chief of police if the address of any of the
23 person's residences is located in an incorporated area which has a police
24 department. If the offender resides in a municipality with a population in excess
25 of three hundred thousand persons, he shall register in person with the police
26 department of his municipality of residence.

27 C.(1) No later than three days after release, the offender shall register
28 and provide all of the following information to the appropriate law enforcement
29 agencies listed in Subsection B of this Section:

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

2 (b) The offender's physical address or addresses of residence.

3 (c) Name and physical address of the offender's place of employment. If
4 the offender does not have a fixed place of employment, the offender shall
5 provide information with as much specificity as possible regarding the places
6 where he works, including but not limited to travel routes used by the offender.

7 (d) Name and physical address of the school in which he is a student.

8 (e) Two forms of proof of residence for each residential address
9 provided, including but not limited to a driver's license, bill for utility service,
10 and bill for telephone service. If those forms of proof of residence are not
11 available, the offender may provide an affidavit of an adult resident living at the
12 same address. The affidavit shall certify that the affiant understands his
13 obligation to provide written notice in the same manner as provided in R.S.
14 15:542.1.4(B) to the appropriate law enforcement agency with whom the
15 offender last registered when the offender no longer resides at the residence
16 provided in the affidavit.

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

21 (g) A current photograph of the offender.

22 (h) The offender's telephone numbers, including fixed location phone
23 and mobile phone numbers assigned to the offender or associated with any
24 residence address of the offender.

25 (i) A description of every motorized vehicle registered to or operated by
26 the offender, including license plate number and vehicle identification number,
27 and a copy of the offender's driver's license or identification card. This
28 information shall be provided prior to the offender's operation of the vehicle.

29 (j) The offender's social security number and date of birth.

1 (k) A description of the physical characteristics of the offender, including
2 but not limited to sex, race, hair color, eye color, height, age, weight, scars,
3 tattoos, or other identifying marks on the body of the offender.

4 (l) Every email address of the offender.

5 (2) Knowingly providing false information to any law enforcement
6 officer, office, or agency required to receive registration information pursuant
7 to the provisions of this Chapter shall constitute a failure to register and, upon
8 conviction, be fined not more than one thousand dollars and be imprisoned for
9 not more than one year.

10 D. Upon receipt of the registration information as required by the
11 provisions of this Section, the law enforcement agency shall immediately
12 forward the offender's information to the bureau electronically.

13 E.(1) The offender registration and notification requirements required
14 by this Chapter are mandatory and shall not be waived or suspended by any
15 court. Any order waiving or suspending offender registration and notification
16 requirements shall be null, void, and of no effect. Any order waiving or
17 suspending registration and notification requirements shall not be construed to
18 invalidate an otherwise valid conviction, unless by joint written motion of the
19 district attorney and the offender.

20 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection
21 and any other provision of law to the contrary, an offender required to register
22 as a sex offender in accordance with R.S. 15:540 et seq. shall not be required to
23 register pursuant to the provisions of this Chapter.

24 (3) Notwithstanding the provisions of Paragraph (1) of this Subsection,
25 the court may waive registration and notification requirements for an offender
26 convicted of second degree battery as provided in R.S. 14:34.1.

27 §563.1. Duties of the Louisiana Bureau of Criminal Identification and
28 Information

29 A.(1) The Louisiana Bureau of Criminal Identification and Information

1 shall develop and maintain the central registry known as the Child Abuse and
2 Neglect Registry. The registry shall contain the information transmitted to the
3 bureau pursuant to the provisions of this Chapter. Upon receipt of the
4 registration and information of any person subject to the provisions of this
5 Chapter, the bureau shall immediately enter the appropriate information in the
6 public registry. The bureau shall accept electronically submitted information
7 and registration renewal information from law enforcement.

8 (2)(a) The bureau shall provide for public access to the information
9 contained in the registry, including internet-based access, which shall have field-
10 search capabilities.

