

Regular Session, 2012

HOUSE BILL NO. 353

BY REPRESENTATIVE LOPINTO

SEX OFFENSE/REGISTRY: Implements 1,000-foot residency and presence restrictions for certain convicted sex offenders relative to day care centers

1 AN ACT

2 To amend and reenact R.S. 14:91.2(A)(2) and (3) and (B)(1) and (2), relative to the unlawful
3 presence of sex offenders; to amend provisions relative to the unlawful presence of
4 certain offenders convicted of a sex offense; to provide relative to day care centers;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:91.2(A)(2) and (3) and (B)(1) and (2) are hereby amended and
8 reenacted to read as follows:

9 §91.2. Unlawful presence of a sex offender

10 A. The following acts when committed by a person convicted of a sex
11 offense as defined in R.S. 15:541 when the victim is under the age of thirteen years
12 shall constitute the crime of unlawful residence or presence of a sex offender:

13 * * *

14 (2) The offender establishing a residence within one thousand feet of any
15 public or private elementary or secondary school or day care center as defined in
16 R.S. 46:1403.

17 (3) The physical presence of the offender in, on, or within one thousand feet
18 of a public park, ~~or~~ recreational facility, or day care center as defined in R.S.
19 46:1403.

20 * * *

1 B. The following acts, when committed by a person convicted of an
2 aggravated offense as defined in R.S. 15:541(2) when the victim is under the age of
3 thirteen years, shall constitute the crime of unlawful residence or presence of a sex
4 offender:

5 (1) The physical presence of the offender in, on, or within one thousand feet
6 of a ~~day care center~~, group home, residential home, ~~or~~ child care facility as defined
7 in R.S. 46:1403, or a family child day care home as defined in R.S. 46:1441.1.

8 (2) The establishment of a residence within one thousand feet of any ~~day~~
9 ~~care center~~, group home, residential home, ~~or~~ child care facility as defined in R.S.
10 46:1403, a family child day care home as defined in R.S. 46:1441.1, playground,
11 public or private youth center, public swimming pool, or free standing video arcade
12 facility.

13 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Lopinto HB No. 353

Abstract: Expands the prohibition involving the unlawful presence of certain offenders convicted of a sex offense relative to day care centers.

Present law provides that any person who is convicted of a "sex offense" when the victim is under the age of 13 shall be prohibited from establishing a residence or being physically present within 1,000 feet of certain facilities including schools, public parks, or recreational facilities.

Present law provides that any person who is convicted of an "aggravated offense" when the victim is under the age of 13 shall be prohibited from establishing a residence or being physically present within 1,000 feet of certain facilities including day care centers, group homes, residential homes, child care facilities, or family child day care homes.

Present law provides for a list of offenses that are considered to be an "aggravated offense". In addition, present law provides for a definition of "sex offense" which includes those offenses that are considered to be "aggravated offenses".

Proposed law amends present law to expand the prohibition on being physically present or establishing a residence within 1,000 feet of a day care center to apply to a person convicted of any "sex offense", and not just those offenders convicted of an "aggravated offense" as provided in present law.

(Amends R.S. 14:91.2(A)(2) and (3) and (B)(1) and (2))