

2016 Regular Session

HOUSE BILL NO. 1008

BY REPRESENTATIVE CONNICK

CRIME/SEX OFFENSES: Amends the sex offender registration and notification form used by courts

1 AN ACT

2 To amend and reenact R.S. 15:543.1, relative to sex offender notification and registration
3 requirements; to modify the notification form issued to sex offenders by courts to
4 reflect statutory changes; to make technical changes to the form; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:543.1 is hereby amended and reenacted to read as follows:

8 §543.1. Written notification by the courts; form to be used

9 STATE V. _____ JUDICIAL DISTRICT COURT

10 DOCKET # _____ PARISH OF _____

11 DIVISION _____ STATE OF LOUISIANA

12 Notification to Sex Offender

13 In accordance with R.S. 15:543, this court has the duty to provide
14 _____ (name of offender) with the information necessary for
15 awareness of sex offender and child predator registration and notification
16 requirements. _____ has pled guilty to, ~~or~~ been found guilty
17 of, or been adjudicated delinquent of a violation of R.S. _____ Title 14, Section
18 _____ Subsection _____ of the Revised Statutes of Louisiana. This crime of conviction
19 or adjudication is:

1 () Under Paragraph (2) of R.S. 15:541, defined as an aggravated offense or,
2 with regard to offenders adjudicated as juveniles, an offense listed in R.S.
3 15:542(A)(3) which, pursuant to R.S. 15:544(B)(2)(a) or (b), requires lifetime
4 registration and notification under Chapter 3-B of Title 15 of the Louisiana Revised
5 Statutes of 1950.

6 () A second conviction for an offense requiring registration and notification
7 under the provisions of Chapter 3-B of Title 15 of the Louisiana Revised Statutes of
8 1950 which, pursuant to R.S. 15:544(B)(2)(c), requires lifetime registration and
9 notification under Chapter 3-B of Title 15 of the Louisiana Revised Statutes of 1950.

10 () Under Paragraph (25) of R.S. 15:541, defined as a sexual offense against
11 a victim who is a minor which, pursuant to R.S. 15:544(B)(1), requires 25 years of
12 registration and notification under Chapter 3-B of Title 15 of the Louisiana Revised
13 Statutes of 1950.

14 () Is defined neither as an aggravated offense nor a sexual offense against
15 a victim who is a minor under R.S. 15:541 which, pursuant to R.S. 15:544(A),
16 requires 15 years of registration and notification under Chapter 3-B of Title 15 of the
17 Louisiana Revised Statutes of 1950.

18 ~~Based on the provisions of Chapter 3-B of Title 15 of the Louisiana Revised Statutes~~
19 ~~of 1950 and the substance of the statute violated, IT IS ORDERED that~~
20 _____ must register for the period of _____ The above
21 registration and notification periods shall begin to toll from the date of his release
22 you are released from prison, from the date of his being placed on parole, supervised
23 release or probation, or from the date of his your conviction, if the offender is you
24 are not sentenced to a term of imprisonment or jail. Additionally, since
25 _____ (hereinafter referred to as offender) has you have been
26 convicted of:

27 () An aggravated offense as defined in R.S. 15:541(2), the offender you
28 must update his/her your registration, in person, every ninety days from the date of

1 initial registration, with the appropriate law enforcement agencies as provided in R.S.
2 15:542.

3 () A sexual offense involving a victim who is a minor as defined in R.S.
4 15:541, ~~the offender~~ you must update ~~his/her~~ your registration, in person, every six
5 months from the date of initial registration, with the appropriate law enforcement
6 agencies as provided in R.S. 15:542.

7 () An offense not defined in R.S. 15:541 as an aggravated offense or a
8 sexual offense involving a victim who is a minor, ~~the offender~~ you must update
9 ~~his/her~~ your registration, in person, annually from the date of initial registration, with
10 the appropriate law enforcement agencies as provided in R.S. 15:542.

11 Based on the foregoing, you are hereby notified of the following:

12 (1) ~~The offender~~ That you, within three (3) business days of establishing
13 residence in Louisiana or if a current resident, within three (3) business days after
14 conviction or adjudication if not immediately incarcerated or taken into custody, or
15 within three (3) business days after release from confinement, shall obtain and
16 provide the following information to each sheriff or police department in accordance
17 with R.S. 15:542(B) (except in Orleans Parish where registration shall take place
18 with the New Orleans Police Department):

19 (a) Name and any aliases used by ~~the offender~~ you.

20 (b) Physical address or addresses of residence.

21 (c) Name and physical address of place of employment. If ~~the offender~~ you
22 ~~does do~~ not have a fixed place of employment, ~~the offender~~ you shall provide
23 information with as much specificity as possible regarding the places where ~~he works~~
24 you work, including but not limited to travel routes used by ~~the offender~~ you.

