

1 or the court of the parish of residence for those convicted under the laws of another
 2 state, or military, territorial, foreign, tribal, or federal law which have been
 3 determined to be comparable to a Louisiana offense requiring a fifteen-year
 4 registration period by the bureau pursuant to the provisions of R.S. 15:542.1.3. **The**
 5 **petition shall be accompanied by a certification from the office of state police**
 6 **of the offender's history of registration in Louisiana.**

7 (2) The lifetime registration period established in Paragraph (B)(2) of this
 8 Section may be reduced to a period of twenty-five years if the offender was
 9 adjudicated delinquent for the offense which requires registration and maintains a
 10 clean record for twenty-five years upon petition to be relieved of the sex offender
 11 registration to the court of adjudication for those adjudicated in Louisiana, or court
 12 of the parish of residence for those adjudicated under the laws of another state, or
 13 military, territorial, foreign, tribal, or federal law. **The petition shall be**
 14 **accompanied by a certification from the office of state police of the offender's**
 15 **history of registration in Louisiana.**

16 (3) For purposes of this Subsection, an offender maintains a "clean record"
 17 by:

18 * * *

19 (e) Complying with all sex offender registration and notification requirements
 20 **in Louisiana for the prescribed period of time** pursuant to the provisions of this
 21 Chapter.

22 (4) The following procedures shall apply to the provisions of Paragraphs (1)
 23 and (2) of this Subsection:

24 (a) The district attorney shall be served with a copy of the petition **and the**
 25 **Louisiana Department of Public Safety and Corrections, office of state police**
 26 **and the Department of Justice shall be given notice of the filing with a copy of**
 27 **the pleading.**

28 (b) The court shall order a contradictory hearing to determine whether the
 29 offender is entitled to be relieved of the registration and notification requirements

1 pursuant to the provisions of Paragraphs (1) and (2) of this Subsection. **The**
2 **Louisiana Department of Public Safety and Corrections, office of state police**
3 **and the Department of Justice shall be given notice of the hearing date.**

4 * * *

5 **R.S. 15:544.1. Registration and notification period end date; duties for setting;**
6 **notice and procedures for review**

7 **A. The office of the attorney general shall be responsible for maintaining**
8 **a registration period end date on the Sex Offender and Child Predator Registry**
9 **for all persons subject to this Chapter. The registration and notification period**
10 **end date maintained by the office of the attorney general shall be set according**
11 **to the provisions of this Chapter and shall be binding for purposes of**
12 **enforcement of the registration and notification laws unless and until challenged**
13 **and overturned on appeal through the process set forth below.**

14 **B. The registration end date shall be revised by the office of the attorney**
15 **general should the offender's criminal history or registration history subsequently**
16 **reflect actions or non-action which, under this Chapter, requires the registration**
17 **period to begin to run anew or to be suspended by a suspensive event.**

18 **C. The sheriff of the parish of the offender's residence shall:**

19 **(1) Give the offender notice of this prospective registration and**
20 **notification period end date set by the office of the attorney general and inform**
21 **the offender that this end date shall be revised should the offender's criminal**
22 **history or registration history subsequently reflect actions or non-action which,**
23 **under this Chapter, require the end date to be recalculated;**

24 **(2) Advise the offender that he has ninety days from the initial receipt of**
25 **the notice provided pursuant to Subsection (C)(1) of this Section to seek a review**
26 **of the registration and notification period end date as provided in Subsection D**
27 **of this Section if the offender believes it has been miscalculated. The date and**
28 **substance of said notice shall be entered into the offender's file on the registry and**
29 **verified by the offender; and**

1 **(3) Provide a copy of the decision made by the office of the attorney**
2 **general should the offender request review of the registration and notification end**
3 **date pursuant to Subsection D of this Section and give notice that the offender has**
4 **ninety days to request an administrative hearing as provided in Subsection F of**
5 **this Section.**

6 **D. If the offender is currently under an active obligation to maintain**
7 **registration and notification in Louisiana pursuant to the provisions of this**
8 **Chapter, the person required to register and notify may request a review of their**
9 **registration and notification period end date if they believe a miscalculation has**
10 **occurred. This request must be made in writing and addressed to: office of the**
11 **attorney general, SPAT Unit, P.O. Box 94005, Baton Rouge, Louisiana 70804-**
12 **9005. The request for review must include:**

