

2016 Regular Session

HOUSE BILL NO. 444

BY REPRESENTATIVE NANCY LANDRY

CRIME/SEX OFFENSES: Adds private residences conducting approved home study programs to the crime of unlawful residence or presence of sexual predator

1 AN ACT

2 To amend and reenact R.S. 14:91.2(A)(1) and (2) and (C)(1) and (E)(6) and to enact R.S.
3 14:91.2(E)(7), relative to the crime of unlawful residence or presence of a sex
4 offender; to provide for residential homes used for home study purposes; to provide
5 for definitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:91.2(A)(1) and (2) and (C)(1) and (E)(6) are hereby amended and
8 reenacted and R.S. 14:91.2(E)(7) is hereby enacted to read as follows:

9 §91.2. Unlawful residence or 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 (1) The physical presence of the offender in, on, or within one thousand feet
14 of the school property of any public or private elementary or secondary school or a
15 residential home used for home study purposes, or the physical presence in any
16 motor vehicle or other means of conveyance owned, leased, or contracted by such
17 school to transport students to or from school or a school-related activity when
18 persons under the age of eighteen years are present on the school property or in a
19 school vehicle.

1 (2) The offender establishing a residence within one thousand feet of any
2 public or private elementary or secondary school, a residential home used for home
3 study purposes, or child care facility as defined in R.S. 46:1403.

4 * * *

5 C.(1) It shall not be a violation of the provisions of this Section if the
6 offender has permission to be present on school premises from the superintendent
7 of the school board in the case of a public school or the principal, ~~or~~ headmaster in
8 the case of a private school, or an owner of the residential home used for home study
9 purposes.

10 * * *

11 E. For purposes of this Section:

12 * * *

13 (6) "Residential home used for home study purposes" means any private
14 residence where parents, guardians, or other adults conduct a home study program
15 approved by the State Board of Elementary and Secondary Education.

16 (7) "School property" means any property used for school purposes,
17 including but not limited to school buildings, playgrounds, and parking lots.

18 * * *

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)]

HB 444 Original

2016 Regular Session

Nancy Landry

Abstract: Includes in the crime of unlawful residence or presence of a sex offender, a sex offender who is present or within 1,000 feet of a residential home used for approved home study purposes.

Present law provides for the crime of unlawful residence or presence of a sex offender when the offender is present or within 1,000 feet of school property or in any motor vehicle or other means of conveyance owned, leased, or contracted by such school to transport students to or from school or a school-related activity.

Present law further includes in the crime of unlawful residence or presence of a sex offender an offender who establishes a residence within 1,000 feet of any public or private elementary or secondary school or child care facility.

Present law provides a penalty of a fine of not more than \$1,000, imprisonment with or without hard labor for not more than one year, or both.

Proposed law retains present law and includes in the crime of unlawful residence or presence of a sex offender, a sex offender who is present or within 1,000 feet of a residential home used for approved home study purposes.

Proposed law defines "residential home used for home-school purposes" as any private residence where parents, guardians, or other adults conduct a home study program approved by the State Board of Elementary and Secondary Education.

(Amends R.S. 14:91.2(A)(1) and (2) and (C)(1) and (E)(6); Adds R.S. 14:91.2(E)(7))