25 (d) Name and physical address of the school in which ~~he is~~ you are a student.

26 (e) Two forms of proof of residence for each residential address provided,
27 including but not limited to a driver's license, bill for utility service, and bill for
28 telephone service. If those forms of proof of residence are not available, ~~the offender~~
29 you may provide an affidavit of an adult resident living at the same address. The

1 affidavit shall certify that the affiant understands his obligation to provide written
2 notice pursuant to R.S. 15:542.1.4 to the appropriate law enforcement agency with
3 whom ~~the offender you~~ last registered when ~~the offender you~~ no longer ~~resides~~ reside
4 at the residence provided in the affidavit.

5 (f) The crime for which ~~he was~~ you were convicted and the date and place
6 of such conviction, and if known by ~~the offender you~~, the court in which the
7 conviction was obtained, the docket number of the case, the specific statute under
8 which ~~he was~~ you were convicted, and the sentence imposed.

9 (g) A current photograph, fingerprints, palm prints, and a DNA sample.

10 (h) Telephone numbers, including fixed location phone and mobile phone
11 numbers assigned to ~~the offender you~~ or associated with ~~any~~ your residence address
12 ~~of the offender~~.

13 (i) A description of every motorized vehicle registered to or operated by ~~the~~
14 ~~offender you~~, including license plate number and vehicle identification number, and
15 a copy of ~~the offender's~~ your driver's license and identification card. This
16 information should always be provided before the vehicle is operated and, if the
17 vehicle is registered to you, no more than three days after the vehicle is registered,
18 even if it has not yet been operated.

19 (j) Social security number and date of birth.

20 (k) A description of ~~the~~ your physical characteristics ~~of the offender~~,
21 including but not limited to sex, race, hair color, eye color, height, age, weight, scars,
22 tattoos, or other identifying marks on ~~the~~ your body ~~of the offender~~.

23 (l) Every e-mail address, online screen name, or other online identity used
24 by ~~the offender you~~ to communicate on the Internet.

25 (m)(i) Temporary lodging information regarding any place where ~~the~~
26 ~~offender plans~~ you plan to stay for seven or more days and the length of the stay.
27 This information shall be provided at least three days prior to the date of departure
28 unless an emergency situation has prevented the timely disclosure of the information.

1 (ii) Temporary lodging information regarding international travel shall be
2 provided regardless of the number of days or nights ~~the offender plans~~ you plan to
3 stay. This information shall be provided at least twenty-one days prior to the date
4 of departure unless an emergency situation has prevented the timely disclosure of the
5 information. Upon receipt of this information by the bureau from the law
6 enforcement agency, this information shall then be sent by the bureau to the United
7 States Marshals Service's National Sex Offender Targeting Center for transmission
8 to the proper authorities.

9 (n) Travel and immigration documents, including but not limited to passports
10 and documents establishing immigration status.

11 (o) All registered sex offenders must obtain a state sex offender identification
12 card from the department of motor vehicles.

13 (2) ~~the offender~~ You shall register with the sheriff and police chief in each
14 parish and municipality where you maintain your ~~of his/her~~ residence(s) and with the
15 sheriff of the parish in which ~~the offender is~~ you are employed and ~~attends~~ attend
16 school in accordance with R.S. 15:542. For initial registration only, ~~the offender~~
17 you, if you are not immediately taken into physical custody, shall register on the date
18 of conviction or adjudication with the sheriff in the parish of ~~the offender's~~
19 your conviction or adjudication in accordance with R.S. 15:542. If ~~the offender~~
20 lives, works, or attends ~~you live, work, or attend~~ school in Orleans Parish, however,
21 ~~the offender~~ you shall register with the New Orleans Police Department and not with
22 the sheriff of that parish.

23 (3) If ~~the offender is~~ you are incarcerated as a result of the crime, ~~the~~
24 ~~offender~~ you shall provide all information listed in Paragraph (1) of this Section to
25 the Department of Public Safety and Corrections, or if a juvenile, to the office of
26 juvenile justice, within ten (10) days prior to release from confinement. ~~The~~
27 ~~offender~~ You shall still appear in person at the sheriff's office within three (3)
28 business days of release from confinement. ~~The offender~~ You shall register with the
29 sheriff of the parish in which the residence address ~~he~~ you initially supplied to the

1 department is located, unless the residence has changed and ~~he has~~ you have
2 registered with the sheriff of the parish in which the new residence address is
3 located.

4 (4) During the declaration of an emergency, ~~any offender required to register~~
5 ~~who enters~~ if you enter an emergency shelter you shall, within the first twenty-four
6 (24) hours of admittance, notify the management of the facility, the chief of police
7 of the municipality, and the sheriff of the parish in which the shelter is located of ~~his~~
8 your sex offender status in accordance with R.S. 15:543.2.