13 **(1) Name, date of birth, social security number and phone number of the**
14 **requestor.**

15 **(2) Address of residence and parish in which the registrant is currently**
16 **residing.**

17 **(3) Statute violated which requires registration under this Chapter,**
18 **jurisdiction of conviction, court of conviction, date of conviction, and latest**
19 **release from incarceration based on said conviction.**

20 **(4) Specific legal and/or factual reason registrant believes current**
21 **registration and notification period end date is incorrect.**

22 **(5) A copy of the last offender contract signed by the offender at the**
23 **office of the sheriff of the offender's parish of residence.**

24 **(6) An affidavit of verification that all allegations of fact are true and**
25 **accurate.**

26 **E. If the request for review meets the requirements of Subsection D of**
27 **this Section, an administrative review shall be made by the office of the attorney**
28 **general and the requesting individual shall be provided with a decision within**
29 **ninety days of the request. The decision shall contain the pertinent law and facts**

1 relied upon in making the decision and shall be provided to the requesting
2 individual by posting in the offender's registry file for delivery by the sheriff of
3 residence as provided in Paragraph (C)(3) of this Section. If request for review
4 submitted by the applicant does not meet the procedural requirements of
5 Subsection D of this Section, the request for review shall be rejected and the
6 offender shall be given notice of the rejection through the same method.

7 F. The offender shall have ninety days from receipt of notice of the
8 decision of the office of the attorney general to seek further review through an
9 administrative hearing as provided in R.S. 49:950. The application for
10 administrative hearing shall contain the following items:

11 (1) A detail listing with specificity of all errors the applicant alleges to
12 have been made in the determination of the prospective registration and
13 notification period end date. Any objection to the registration and notification
14 period end date based on an error not alleged shall be deemed waived.

15 (2) A copy of the determination made by the office of the attorney
16 general of which the applicant seeks review and a copy of the notice of the
17 decision provided by the sheriff's office.

18 (3) Suggest a prospective registration and notification period end date
19 which the applicant submits to be accurate under the provisions of this Chapter,
20 including the facts and law relied upon in suggesting said date.

21 G. If it is clear from the filing that the application submitted by the
22 applicant does not meet the procedural requirements of Subsections D, E and
23 F of this Section, the application shall be dismissed. If it appears from the
24 application that the procedural requirements of Subsections D, E and F of this
25 Section have been met, the office of the attorney general shall be served with a
26 copy of the application and ordered to file any procedural objections it may
27 have, or an answer on the merits, if there are no procedural objections, within
28 a specified period of not less than thirty days and not more than forty-five days.
29 The objections and/or answer shall be accompanied by reliable supporting

1 documentation.

2 H. If the administrative hearing officer determines that the factual and
3 legal issues can be resolved based upon the application filed by the offender and
4 the procedural objections or answer filed by the office of the attorney general,
5 and reliable supporting documents, including affidavits, submitted by either
6 party or available to the court, the court may grant or deny relief without
7 further proceedings. The court may authorize requests for admissions of fact
8 and of genuineness of documents. In such matters, the court shall be guided by
9 the Code of Civil Procedure.

10 I. An evidentiary hearing for the taking of testimony or other evidence
11 shall be ordered only when there are questions of fact which cannot properly be
12 resolved pursuant to Subsections G and H of this Section.

13 J. Failure to timely seek review of the attorney general's office
14 determination of the registration and notification period end date as provided
15 in Subsection D of this Section or to timely apply for or appeal a ruling of an
16 administrative review hearing in accordance with the provisions of this Section
17 within the applicable ninety-day period specified in this Section shall constitute
18 a waiver by the offender to a hearing under this Section and shall make the
19 registration and notification end date determination by the office of the attorney
20 general binding and enforceable under R.S. 15:542.1.4. If the offender does
21 seek review he shall nevertheless register in accordance with the date set by the
22 attorney general unless such date is modified by the administrative law judge
23 or a court on appeal.

