

SENATE BILL NO. 612

BY SENATORS MOUNT, BROOME, CHAISSON AND SCHEDLER AND
REPRESENTATIVES DORSEY AND SCHNEIDER

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 895.1(F)(introductory paragraph)
3 and (4) and R.S. 15:542(B)(2)(a) and to enact R.S. 15:587(A)(1)(e), R.S. 32:412(I),
4 R.S. 40:1321(J), and Chapter 24-C of Title 40 of the Louisiana Revised Statutes of
5 1950, to be comprised of R.S. 40:2528, relative to sexual offenders; to require a
6 restriction code which declares that a driver's license holder is a sex offender; to
7 provide for a Predator Alert System; to provide for notice provided by sex offenders
8 to be published in newspapers in addition to the official journal of the parish; to
9 increase certain fees payable to the Sex Offender Registry Technology Fund as a
10 condition of probation for persons convicted of sex offenses; to provide for
11 appropriations from the fund and specifies uses thereof; and to provide for related
12 matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 15:542(B)(2)(a) is hereby amended and reenacted and R.S.
15 15:587(A)(1)(e) is hereby enacted to read as follows:

16 §542. Registration of sex offenders

17 * * *

18 B. The person and the juvenile sex offender shall, within twenty-one days
19 of establishing residence in Louisiana, or if a current resident, within twenty-one
20 days after conviction or release from confinement, provide the sheriff and the police
21 chief or, if the residence is in a parish with a population in excess of four hundred
22 fifty thousand, the police department with the following information: his name,
23 address, and place of employment; the crime for which he was convicted; the date

1 and place of such conviction; any aliases he has used; a description of every vehicle
2 registered to him, including license plate number; and his social security number;
3 and a description of the physical characteristics of the sex offender, including but not
4 limited to sex, race, hair color, eye color, height, age, and weight. Excluding any
5 juvenile except as required under the provisions of R.S. 15:542(B)(5)(c), the offender
6 shall also:

7 * * *

8 (2)(a) Give notice of the crime for which he was convicted, his name, a
9 description of his physical characteristics as required by this Subsection, and his
10 address by mail to all people residing within the designated area within twenty-one
11 days of the sentencing or release from confinement or within twenty-one days of
12 establishing residency in the locale where the offender plans to have his domicile,
13 and that the notice shall be published on two separate days within the applicable
14 period provided for herein, without cost to the state, in the official journal of the
15 governing authority of the parish where the defendant plans to reside and, if ordered
16 by the sheriff or police department, **or required by local ordinance**, in a newspaper
17 which meets the requirements of R.S. 43:140(3) for qualification as an official
18 journal and which has a larger or smaller circulation in the parish than the official
19 journal. The notice provided to the official journal or other designated newspaper
20 pursuant to this Subparagraph shall also include a recent photograph of the offender
21 or a clear photocopy of a recent photograph of the offender.

22 * * *

23 §587. Duty to provide information; processing fees; Louisiana Bureau of Criminal

24 Identification and Information

25 A.(1) * * *

26 **(e) The office of motor vehicles shall be entitled to the criminal history**
27 **record and identification files of the bureau of any person who is required to**
28 **register as a sex offender pursuant to R.S. 15:542 et seq., and who is seeking a**
29 **driver's license or required to obtain a special identification card pursuant to**
30 **R.S. 40:1321(J).**

1 * * *

2 Section 2. R.S. 32:412(I) is hereby enacted to read as follows:

3 §412. Amount of fees; credit or refund; duration of license; disbursement of funds;
4 renewal by mail or electronic commerce of Class "D" or "E" driver's
5 licenses; disposition of certain fees

6 * * *

7 **(I)(1) The Louisiana driver's license, regardless of its class, issued to any**
8 **person who is required to register as a sex offender pursuant to R.S. 15:542 and**
9 **R.S. 15:542.1 shall contain a restriction code which declares that the license**
10 **holder is a sex offender. The secretary of the Department of Public Safety and**
11 **Corrections shall comply with the provisions of this Subsection and the driver's**
12 **license shall include the words "sex offender" which shall be orange in color.**