9 (5) ~~An offender required to register has~~ You have a duty to provide notice
10 of change of address or other registration information to the sheriff of the parish of
11 residence within three business days. If the new or additional residence is located
12 in a different parish, then ~~offender~~ you must register with the sheriff of the parish in
13 which the new or additional residence is located. ~~The offender~~ You shall also send
14 written notice within three business days of re-registering in the new parish to the
15 sheriff of the parish of former registration in accordance with R.S. 15:542.1.2. If the
16 new address is situated within a municipality, you must also register with the police
17 department of that municipality within three business days of establishing the
18 residence.

19 (6) ~~The offender~~ You shall give notice of the crime for which ~~he was~~ you
20 were convicted, ~~his~~ your name, address, a physical description, and a photograph to
21 the following in accordance with R.S. ~~15:542(B)(1)~~ 15:542.1:

22 (a) At least one person in every residence or business within a one-mile
23 radius in a rural area and a three-tenths of a mile radius in an urban or suburban area
24 of the address of the residence where ~~the offender~~ you will reside upon release,
25 including all adult residents of ~~the~~ your residence ~~of the offender~~.

26 (b) The superintendent of the school district where ~~the offender~~ you will
27 reside.

28 (c) The lessor, landlord, or owner of the residence or the property on which
29 ~~he resides~~ you reside.

1 (d) The superintendent of the park, playground, and recreation districts
2 within the designated area where ~~the offender~~ you will reside only if the victim was
3 under eighteen (18) years of age at the time of the commission of the offense.

4 *Any person convicted of a violation of R.S. 14:89 shall not have to include
5 a photograph in the notice described in Paragraph (6) of this Subsection.

6 *Juveniles adjudicated for a crime requiring registration DO NOT have to
7 provide this community notice.

8 (7) In accordance with R.S. 15:542.1, community notification shall be given
9 by mail within twenty-one days of the date of conviction, if ~~the offender is~~ you are
10 not taken into custody at the time of conviction, and within twenty-one days of the
11 date of release from confinement if sentenced to a term of imprisonment. This
12 notification shall also occur within twenty-one days of each time ~~the offender~~
13 ~~changes his~~ you change residence within twenty-one days of establishing residency
14 in the new locale. This notification shall also occur at least every five years, whether
15 or not ~~the offender changes~~ you change residences. This notification shall occur in
16 each jurisdiction in which ~~the offender~~ you regularly ~~resides~~ reside.

17 *Juveniles adjudicated for a crime requiring registration DO NOT have to
18 provide this community notice.

19 (8) In accordance with R.S. 15:542.1, community notice shall be published
20 on two (2) separate days within this period in the official journal of the governing
21 authority of the parish where ~~the offender plans~~ you plan to reside, unless ordered
22 to be published in a different journal or newspaper by the sheriff or local ordinance.

23 *Those convicted of R.S. 14:92(A)(7) are not required to publish notice in
24 the newspaper or official journal as provided in Paragraph (8).

25 *Juveniles who are adjudicated for a crime requiring registration DO NOT
26 have to provide this community notice.

27 (9) In accordance with R.S. 15:542.1(B), an offender who provides
28 recreational instruction to persons under the age of seventeen (17) shall post a notice
29 in the building or facility where such instruction is being given. This notice shall

1 contain your name and photograph, the date and jurisdiction of conviction, and the
2 crime for which you were convicted.

3 (10) In accordance with R.S. ~~15:543~~ 15:542(C)(2), ~~an offender~~ you must,
4 within ten (10) days prior to release from a correctional facility, provide a
5 photograph and all other relevant required registration information to the Department
6 of Public Safety and Corrections, or if a juvenile, to the office of juvenile justice for
7 purposes of the State Sex Offender and Child Predator Registry. Providing false
8 information during this process constitutes failure to register exposing you to
9 prosecution and the penalties detailed at the end of this document. The address
10 provided to the Department of Public Safety and Corrections through this process
11 shall be presumed to be your residence address. In accordance with R.S.
12 15:542(C)(2), you must register with the sheriff of the parish in which this address
13 is located within three business days of your release from confinement, whether or
14 not you actually establish a residence there, unless you establish a residence
15 elsewhere AND register with that jurisdiction within three business days of your
16 release from confinement. Failure to do so is a violation of the registration statutes
17 and will subject you to prosecution under R.S. 15:542.1.4.

