## Regular Session, 2012

### HOUSE BILL NO. 353

# BY REPRESENTATIVES LOPINTO, ADAMS, BADON, BROWN, GUILLORY, HAZEL, HONORE, HOWARD, MACK, NORTON, AND PYLANT

# SEX OFFENSE/REGISTRY: Implements 1,000-feet 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	<u>R.S. 46:1403</u> .
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	<u>46:1403</u> .
20	* * *

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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 <del>day care center,</del> group home, residential home, <del>or</del> 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 $\frac{day}{day}$
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.

<u>Present law</u> 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.

<u>Present law</u> 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.

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

<u>Proposed law</u> amends <u>present law</u> 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 <u>present law</u>.

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

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