13 **(2) Any person to whom this Subsection applies shall carry upon his**
14 **person the last driver's license issued to him.**

15 **(3) The department shall issue a license required pursuant to this**
16 **Subsection for a period of one year. When the department issues a license**
17 **pursuant to this Subsection the license shall be valid for a period of one year**
18 **from the date of issuance.**

19 **(4) Any person to whom this Subsection applies shall personally appear**
20 **at a motor vehicle field office to renew his driver's license every year, in**
21 **addition to the yearly reregistration pursuant to R.S. 15:542 et seq.**
22 **Reregistration shall include the submission of current information to the**
23 **department and the verification of registration information, including the street**
24 **address and telephone number of the registrant; name, street address and**
25 **telephone number of the registrant's employer, and any other registration**
26 **information that may need to be verified. Upon successful completion of**
27 **reregistration, the bureau shall electronically transmit this fact to the office of**
28 **motor vehicles which may then proceed to renew the driver's license. In order**
29 **to reimburse the office of motor vehicles for the cost of a yearly issuance, the**
30 **regular renewal fee shall be collected at each renewal pursuant to this**

Subsection.

(5) The provisions of this Subsection shall apply to all registered sex offenders regardless of the date of conviction.

Section 3. R.S. 40:1321(J) and Chapter 24-C of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:2528, are hereby enacted to read as follows:

§1321. Special identification cards; issuance; fees; expiration and renewal; promulgation of rules; promotion of use; persons less than twenty-one years of age; the Protect and Save our Children Program; Selective Service Registration

* * *

(J)(1) Any person required to register as a sex offender with the Louisiana Bureau of Criminal Identification and Information, as required by R.S. 15:542 et seq., shall obtain a special identification card issued by the Department of Public Safety and Corrections which shall contain a restriction code declaring that the holder is a sex offender. This special identification card shall include the words "sex offender" in all capital letters which are orange in color and shall be valid for a period of one year from the date of issuance. This special identification card shall be carried on the person at all times by the individual required to register as a sex offender.

(2) Each person required to carry a special identification card pursuant to this Subsection shall personally appear, annually, at a field office of the office of motor vehicles to renew his or her special identification card but only after he or she has registered as an offender pursuant to R.S. 15:542 et seq. Reregistration shall include the submission of current information to the department and the verification of this information, which shall include the street address and telephone number of the registrant; the name, street address and telephone number of the registrant's employer, and any registration information that may need to be verified by the bureau. No special identification card shall be issued or renewed until the office of motor vehicles receives confirmation from the bureau, electronically or by other means, that

1 the reregistration of the sex offender has been completed.

2 (3) The provisions of this Subsection shall apply to all sex offenders
3 required to register pursuant to R.S. 15:542 et seq., regardless of the date of
4 conviction.

5 (4) Whoever violates this Subsection shall be fined not less than one
6 hundred dollars and not more than five hundred dollars, or imprisoned for not
7 more than six months, or both.

8 * * *

9 CHAPTER 24-C. PREDATOR ALERT SYSTEM

10 §2528. Predator Alert System; requirements; rules and regulations

11 A. The secretary of the Department of Public Safety and Corrections
12 shall institute a Predator Alert System. The system shall, at a minimum,
13 provide the following services:

14 (1) Send out the alert, through the state police, to local law enforcement
15 officials when a sexual predator has been released from imprisonment.

16 (2) Coordinate with and encourage the private sector to participate in
17 secondary distribution programs that will enable the distribution of vital
18 information on a predator that has been released from imprisonment, including
19 the creation and distribution of flyers and e-mailing and text messaging the
20 Predator Alerts.

