
DIGEST

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Billiot

HB No. 440

Abstract: Provides relative to sex offender registration and notification.

Present law provides that for purposes of sex offender registration and notification, "residence" shall mean a dwelling where an offender regularly resides, regardless of the number of days or nights spent there.

Proposed law amends the definition of "residence" to mean a dwelling where the number of days or nights spent there by an offender exceed 24 days in a calendar year, or any dwelling where an offender regularly resides, regardless of the number of days or nights spent there.

Present law requires the sex offender to provide certain information to the appropriate law enforcement agencies when registering as a sex offender including but not limited to the following:

- (1) A description of every vehicle registered to or operated by the offender, including license plate number and a copy of the offender's driver's license or identification card.
- (2) Temporary lodging information regarding any place where the offender plans to stay for seven or more days.

Present law requires such information to be provided by the offender within three business days of establishing residence in Louisiana, or if a current resident, within three business days after conviction or adjudication, if not immediately incarcerated or taken into custody after conviction or adjudication.

Proposed law retains these present law time period requirements, but provides that if the offender is a current residence of Louisiana and is not immediately taken into custody after conviction or adjudication, he shall provide the information to the sheriff of the parish of conviction or adjudication on the date of the conviction.

With regard to information on the offender's vehicles, proposed law provides that the offender shall also provide the vehicle identification number of every motorized vehicle registered to or operated by him, and provides that all information regarding the offender's vehicles shall be provided prior to the offender's operation of the vehicle.

With regard to information on temporary lodging, proposed law provides that temporary lodging

information where the offender plans to stay for seven or more days shall be provided at least three days prior to the date of departure.

Proposed law further provides that temporary lodging information regarding international travel shall be provided regardless of the number of days or nights the offender plans to stay, and such information shall be provided at least 21 days prior to the date of departure. This information shall then be sent by the bureau to the U.S. Marshals Service's National Sex Offender Targeting Center for transmission to the proper authorities.

Present law authorizes certain persons convicted of crime against nature prior to August 15, 2010, to file a motion in the court of conviction to be relieved of the sex offender registration and notification requirements if the offense for which the offender was convicted would be defined as crime against nature by solicitation had the offender been convicted on or after August 15, 2010, and the offense did not involve the solicitation of persons under the age of 17. Present law further provides for the procedure by which such motions are filed.

Proposed law provides for the following relative to such motions:

- (1) The district attorney in the parish where the offender was convicted is also authorized to file such motions.
- (2) If the motion is filed by the district attorney, an affidavit establishing that the facts of the case and the underlying conviction meet the requirements for filing such motions as set forth in present law, shall be deemed sufficient for the granting of relief.
- (3) Requires the documentation provided in support of such motions to include documentation establishing that the person being solicited was not under the age of 17.
- (4) Provides that the district attorney, the office of state police, and the Department of Justice shall be served with a copy of any motion seeking, and any order granting, such relief.

Present law requires the court to provide written notification to any person who is required to register as a sex offender.

Proposed law amends this written notification form to reflect the changes made by proposed law.

(Amends R.S. 15:541(22), 542(C)(1)(intro. para.), (j), and (n), (C)(2), and (F)(4)(a), (b), and (c), 542.1.2(A)(intro. para.), and 543.1)