11 (b) Notwithstanding the provisions of Subparagraph (a) of this
12 Paragraph, the following information shall be exempt from public access:

13 (i) Social security numbers.

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

15 (iii) Telephone numbers, subject to the provisions of Subparagraphs (c)
16 and (d) of this Paragraph.

17 (iv) Email addresses.

18 (c) Notwithstanding the provisions of Subparagraph (b) of this
19 Paragraph, which provides for exemptions to public access of telephone
20 numbers, email addresses, online screen names, or other online identities, the
21 registry shall contain the ability to search by telephone numbers, email
22 addresses, online screen names, or other online identities to provide information
23 to the person conducting the search regarding whether or not that information
24 has been linked to a person convicted of an offense in R.S. 15:563(A). This
25 search shall not disclose the name or any other identifying information about
26 the offender to the person conducting the search, except to identify that the
27 information has been linked to a person convicted of an offense in R.S.
28 15:563(A).

29 (d) Notwithstanding the provisions of Subparagraphs (b) and (c) of this

1 Paragraph, the bureau shall, upon request by any person or entity in a manner
2 prescribed by the bureau, provide a list of telephone numbers, email addresses,
3 online screen names, static internet protocol addresses, or other online identities
4 of persons in the Child Abuse and Neglect Registry for the purpose of
5 identifying and monitoring a registered user associated with the telephone
6 number, email address, online screen name, static internet protocol address, or
7 other online identity. The information provided to the person or entity shall not
8 disclose the name or other identifying information of the offender that is
9 associated with, or who is using, any of the telephone numbers, email addresses,
10 online screen names, static internet protocol addresses, or other online identities
11 in the provided list.

12 (e) The bureau shall maintain a Child Abuse and Neglect Notification
13 and Registration website on the internet, which shall contain a disclaimer
14 informing the public of all of the following:

15 (i) The information contained on the site is obtained from offenders, and
16 the department does not guarantee its accuracy or completeness.

17 (ii) Members of the public are not allowed to use the information to
18 harass or threaten offenders or members of their families.

19 (iii) Harassment, stalking, or threats against offenders or their families
20 are prohibited and doing so may violate Louisiana criminal laws.

21 B. The bureau shall develop and maintain the registry as to provide for
22 automatic email notifications at the time when an offender begins residence,
23 employment, or school attendance within a certain geographic radius or zip
24 code. This function of the registry shall allow members of the public and
25 organizations to request automatic email notifications to be sent to an email
26 address provided by the requestor for a certain geographic radius or zip code
27 specified by the requestor.

28 C. The bureau is hereby designated as the state agency to receive
29 information regarding an out-of-state person convicted of a similar offense as

1 those in R.S. 15:563(A) who establishes a residence in this state pursuant to R.S.
2 15:542.1.3.

3 D. The bureau may promulgate rules and regulations in accordance with
4 the Administrative Procedure Act to implement the provisions of this Chapter.

5 E.(1) The bureau shall provide for the capability which would allow a
6 social networking website to compare the database of registered users of that
7 social networking website to the list of electronic mail addresses, instant
8 message addresses, and other similar online identifiers of persons in the Child
9 Abuse and Neglect Registry.

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

14 (a) The name, address, and telephone number of the entity operating the
15 social networking website.

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

18 (c) A statement signed by the chief legal officer of the social networking
19 website to the effect that the information obtained from the registry shall not
20 be disclosed for any purpose other than for comparing the database of
21 registered users of the social networking website against the list of electronic
22 mail addresses, instant message addresses, and other online identifiers of
23 persons contained in the state registry to protect children from child abuse or
24 neglect, and that disclosure of this information for any other purpose may be
25 unlawful.

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

29 (3) After complying with the requirements of Paragraph (2) of this

1 Subsection, the entity operating the social networking website may screen users
 2 or compare its database of registered users to the list of electronic mail
 3 addresses, instant message addresses, and other online identifiers of persons
 4 contained in the Child Abuse or Neglect Registry as frequently as the bureau
 5 will allow for the purpose of identifying, monitoring, or removing a registered
 6 user associated with electronic mail addresses, instant message addresses, and
 7 other online identifiers contained in the registry.