24 K. The results of any such administrative review or hearing shall be
25 pertinent only to the determination of a registration and notification end date
26 based on the existing facts at the time the initial request for review was made
27 to the office of the attorney general and shall not affect future updates to the
28 registration end date should any action or non-action on the part of the offender
29 occur after a review is requested which, under the provisions of this Chapter,

1 materially affect the running of the registration and notification period.

2 L. Any ruling of the administrative hearing officer shall be appealable
3 to the Nineteenth Judicial District Court within the delays set by the
4 administrative hearing officer.

5 * * *

6 CHAPTER 3-C. LOUISIANA SEXUAL ASSAULT TASK FORCE

7 §555. Sexual Assault Task Force; creation; membership; meetings

8 A. The Louisiana Sexual Assault Task Force is hereby created within the
9 Department of Justice, office of the attorney general. The task force shall consist
10 of twenty-five members as follows:

11 (1) The executive director of the Louisiana District Attorneys Association
12 or his designee.

13 (2) The executive director of the Louisiana Foundation Against Sexual
14 Assault or her designee.

15 (3) The Sexual Assault Nurse Examiner/Sexual Assault Response Team
16 (SANE/SART) program coordinator of the Louisiana Foundation Against Sexual
17 Assault or her designee.

18 (4) The executive director of the Louisiana Sheriffs Association, or his
19 designee.

20 (5) The executive director of the Louisiana Association of Chiefs of Police,
21 or his designee.

22 (6) The president of the Louisiana District Judges Association, or his
23 designee.

24 (7) The executive director of the Louisiana Commission on Law
25 Enforcement and the Administration of Criminal Justice, or his designee.

26 (8) The president of the Louisiana Coroners Association, or his designee.

27 (9) The director of the Louisiana State Police Crime Laboratory, or his
28 designee.

29 (10) The president of the Louisiana Association of Forensic Scientists, or

1 **his designee.**

2 **(11) The president of the Louisiana Hospitals Association, or her designee.**

3 **(12) The secretary of the Department of Health and Hospitals, or his**
4 **designee.**

5 **(13) The executive director of the Louisiana State Board of Nursing, or his**
6 **designee.**

7 **(14) The executive director of the Louisiana CASA Association, or his**
8 **designee.**

9 **(15) The president of the Louisiana Children's Advocacy Center, or his**
10 **designee.**

11 **(16) The secretary of the Department of Children and Family Services, or**
12 **his designee.**

13 **(17) The assistant secretary of the Department of Children and Family**
14 **Services directing the office of community services, or his designee.**

15 **(18) The medical director of the Child At Risk Evaluation Center at**
16 **Children's Hospital of New Orleans, or his designee.**

17 **(19) The attorney general, or his designee.**

18 **(20) A member of the Association of Criminal Defense Lawyers selected**
19 **by its chief executive officer, or his designee.**

20 **(21) The superintendent of state police, or his designee.**

21 **(22) The director of the Louisiana Coalition Against Domestic Violence,**
22 **or his designee.**

23 **(23) The president of the Louisiana Juvenile Judges Association, or his**
24 **designee.**

25 **(24) A member of the House of Representatives appointed by the speaker**
26 **of the House of Representatives, or his designee.**

27 **(25) A member of the Senate appointed by the president of the Senate, or**
28 **his designee.**

29 **B. Members of the task force shall serve at the pleasure of the appointing**

1 authority. The attorney general shall serve as chairman, and his duties shall be
2 established by the task force.

3 C. The task force shall fix a time and place for its regular meeting and
4 shall meet at least once during each calendar month. Additional special or
5 regular meetings may be held upon the call of the chairman.

6 D. A majority of the membership present shall constitute a quorum and
7 shall be necessary to take action.

8 **§556. Duties of the task force**

9 The task force shall examine issues relating to forensic examination of
10 sexual assault victims and investigation of sexual assault cases, including but not
11 limited to the following:

12 (1) The task force shall review and analyze all applicable state and federal
13 laws, rules, regulations, policies, procedures, and practices pertaining to all of the
14 following:

15 (a) What entities are performing and should perform forensic
16 examinations of sexual assault victims.

17 (b) What entities are financially responsible and should be financially
18 responsible for the forensic evidence collection from the victim of a sexual assault.

