

Regular Session, 2014

HOUSE BILL NO. 885

BY REPRESENTATIVE CONNICK

SEX OFFENSE/REGISTRY: Provides for certain procedures relative to the end of registration and notification requirements of convicted sex offenders and child predators

1 AN ACT

2 To enact R.S. 15:544.2, relative to registration and notification of sex offenders and child
3 predators; to provide for a determination of the end of a registration and notification
4 period by the Department of Justice; to provide for the procedures for such
5 determinations; to provide for the duties of office of state police, the Department of
6 Justice, and certain sheriffs for purposes of this determination; to provide relative to
7 the adjustment of these determinations; to provide relative to appeals of such
8 determinations made by the Department of Justice; to provide for the issuance of a
9 formal letter relative to an offender's successful completion of the registration and
10 notification requirements; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 15:544.2 is hereby enacted to read as follows:

13 §544.2. Registration and notification period end date; determination; procedures

14 A.(1) Except as provided in Subsection B of this Section, for an offender
15 who is required to register as a sex offender or child predator pursuant to the
16 provisions of this Chapter, fourteen years from the date of conviction for which the
17 offender is required to register pursuant to the provisions of this Chapter or from the
18 date of the offender's latest release from incarceration for a felony offense,

1 whichever is later, the following procedures shall be complied with by the following
2 entities:

3 (a) The office of state police and the sheriff of the parish or parishes in which
4 the offender resides shall upload the offender's registration history to the offender's
5 file in the Sex Offender and Child Predator Registry.

6 (b) The Department of Justice shall review the offender's criminal history
7 and registration history and post a prospective registration and notification period
8 end date to the offender's file in the Sex Offender and Child Predator Registry.
9 When posting the prospective registration and notification period end date, the
10 Department of Justice shall include any details relied upon at the time to calculate
11 the registration and notification period end date. If at any time after the
12 determination of the registration and notification period end date, the offender's
13 criminal history or registration history reflects actions or inaction that, pursuant to
14 the provisions of this Chapter, requires the running of the registration period to begin
15 anew or to be suspended, the registration and notification period end date shall be
16 revised by the Department of Justice accordingly.

17 (c) Within thirty days from the date on which the Department of Justice posts
18 its determination of the registration and notification period end date to the offender's
19 file in the Sex Offender and Child Predator Registry, the sheriff of the parish or
20 parishes in which the offender resides shall give the offender written notice by mail
21 of the prospective registration and notification period end date and inform the
22 offender that the registration and notification period end date shall be revised if the
23 offender's criminal history or registration history subsequently reflects actions or
24 inaction that, pursuant to the provisions of this Chapter, requires the end date to be
25 recalculated. The sheriff shall also notify the offender of his right to seek review of
26 the Department of Justice's determination as provided in Subsections D and F of this
27 Section. The date on which the letter is sent notifying the offender of his registration
28 and notification period end date shall be entered by the sheriff in the offender's
29 registry profile and included in the notification of registration obligations which shall

1 be signed by the offender during the next in-person period renewal of registration for
2 the offender as required by the provisions of R.S. 15:542.1.1.

3 (2) The provisions of this Subsection shall not apply to any of the following:

4 (a) Any person convicted of a sexual offense against a victim who is a minor
5 as defined by R.S. 15:541.

6 (b) Any person convicted of an aggravated offense as defined by R.S.
7 15:541.

8 (c) Any person who has been convicted of more than one offense that
9 requires registration pursuant to the provisions of this Chapter.

10 B.(1) For an offender who is required to register pursuant to the provisions
11 of this Chapter for a conviction of a sexual offense against a victim who is a minor
12 as defined by R.S. 15:541, twenty-four years after the date of conviction for which
13 the offender is required to register pursuant to the provisions of this Chapter or the
14 date of the offender's latest release from incarceration for a felony offense, the
15 following procedures shall be complied with by the following entities:

16 (a) The office of state police and the sheriff of the parish or parishes in which
17 the offender resides shall upload the offender's registration history to the offender's
18 file in the Sex Offender and Child Predator Registry.