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

12 **§563.2. Duration of registration and notification period**

13 A person required to register pursuant to the provisions of this Chapter
 14 shall comply with the requirement for ten years from the date of initial
 15 registration for a first offense and for the duration of the lifetime of the offender
 16 for a second or subsequent offense, unless the underlying conviction is reversed,
 17 set aside, or vacated.

18 **§563.3. Subject to appropriation**

19 The implementation of this Chapter shall be subject to the appropriation
 20 of funds by the legislature for this purpose.

21 Section 2. This Act shall become effective on July 1, 2024.

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

SB 217 Re-Reengrossed

DIGEST
2023 Regular Session

Henry

Proposed law creates the Child Abuse and Neglect Registry.

Proposed law provides for the following:

- (1) Requires persons convicted of enumerated felony offenses, where the victim is a child, to register with local law enforcement agencies of where they reside, and in the parish of conviction, and to provide them with information regarding their identities, residence, conviction, and other personal information.

- (2) Requires the court to provide written notification to any person convicted of an applicable offense of the requirement to register.
- (3) Provides procedures for offenders to provide information to local law enforcement agencies regarding a change of address, residence, employment, or schooling within 3 days of release.
- (4) Requires in-person verification by the offender at each registration period.
- (5) Provides that the crime of failing to register includes the failure to register, periodically renew and update registration, provide proof of residence, notification of change of address, or other registration information. Provides that knowingly providing false information to law enforcement also constitutes a failure to register subjects the offender to a fine of not more than \$1,000 and imprisonment of not more than one year.
- (6) Provides that the court may waive registration and notification requirements if the offender is convicted of second degree battery.
- (7) Provides that the La. Bureau of Criminal Identification and Information must develop and maintain the registry known as the Child Abuse and Neglect Registry. Provides that upon receipt of registration information, the bureau must immediately enter the appropriate information in the registry.
- (8) Provides for an exception to the registration requirements of proposed law if the offender is also required to register as a sex offender.
- (9) Provides that certain information is exempt from public view: social security numbers, names of victims, arrests that did not result in conviction, telephone numbers, travel and immigration documents, and email address.
- (10) Provides that the website must contain a disclaimer regarding potential inaccuracies, and prohibits using the information for harassment, stalking, or threats to the offender.
- (11) Provides for email notification to local law enforcement agencies upon registration of offender.
- (12) Provides for social networking sites to have information to compare registered users with email addresses, instant message addresses, or other similar online identifiers with persons on the registry.
- (13) Requires offenders to maintain their registration for a period of 10 years for the first offense, and for life for any second or subsequent offense.
- (14) The implementation of this Act shall be subject to the appropriation of funds by the legislature for this purpose.

Effective July 1, 2024

(Adds R.S. 15:563-563.3)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Makes technical changes.

2. Adds exception to proposed law registration requirement when the offender is already required to register as a sex offender.

Committee Amendments Proposed by Senate Committee on Finance to the engrossed bill

1. Eliminates offenses that are misdemeanors and certain felonies from the list of offenses that would require a person to register with the Child Abuse and Neglect Registry.
2. Adds requirement that the court to provide written notification to any person convicted of an applicable offense of the requirement to register.
3. Adds penalty for failing to register subjects the offender to a fine of not more than \$1,000 and imprisonment of not more than one year.
4. Adds provision that the court may waive registration and notification requirements if the offender is convicted of second degree battery.
5. Requires the appropriation of funds by the legislature for the implementation of this Act.
6. Changes effective date from August 1, 2023, to July 1, 2024.

Senate Floor Amendments to reengrossed bill

1. Specifies that the offender must notify local law enforcement within 3 days of release.
2. Make technical changes.