18 (11) In accordance with R.S. 15:542.1.2, if ~~an offender changes your~~ you
19 change your place of residence or ~~establishes~~ establish a new or additional residence,
20 ~~he~~ you shall appear in person at the office of the sheriff of ~~his~~ your parish of
21 residence where ~~he is~~ you are currently registered within three (3) business days of
22 the change to register the new address. If the new address is located in a different
23 parish, then ~~the offender~~ you shall also appear in person at the office of the sheriff
24 of ~~his~~ your new parish of residence within the same time period. If ~~the offender's~~
25 your parish of residence is in Orleans Parish, then the registration shall take place at
26 the New Orleans Police Department and not with the Orleans Parish Sheriff.

27 (12) In accordance with R.S. 15:542.1.2, if ~~an offender is~~ you are absent
28 from ~~his~~ your current address of registration for more than thirty (30) consecutive
29 days or an aggregate of thirty (30) days or more in a calendar year, and ~~is~~

1 are physically present at another address during that same period of time, ~~the~~
2 ~~offender~~ you shall register in person the new address as one of ~~his~~ your addresses of
3 residence. If the new address is in a parish different from ~~his~~ your current address,
4 ~~he~~ you shall also register in person with the sheriff of the new parish within three (3)
5 business days of the tolling of the time periods listed. This requirement
6 notwithstanding, ~~the offender~~ you shall still notify the sheriff of one of ~~his~~ your
7 parishes of residence in person if ~~he is~~ you are to take up temporary lodging for
8 seven (7) or more days. It is only after the thirty-day limit is exceeded that the new
9 registration shall occur.

10 (13) ~~The offender~~ You shall also appear in person at the office of the sheriff
11 of any of ~~his~~ your parishes of residence when there is a change in ~~the offender's~~
12 your name, place of employment, or enrollment. This appearance shall occur within
13 three (3) business days of the change. If ~~the offender's~~ your address of residence is
14 in Orleans Parish, this registration update shall take place at the New Orleans Police
15 Department and not with the Orleans Parish Sheriff's Office.

16 (14) ~~The offender~~ You shall be prohibited from certain types of employment
17 in accordance with R.S. 15:553 for the duration of the registration period. A copy
18 of this statute is provided to you with this notification.

19 (15) In accordance with R.S. 15:542(C), ~~the offender~~ you shall update ~~his~~
20 your registration annually on the anniversary of the initial registration by appearing
21 in person at the office of each law enforcement agency with which ~~he is~~ you are
22 required to register and shall pay an annual registration fee of sixty dollars (\$60.00).

23 (16) Failure to comply with any of these registration and notification
24 requirements is a felony for which ~~an offender~~ you shall be punished by a fine of up
25 to one thousand dollars (\$1,000.00) and imprisonment at hard labor for not less than
26 two years nor more than ten years without benefit of parole, probation, or suspension
27 of sentence. Upon a second or subsequent conviction, ~~the offender~~ you shall be
28 punished by a fine of up to three thousand dollars (\$3,000.00) and imprisonment at

1 hard labor for not less than five years, nor more than twenty years without benefit of
2 parole, probation, or suspension of sentence.

3 (17) For those offenders who have been convicted of a sex offense as defined
4 in R.S. 15:541 involving a victim who was under the age of thirteen (13) at the time
5 of the offense, R.S. 14:91.2 is applicable which prohibits such offenders from
6 residing or being present in certain locations. A copy of this statute is provided to
7 you with this notification.

8 (18) For those offenders who have been convicted of R.S. 14:81 (indecent
9 behavior with juveniles), R.S. 14:81.1 (pornography involving juveniles), R.S.
10 14:81.3 (computer-aided solicitation of a minor), or R.S. 14:283 (video voyeurism)
11 or have been convicted of a sex offense as defined in R.S. 15:541 in which the victim
12 of the sex offense was a minor, R.S. 14:91.5, which prohibits such offenders from
13 using certain social networking websites, is applicable. A copy of this statute is
14 provided to you with this notification.

15 THUS DONE AND SIGNED this ____ day of _____, 20__ in
16 open court, in _____, Louisiana.

17 _____
18 Judge, ____ Judicial District Court

19 I hereby certify that the above requirements have been explained to me, that
20 I have received a copy of the above notice of sex offender registration and
21 notification requirements, and a copy of the statutes providing for such requirements.
22 I also understand that I will be subject to any changes made by the legislature to the
23 registration laws from this day forward.

24 _____
25 (Name of Sex Offender)

26 _____
27 Defense Counsel Signature

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 1008 Engrossed

2016 Regular Session

Connick

Abstract: Updates the sex offender notification form used by courts to inform sex offenders of their registration and notification duties.

Present law provides for the registration and notification of sex offenders.

Present law provides forms in present law to be used by courts to provide notification to sex offenders of these responsibilities.

Proposed law makes modifications and technical changes to the form used by the court to inform sex offenders of their obligations under the present law sex offender registration and notification laws.

Proposed law makes changes to the notification form to reflect changes in present law which had not been previously included in the form.

(Amends R.S. 15:543.1)