21 B. The secretary of the Department of Public Safety and Corrections
22 shall promulgate rules and regulations, in accordance with the Administrative
23 Procedure Act, to implement the provisions of this Section.

24 Section 4. Code of Criminal Procedure Article 895.1(F)(introductory paragraph) and

25 (4) are hereby amended and reenacted to read as follows:

26 Art. 895.1. Probation; restitution; judgment for restitution; fees

27 * * *

28 F. When the court places the defendant on supervised probation, it shall
29 order as a condition of probation the payment of a monthly fee of not less than five
30 dollars and fifty cents. The monthly fee established in this Paragraph shall be in

1 addition to the fee established in Paragraph C of this Article and shall be paid,
 2 collected, transmitted, deposited, appropriated, and used in accordance with the
 3 following provisions:

4 * * *

5 (4) The monies in the Sex Offender Registry Technology Fund shall be
 6 appropriated **as follows**:

7 **(a) For Fiscal Year 2006-2007, the amount of one hundred ninety**
 8 **thousand dollars** to the Department of Public Safety and Corrections, ~~shall be~~
 9 ~~administered by the office of state police, and shall to be used solely for the purpose~~
 10 ~~of facilitating in~~ the administration of programs for the registration of sex offenders
 11 in compliance with federal and state laws, **and support of community notification**
 12 **efforts by local law enforcement agencies. For Fiscal Years 2007-2008 and**
 13 **thereafter, the amount to be appropriated under this Subparagraph shall be**
 14 **twenty-five thousand dollars.**

15 **(b) For Fiscal Year 2006-2007 and each year thereafter, an amount**
 16 **equal to fifteen percent of the total residual monies available for appropriation**
 17 **from the fund after satisfying the requirements of Subparagraph (a) of this**
 18 **Paragraph shall be appropriated to the Department of Corrections, office of**
 19 **adult probation and parole.**

20 **(c) For Fiscal Years 2006-2007 and thereafter, residual monies available**
 21 **for appropriation after satisfying the requirements of Subparagraphs (a) and**
 22 **(b) of this Paragraph shall be appropriated to the Department of Public Safety**
 23 **and Corrections, office of state police, for distribution to the sheriff of each**
 24 **parish, based on the population of convicted sex offenders, sexually violent**
 25 **predators, and child predators residing in the respective parish according to the**
 26 **State Sex Offender and Child Predator Public Registry. Such population data**
 27 **shall be as compiled and certified by the undersecretary of the Department of**
 28 **Public Safety and Corrections on the first day of June. The office of state police**
 29 **shall make these distributions to the recipient sheriffs no later than June**
 30 **fifteenth.**

1 Section 5. The funds payable out of the State General Fund by Statutory Dedications
2 out of the Sex Offender Registry Technology Fund for additional support and to the
3 Operational Support Program for distribution to the sheriff of each parish in accordance with
4 C.C.P. Art. 895.1(F), as appropriated in Schedule 08-419, Office of State Police, Public
5 Safety Services, of House Bill No. 1 of the 2006 Regular Session of the Legislature,
6 contingent upon the enactment of House Bill No. 695 of the 2006 Regular Session
7 Legislature, shall be payable as so appropriated if the provisions contained in the
8 reengrossed version of House Bill No. 695 are enacted into law regardless of the instrument
9 in which such provisions are enacted.

10 Section 6. The provisions of Sections 4 and 5 of this Act shall become effective upon
11 signature by the governor or, if not signed by the governor, upon expiration of the time for
12 bills to become law without signature by the governor, as provided by Article III, Section
13 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved
14 by the legislature, Sections 4 and 5 of this Act shall become effective on the day following
15 such approval.

16 Section 7. If any provision or item of this Act, or the application thereof, is held
17 invalid, such invalidity shall not affect other provisions, items, or applications of the act
18 which can be given effect without the invalid provision, item, or application and to this end
19 the provisions of this Act are hereby declared severable.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____