
HOUSE COMMITTEE AMENDMENTS

2016 Regular Session

Substitute for Original House Bill No. 962 by Representative Smith as proposed by the House Committee on Administration of Criminal Justice

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

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

Be it enacted by the Legislature of Louisiana:

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

CHAPTER 6-D. REGISTRY OF DOMESTIC

VIOLENCE OFFENDERS

§671. Short title

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

§672. Definitions

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

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

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

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

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

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

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

§673. Registration of offenders; felony domestic violence offenses

A. Any adult residing in this state who has pled guilty to, has been convicted of, or where adjudication has been deferred or withheld for the perpetration or attempted perpetration of a felony offense which is a domestic violence offense as defined by this Chapter, shall be required to register as a domestic violence offender pursuant to the provisions of this Chapter.

B. A person described in Subsection A of this Section shall register in person with the sheriff of the parish of the person's residence or residences and with the chief of police if the address of the person's residence or residences is located in an incorporated area with a police department. If the person resides in a parish with a population in excess of four hundred fifty thousand according to the latest federal decennial census, he shall register with the police department of his municipality of residence.

C.(1) The person shall register and provide all of the following information to the appropriate law enforcement agencies listed in Subsection B of this Section in accordance with the time periods provided for in Paragraph (2) of this Subsection:

(a) Name and any aliases used by the person.

(b) Physical address or addresses of residence.

(c) Date of birth.

(d) Social security number.

(e) Crime for which the person was convicted which gave rise to the requirement to register pursuant to the provisions of this Chapter, the date and place of such conviction, and if known by the offender, the court in which the conviction was obtained, the docket number of the case, the specific statute under which he was convicted, and the sentence imposed.

(f) The law enforcement agency with which the person is registering shall also obtain the fingerprints of the person.

(2) Every person required to register pursuant to the provisions of this Chapter shall appear in person and provide the information required by Paragraph

(1) of this Subsection to the appropriate law enforcement agency or agencies described in Subsection B of this Section within ten days of establishing residence in Louisiana, or if a current resident, within ten days of release from confinement. If the person is a current resident of Louisiana and is not immediately taken into custody or incarcerated after conviction or adjudication, he shall provide the required information to the appropriate law enforcement agency or agencies no later than ten business days after the date of conviction.

D. Within five days of receiving the required information pursuant to the provisions of this Section, the law enforcement agency shall forward the information to the bureau for inclusion in the central registry as provided in R.S. 15:675.

E.(1) Any person required to register pursuant to the provisions of this Section shall maintain his registration for a period of ten years and shall annually verify his registration information pursuant to the provisions of R.S. 15:675(C).

(2) If there is any change in the registration information provided pursuant to the provisions of this Section, the person shall notify all law enforcement agencies with which he is required to register of the change within ten days of the change in the information. If the change in information is the establishment of a new or additional residence that is located in a parish other than where the person was previously registered, the person shall appear in person to register and provide the same information required by the provisions of this Chapter within ten days of establishing the new or additional residence.

§674. Duties of the court, sheriffs, and the Department of Public Safety and Corrections; informing the offender of the registration requirements

A. The court shall notify each offender who has pled guilty to, has been convicted of, or has been adjudicated for a felony domestic violence offense of the registration requirements of this Chapter. The notice shall be in writing and shall include a copy of the registration requirements as set forth in the provisions of this Chapter. Such notice shall be included on any guilty plea forms and judgment and sentence forms provided to the defendant, and an entry shall be made in the court minutes stating that the notification was provided to offender. If the offender is not

sentenced to incarceration, then the court shall notify the bureau of the conviction of the offender.