19 (b) The Department of Justice shall review the offender's criminal history
20 and registration history and post a prospective registration and notification period
21 end date to the offender's file in the Sex Offender and Child Predator Registry.
22 When posting the prospective registration and notification period end date, the
23 Department of Justice shall include any details relied upon at the time to calculate
24 the registration and notification period end date. If at any time after the
25 determination of the registration and notification period end date, the offender's
26 criminal history or registration history reflects actions or inaction that, pursuant to
27 the provisions of this Chapter, requires the running of the registration period to begin
28 anew or to be suspended, the registration and notification period end date shall be
29 revised by the Department of Justice accordingly.

1 (c) Within thirty days from the date on which the Department of Justice posts
2 its determination of the registration and notification period end date to the offender's
3 file in the Sex Offender and Child Predator Registry, the sheriff of the parish or
4 parishes in which the offender resides shall give the offender written notice by mail
5 of the prospective registration and notification period end date and inform the
6 offender that the registration and notification period end date shall be revised if the
7 offender's criminal history or registration history subsequently reflects actions
8 inaction that, pursuant to the provisions of this Chapter, requires the end date to be
9 recalculated. The sheriff shall also notify the offender of his right to seek review of
10 the Department of Justice's determination as provided in Subsections D and F of this
11 Section. The date on which the letter is sent notifying the offender of his registration
12 and notification period end date shall be entered by the sheriff in the offender's
13 registry profile and included in the notification of registration obligations which shall
14 be signed by the offender during the next in-person period renewal of registration for
15 the offender as required by the provisions of R.S. 15:542.1.1.

16 C. The registration and notification period end date, calculated and
17 maintained by the Department of Justice pursuant to the provisions of Subsections
18 A and B of this Section, shall be set in accordance with the provisions of this Chapter
19 and shall be binding for purposes of enforcement of the registration and notification
20 provisions of this Chapter unless overturned by the court of competent jurisdiction
21 pursuant to R.S. 15:544.1.

22 D. If an offender, who is currently residing in this state and is under an active
23 obligation to register and provide notification pursuant to the provisions of this
24 Chapter, believes that the determined registration and notification period end date
25 is incorrect, the offender may seek further review of the end date determination by
26 the Department of Justice within forty-five days of date on which the notice was sent
27 pursuant to Subparagraph (A)(1)(c) or (B)(1)(c) of this Section. The request shall
28 be made in writing and addressed to: Office of the Attorney General, SPAT Unit,

1 Post Office Box 94005, Baton Rouge, Louisiana 70804-9005. The request for
2 review shall include all of the following:

3 (1) Name, date of birth, social security number, and phone number of the
4 offender.

5 (2) Address of residence and parish in which the offender is currently
6 residing.

7 (3) The offense for which the offender was convicted that requires
8 registration and notification pursuant to the provisions of this Chapter, the
9 jurisdiction of conviction, the court of conviction, the date of conviction, and the
10 latest release from incarceration for the conviction that requires registration and
11 notification pursuant to the provisions of this Chapter.

12 (4) Specific legal or factual reasons why the offender believes the current
13 registration and notification period end date as determined by the Department of
14 Justice is incorrect.

15 (5) A copy of the most recent offender contract signed by the offender at the
16 office of the sheriff of the parish in which the offender resides.

17 (6) An affidavit of verification that all allegations of fact are true and
18 accurate.

19 E. If the request for review meets all of the requirements set forth in
20 Subsection D of this Section, the request shall be reviewed by the Department of
21 Justice. The Department shall post its decision, and any pertinent law and facts
22 relied upon in making its decision, to the offender's registry file for delivery to the
23 offender by the sheriff of the parish or parishes in which the offender resides. The
24 sheriff of the parish in which the offender resides shall mail written notice of the
25 Department's decision to the offender within thirty days from the date on which the
26 decision was posted to the offender's file in the Sex Offender and Child Predator
27 Registry by the Department of Justice.

