

Regular Session, 2011

SENATE BILL NO. 232

BY SENATOR CHEEK

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

SEX OFFENSES. Provides for registry and notification by sex offenders and a sexual assault task force. (gov sig)

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AN ACT

To amend and reenact R.S. 15:544 (D)(1), (2), (3)(e), (4)(a) and (b) and to enact Chapter 3-C of Title 15 of the Louisiana Revised Statutes of 1950 to be comprised of R.S. 15:555 and 556; relative to sex offenses; to provide for notification and registration of offenders; to create a sexual assault task force and provide for the membership, and powers, duties, and functions of the task force; to provide for a termination date of the task force; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:544 (D)(1), (2), (3)(e), (4)(a) and (b) are hereby amended and reenacted and Chapter 3-C of Title 15 of the Louisiana Revised Statutes of 1950 to be comprised of R.S. 15:555 and 556 is hereby enacted to read as follows:

§544. Duration of registration and notification period

\* \* \*

D.(1) The registration period of fifteen years established in Subsection A of this Section may be reduced to a period of ten years if the offender maintains a clean record for the entire ten-year period of registration upon petition to be relieved of the sex offender registration to the court of conviction for those convicted in Louisiana,

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 **CHAPTER 3-C. LOUISIANA SEXUAL ASSAULT TASK FORCE**

6 **§555. Sexual Assault Task Force; creation; membership; meetings**

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

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

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

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

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

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

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

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

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

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

28 **(10) The president of the Louisiana Association of Forensic Scientists,**  
29 **or his designee.**

1                   (11) The president of the Louisiana Hospitals Association, or her  
2                   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  
6                   his 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,  
12                  or 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  
26                  speaker of the House of Representatives, or his designee.

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

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

1 appointing authority. The attorney general shall serve as chairman, and his  
2 duties shall be 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  
13 federal laws, rules, regulations, policies, procedures, and practices pertaining  
14 to all of the 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  
19 assault.

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

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

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

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

1            **(g) What criteria are used and what criteria should be used in**  
2            **designating cases as unfounded or in reclassifying cases involving completed or**  
3            **attempted illegal sexual activity.**

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

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

13           **(2) The task force shall report its findings and recommendations to the**  
14           **governor, the president of the Senate, and the speaker of the House of**  
15           **Representatives not later than December 31, 2012.**

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

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

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The original instrument was prepared by Michael Bell. The following digest,  
which does not constitute a part of the legislative instrument, was prepared  
by Michelle Ducharme.

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#### DIGEST

Check (SB 232)

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 the Louisiana Sexual Assault Task Force within the Department of Justice.

Proposed law provides that the task force consists 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 December 31, 2012.

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. 15:555 and 556)

#### Summary of Amendments Adopted by Senate

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

1. Deletes the responsibility of the office of the attorney general to maintain on the State Sex Offender and Child Predator Registry the registration period end date.
2. Deletes the administrative procedure created for offenders who are required to register to request a review of the registration period end date established by the attorney general.
3. Deletes the duties of the sheriff to provide certain information to the offender required to register within the sheriff's jurisdiction.
4. Changes the reporting date for the task force from July 1, 2011 to December 31, 2012.