19 (c) Which entities are being billed for the forensic examinations and which
20 entities should be billed for such examinations.

21 (d) What evidence is collected from the victim, how is it preserved, how
22 is it analyzed, and what are the best practices in these areas.

23 (e) What standards are being followed in the investigation of sexual
24 assault cases and what standards should be followed.

25 (f) What training is provided and what training should be provided to law
26 enforcement officers and staff of the Department of Children and Family
27 Services, office of community services, investigating sexual assault cases or cases
28 of suspected sexual assault.

29 (g) What criteria are used and what criteria should be used in designating

1 **cases as unfounded or in reclassifying cases involving completed or attempted**
2 **illegal sexual activity.**

3 **(h) The current reporting requirements and those recommended by the**
4 **Department of Children and Family Services, office of community services,**
5 **regarding the number of allegations of sexual abuse or assault reported and**
6 **investigated and the number of those which are validated or not validated.**

7 **(i) Reports by teachers, ministers, and other mandatory reporters to the**
8 **Department of Children and Family Services, office of community services, and**
9 **law enforcement agencies, standards for dual investigations and whether**
10 **mandatory reporters should report to both law enforcement agencies and the**
11 **Department of Children and Family Services, office of community services.**

12 **(2) The task force shall report its findings and recommendations to the**
13 **governor, the president of the Senate, and the speaker of the House of**
14 **Representatives not later than July 1, 2011.**

15 Section 2. The task force created by this Act shall terminate sixty days after the report
16 of findings and recommendations has been submitted.

17 Section 3. This Act shall become effective upon signature by the governor or, if not
18 signed by the governor, upon expiration of the time for bills to become law without signature
19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
21 effective on the day following such approval.

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

DIGEST

Present law provides for a reduction of the registration period if the offender maintains a clean record for 10 years upon petition to be relieved of the sex offender registration to the court of conviction for those convicted in Louisiana.

Proposed law maintains present law and provides that the petition seeking relief from registration be accompanied by a certification from the office of state police of the offender's history of registration in Louisiana.

Present law provides that the district attorney shall be served with a copy of the petition.

Proposed law maintains present law and provides that the Department of Public Safety and Corrections, office of state police and Department of Justice shall be given notice of the filing with a copy of the pleading.

Proposed law creates a registration and notification period which the office of the attorney general will be responsible for maintaining.

Proposed law authorizes revision of the registration end date by the office of the attorney general if the offender's criminal history or registration history subsequently reflect actions or non-action which, under this Chapter, require the registration period to begin to run anew or to be suspended by a suspensive event.

Proposed law provides that the sheriff of the parish of the offender's residence shall do the following:

- (1) Give the offender notice of this prospective registration and notification period end date set by the office of the attorney general and inform the offender that this end date will be revised should the offender's criminal history or registration history subsequently reflect actions or non-action which require the end date to be recalculated.
- (2) Advise the offender that he has 90 days from the initial receipt of the notice to seek a review of the registration and notification period end date if he believes it has been miscalculated. Requires that the date and substance of the notice be entered into the offender's file on the registry and verified by the offender.
- (3) Provide a copy of the decision made by the office of the attorney general if the offender requests review of the registration and notification end date and give notice that the offender has 90 days to request an administrative hearing as provided by law.

Proposed law provides that the offender will have 90 days from receipt of notice of the decision of the office of the attorney general to seek further review through an administrative hearing.

Proposed law creates the Louisiana Sexual Assault Task Force within the Department of Justice.

Proposed law provides for a membership of 25 members and that the attorney general serve as chairman.

Proposed law provides for a listing of issues for study by the task force, including but not limited to investigation issues, procedures used in obtaining and analyzing sexual assault evidence, and training requirements for law enforcement officers and others in sexual assault cases.

Proposed law requires the task force to report its findings and recommendations to the governor, the president of the Senate, and the speaker of the House of Representatives not later than July 1, 2011.

Proposed law provides that the task force shall terminate 60 days after its report of findings has been submitted.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 15:544 (D)(1), (2), (3)(e), (4)(a) and (b); adds R.S. 15:544.1, 555 and 556)