B. When a person who is required to register pursuant to the provisions of this Chapter is released from incarceration or placed under parole, supervised release, or probation, the Department of Public Safety and Corrections, or the sheriff if the offender is housed in the parish jail, or the court if the offender is not incarcerated or placed in the jurisdictional custody of the Department of Public Safety and Corrections, shall inform the person of the duty to register, shall obtain the information required by the provisions of R.S. 15:673, and if not already on file, shall obtain the fingerprints of the person. The agency responsible in this Section for collecting the registration information and fingerprints shall, before release of the offender, transfer that information to the bureau for immediate inclusion in the central registry which shall constitute preregistration, but which shall only be deemed completed registration upon the in-person verification by the offender with the appropriate law enforcement agency as provided in R.S. 15:673. The person shall also be required to read and sign a form stating that the requirements of the provisions of this Chapter and the penalty for failure to comply with those requirements have been explained.

§675. Central registry; duties of the bureau

A. The bureau shall establish and maintain a central registry to contain the information transmitted to the bureau pursuant to the provisions of this Chapter. Upon receipt of the registration information of any person required to register, the bureau shall immediately enter the appropriate information into the central registry. The bureau shall accept electronically submitted information and registration renewal information from law enforcement.

B. The bureau shall provide the information contained in the registry to all law enforcement agencies in the state who request such information in an effort to assist in the prevention of domestic violence and protection of peace officers.

C. Once each year, the bureau shall mail a non-forwardable verification form, not less than five days prior to the anniversary of the date of the person's initial

registration, to the last reported address of each person required to register pursuant to the provisions of this Section. The person subject to the registration requirements of this Chapter shall mail the verification form to the bureau within ten days of receipt of the verification form. If the bureau does not receive the verification form within thirty days, the bureau shall immediately notify the sheriff of the parish in which the person's last reported address of residence is located, or in the case of a person residing in a parish with a population in excess of four hundred fifty thousand according to the latest federal decennial census, the police department of his municipality of residence.

§676. Failure to register; penalties

A person who fails to register pursuant to the provisions of this Chapter or who knowingly provides false information to any law enforcement agency required to receive information pursuant to the provisions of this Chapter shall be fined not more than five hundred dollars, imprisoned for not less than thirty days nor more than ninety days, or both.

§677. Limitation of liability

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

Section 2. The provisions of this Act shall apply to offenses committed on or after January 1, 2017.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval

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 Draft

2016 Regular Session

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

Proposed law provides for the Domestic Abuse Violent Offender Registration Act.

Proposed law creates a registry of persons who are convicted of any of the following present law "domestic violence offenses":

- (1) Domestic abuse battery (R.S. 14:35.3).
- (2) Domestic abuse aggravated assault (R.S. 14:37.7).
- (3) Stalking (R.S. 14:40.2).
- (4) Human Trafficking (R.S. 14:46.2).

Proposed law requires any adult residing in this state convicted of any felony domestic violence offense to register as a domestic violence offender with the sheriff and chief of police of any place where the person resides within 10 days of establishing a residence in this state or release from confinement. If the person is convicted and not sentenced to incarceration, he shall register within 10 days of conviction.

Proposed law requires the person to provide the following information for inclusion in the central registry:

- (1) Name and any aliases used by the person.
- (2) Physical address or addresses of residence.
- (3) Date of birth.
- (4) Social security number.
- (5) Crime for which the person was convicted and the date and place of such conviction.
- (6) Fingerprints.

Proposed law requires the law enforcement agency receiving the registration information to forward this information to the Bureau of Criminal Identification and Information ("bureau") for inclusion in the registry within five days of receiving the information.

Proposed law requires any person required to register to maintain his registration for a period of 10 years, to annually verify his registration information pursuant to the provisions of proposed law, and to provide notification of any change in the registration information.

Proposed law provides for the duties of the court and law enforcement agencies relative to the informing the person of his registration requirements and obtaining and transferring the person's registration information to the bureau prior to his release from incarceration.

Proposed law requires the bureau to establish and maintain the central registry, to provide information contained in the registry to law enforcement agencies who request such information, and to annually verify each person's registration information.

Proposed law provides penalties for the failure to register or for knowingly providing false information.

Proposed law provides that no person shall have a cause of action against a law enforcement agency or an employee thereof for any loss or damage caused by any act or omission, that is not willful, wanton, or grossly negligent, resulting from the implementation of the provisions of proposed law.

Proposed law shall apply to offenses committed on or after January 1, 2017.

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