

2016 Regular Session

HOUSE BILL NO. 962

BY REPRESENTATIVE SMITH

CRIMINAL/RECORDS: Provides relative to a registry of persons convicted of certain domestic violence offenses

1 AN ACT

2 To enact Chapter 6-D of Title 15 of the Louisiana Revised Statutes of 1950, comprised of  
3 R.S. 15:671 through 677, relative to domestic violence; to require registration of  
4 certain offenders who commit certain crimes involving domestic violence; to provide  
5 definitions; to provide for the creation of a central registry; to provide for the  
6 transmission of registry information to the Louisiana Bureau of Criminal  
7 Identification and Information; to provide with respect to limitations of liability; to  
8 provide with respect to the failure to register; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Chapter 6-D of Title 15 of the Louisiana Revised Statutes of 1950,  
11 comprised of R.S. 15:671 through 677, is hereby enacted to read as follows:

12 CHAPTER 6-D. REGISTRY OF DOMESTIC

13 VIOLENCE OFFENDERS

14 §671. Short title

15 This Chapter may be referred to and may be cited as "Domestic Abuse  
16 Violent Offender Registration Act".

17 §672. Definitions

18 For the purposes of this Chapter, the following words have the following  
19 meanings:

20 A. "Bureau" means the Louisiana Bureau of Criminal Identification and  
21 Information as established in Chapter 6 of this Title.

1           B. "Domestic violence offense" means any of the following:

2           (1) Domestic abuse battery (R.S. 14:35.3).

3           (2) Domestic abuse aggravated assault (R.S. 14:37.7).

4           (3) Stalking (R.S. 14:40.2).

5           (4) Human Trafficking (R.S. 14:46.2).

6           §673. Registration of offenders who commit domestic violence offenses

7           A. Any adult residing in this state who has pled guilty to, has been convicted  
8           of, or where adjudication has been deferred or withheld for the perpetration or  
9           attempted perpetration of any domestic violence offense as defined in this Chapter  
10           shall register within ten days of establishing residence in Louisiana, or if a current  
11           resident, within ten days after release from confinement with the sheriff of the parish  
12           of the person's residence and with the chief of police if the address of the residence  
13           is located in an incorporated area which has a police department. If the adult resides  
14           in a parish with a population in excess of four hundred fifty thousand according to  
15           the latest federal decennial census, he shall register with the police department of his  
16           municipality of residence.

17           B. Any person required to register pursuant to this Section shall provide the  
18           law enforcement agency as required by Subsection A of this Section with his name,  
19           address of offender's place of residence upon release from confinement, date of birth,  
20           social security number, any aliases used by the offender, crime for which the  
21           offender was convicted which gave rise to the requirement to register under the  
22           provisions of this Section, and date and place of conviction. The sheriff of every  
23           parish and the chief of police of each municipality shall also record the fingerprints  
24           of all persons who register with those law enforcement agencies in accordance with  
25           this Section.

26           C. The law enforcement agency who receives information in accordance  
27           with the provisions of this Section shall forward such information to the bureau for  
28           inclusion in a central registry as provided in R.S. 15:675 within five days of  
29           receiving such information.

1           D. Any person required to register pursuant to this Section shall maintain his  
2           registration for a period of ten years.

3           §674. Transmission of information to the bureau

4           When a person who is required to register under the provisions of this  
5           Chapter is released from prison, or placed under parole, supervised release, or  
6           probation, the Department of Public Safety and Corrections shall inform the person  
7           of the duty to register and shall obtain the information required for such registration  
8           and within five days of obtaining the necessary information, shall transmit this  
9           information to the bureau for inclusion in a central registry as provided in R.S.  
10          15:675. The department shall also record the fingerprints of the person if they have  
11          not already been obtained.

12          §675. Central registry

13           A. The bureau shall establish and maintain a central registry to collect and  
14           disseminate information regarding those offenders who are required to register in  
15           accordance with this Chapter. The bureau shall provide the information to all law  
16           enforcement agencies in this state who request such information in an effort to assist  
17           in the prevention of violence and protection of peace officers.

18           B. Once each year, the bureau shall mail a non-forwardable verification  
19           form, not less than five days prior to the anniversary of the date of the offender's  
20           initial registration, to the last reported address of each person subject to the  
21           provisions of this Section. The person subject to registration shall mail the  
22           verification to the bureau within ten days of receipt of the verification form. If the  
23           bureau does not receive the verification form within thirty days, the bureau shall  
24           immediately notify the sheriff of the parish in which the person's last reported  
25           address of residence is located, or in the case of a person residing in a parish with a  
26           population in excess of four hundred fifty thousand according to the latest federal  
27           decennial census, the police department of his municipality of residence.

1        §676. Failure to register; penalties

2                A person who fails to register as required by this Chapter shall be fined not  
3        more than five hundred dollars, imprisoned for not less than thirty days nor more  
4        than ninety days, or both.

5        §677. Limitation of liability

6                No person shall have a cause of action against a law enforcement agency or  
7        an employee thereof for any loss or damage caused by any act or omission resulting  
8        from the implementation of the provisions of this Chapter. This limitation shall not  
9        apply to any loss or damage caused by the willful and wanton act or gross negligence  
10       of the agency or employee.

11       Section 2. The provisions of this Act shall apply to offenses committed on or after  
12 the effective date of this Act.

13       Section 3. This Act shall become effective upon signature by the governor or, if not  
14 signed by the governor, upon expiration of the time for bills to become law without signature  
15 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
16 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
17 effective on the day following such approval.

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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)]

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HB 962 Original

2016 Regular Session

Smith

**Abstract:** Creates a registry for persons convicted of domestic violence offenses.

Proposed law defines "domestic violence offense" as the crimes of stalking, human trafficking, domestic abuse battery, and domestic abuse aggravated assault.

Proposed law requires adults who commit these domestic violence offenses to register with local law enforcement agencies within 10 days of establishing residence in La. or upon release from confinement. Requires the person who is required to register to provide the appropriate law enforcement agency with certain pieces of information, including name, address, birth date, social security number, aliases used by the offender, crimes for which the offender is required to register, and date and place of conviction. Requires local law enforcement agencies to record the fingerprints of each person who must register. Requires local law enforcement agencies to forward this information to the Bureau of Criminal Identification and Information within five days of receiving such information.

Proposed law requires the Dept. of Public Safety and Corrections to inform applicable offenders of the registration requirements when they are released from prison or placed under parole, supervised release, or probation. Further requires the department to obtain the necessary registration information and transmit it to the Bureau of Criminal Identification and Information for inclusion into a central registry within five days.

Proposed law requires the bureau to establish and maintain a central registry to collect and disseminate information on offenders who commit domestic violence offenses. Requires the bureau to mail a non-forwardable verification form on an annual basis to each offender in the registry to verify the addresses. Provides that if the bureau does not receive the verification form from the offender within 30 days, the bureau shall notify local law enforcement immediately.

Proposed law provides for a limitation of liability except for willful and wanton acts or gross negligence.

Proposed law provides that a person who fails to register shall be fined up to \$500, imprisoned for 30 to 90 days, or both.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 15:671-677)