28 F. Within one hundred eighty days of receipt of notice pursuant to
29 Subsections A, B, or D of this Section, the offender may file a petition for injunctive

1 relief or for a declaratory judgement pursuant to the provisions of R.S. 15:544.1.
2 Failure to timely file a petition for such relief pursuant to the provisions of this
3 Subsection shall constitute a waiver by the offender and shall make the registration
4 and notification period end date determination by the Department of Justice final,
5 unless the registration and notification period end date is revised by the Department
6 of Justice because the offender's criminal history or registration history reflects
7 actions or inaction that, pursuant to the provisions of this Chapter, requires the
8 running of the registration period to begin anew or to be suspended.

9 G. When an offender has complied with all registration and notification
10 requirements for the period of time required by the provisions of this Chapter, the
11 Department of Justice shall, upon request by the offender, issue a formal letter
12 verifying that the offender has completed all his requirements. This letter shall state
13 that the offender is no longer required to register and notify as a sex offender or a
14 child predator for the underlying sex offense or criminal offense against a victim
15 who is a minor, as defined by R.S. 15:541, which gave rise to his obligation to
16 register, unless the offender is convicted of another offense which requires
17 registration and notification pursuant to the provisions of this Chapter.

18 H. If at any time after the determination of the registration and notification
19 period end date is made pursuant to the provisions of this Chapter, the offender's
20 criminal history or registration history reflects actions or inaction that, pursuant to
21 the provisions of this Chapter, requires the running of the registration period to begin
22 anew or to be suspended, and the registration and notification period end date is
23 revised by the Department of Justice, the Department of Justice shall post the
24 updated registration and notification period end date to the offender's file in the Sex
25 Offender and Child Predator Registry. Within thirty days from the date on which the
26 Department of Justice posts the revised registration and notification period end date
27 to the offender's file, the sheriff of the parish or parishes in which the offender
28 resides shall give the offender written notice by mail of the revised end date and

- 1 notify the offender of his right to seek review of the determination by the Department
 2 of Justice as provided in Subsections D and F of this Section.
 3 Section 2. The provisions of this Act shall become effective on January 1, 2015.

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)]

Connick

HB No. 885

Abstract: Provides for certain procedures relative to the end of registration and notification requirements of convicted sex offenders and child predators.

Present law requires certain persons convicted of certain sex offenses or criminal offenses against a victim who is a minor to register as a sex offender in the Sex Offender and Child Predator Registry and to provide notification to certain persons. The duration of such registration and notification requirements depends upon the offense for which the offender was convicted.

Proposed law retains present law and provides for the procedure by which an offender's registration and notification period end date is determined.

In this regard, proposed law provides for the following:

- (1) Requires the office of state police and the sheriff of the parish where the offender resides to upload the offender's registration history to the Sex Offender and Child Predator Registry and requires the Dept. of Justice to review the offender's criminal history and registration history and post a prospective registration end date to the offender's file in the Sex Offender and Child Predator Registry.
- (2) Requires the DOJ to revise the registration and notification period end date if the offender's criminal history or registration history subsequently reflect actions or inaction that, pursuant to present law, requires the running of the registration period to begin anew or to be suspended.
- (3) Authorizes the offender to seek review of the determination made by the DOJ and provides the procedure and requirements for requesting such review.
- (4) Provides that the registration and notification period end date calculated by the DOJ shall be set in accordance with the provisions of present law regarding sex offender registration and notification and shall be binding unless overturned by the court pursuant to the procedures set forth in proposed law.
- (5) Authorizes the offender file a petition for injunctive relief or for declaratory judgment of the registration and notification period end date determined by the DOJ.
- (6) When an offender has complied with all registration and notification requirements for the requisite amount of time pursuant to the provisions of present law, requires the DOJ to issue a formal letter verifying that the offender has completed his requirements.

(Adds R.S. 15:544.2)