

2018 Regular Session

HOUSE BILL NO. 75

BY REPRESENTATIVE DWIGHT

CRIME/SEX OFFENSES: Updates citations and terminology for certain child care facilities in provisions relating to sex offenders

1 AN ACT  
2 To amend and reenact R.S. 14:91.1(A), 91.2(A)(2) and (3) and (B), 91.3(A), and 91.4(A)  
3 and (B) and R.S. 15:538(D)(1)(b) and (c) and (6)(b) and (c), relative to certain  
4 prohibitions applicable to sex offenders; to provide relative to the prohibitions for  
5 sex offenders with regard to physical presence near and employment at certain child  
6 care facilities; to provide relative to the crimes of unlawful presence of a sex  
7 offender and sexually violent predator; to provide relative to the crime of unlawful  
8 participation in a child-related business; to provide relative to the crime of  
9 contributing to the endangerment of a minor; to provide relative the conditions of  
10 release for a sex offender who is placed on probation or parole supervision; to update  
11 terminology and citations for certain child care facilities in these crimes and  
12 probation and parole conditions; and to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 14:91.1(A), 91.2(A)(2) and (3) and (B), 91.3(A), and 91.4(A) and  
15 (B) are hereby amended and reenacted to read as follows:

16 §91.1. Unlawful presence of a sexually violent predator

17 A. Unlawful presence of a sexually violent predator is any of the following:

18 (1) The physical presence of a sexually violent predator on the school  
19 property of any public or private, elementary or secondary school, or in any motor  
20 vehicle or other means of conveyance owned, leased, or contracted by such school

1 to transport students to or from school or a school-related activity when persons  
2 under the age of eighteen years are present on the school property or in a school  
3 vehicle; ~~or,~~

4 (2) The physical residing of a sexually violent predator within one thousand  
5 feet of any ~~public or private elementary or secondary school, a day care center, group~~  
6 ~~home, residential home, or child care facility as defined in R.S. 46:1403, a family~~  
7 ~~child day care home as defined in R.S. 46:1441.1, playground, public or private~~  
8 ~~youth center, public swimming pool, or free standing video arcade facility~~ of the  
9 following:

10 (a) Public or private elementary or secondary school.

11 (b) Early learning center as defined by R.S. 17:407.33.

12 (c) Residence in which child care services are provided by a family child  
13 care provider or in-home provider who is registered pursuant to R.S. 17:407.61 et  
14 seq.

15 (d) Residential home as defined by R.S. 46:1403.

16 (e) Playground.

17 (f) Public or private youth center.

18 (g) Public swimming pool.

19 (h) Free standing video arcade facility.

20 \* \* \*

21 §91.2. Unlawful presence of a sex offender

22 A. The following acts when committed by a person convicted of a sex  
23 offense as defined in R.S. 15:541 when the victim is under the age of thirteen years  
24 shall constitute the crime of unlawful residence or presence of a sex offender:

25 \* \* \*

26 (2) The offender establishing a residence within one thousand feet of any  
27 ~~public or private elementary or secondary school or child care facility as defined in~~  
28 ~~R.S. 46:1403~~ of the following:

29 (a) Public or private elementary or secondary school.



1 ~~day care home as defined in R.S. 46:1441.1, playground, public or private youth~~  
2 ~~center, public swimming pool, or free standing video arcade facility~~ of the following:

3 (a) Early learning center as defined by R.S. 17:407.33.

4 (b) Residence in which child care services are provided by a family child  
5 care provider or in-home provider who is registered pursuant to R.S. 17:407.61 et  
6 seq.

7 (c) Residential home as defined by R.S. 46:1403.

8 (d) Playground.

9 (e) Public or private youth center.

10 (f) Public swimming pool.

11 (g) Free standing video arcade facility.

12 \* \* \*

13 §91.3. Unlawful participation in a child-related business

14 A. No person who has been convicted of, or who has pled guilty or nolo  
15 contendere to, an offense listed in R.S. 15:587.1(C) shall own, operate, or in any way  
16 participate in the governance of ~~those child care facilities as enumerated in R.S.~~  
17 ~~46:1403, or own, operate, or in any way participate in the governance of, or reside~~  
18 ~~in, family child day care homes as defined in R.S. 46:1441.1~~ any early learning  
19 center as defined by R.S. 17:407.33, residential home as defined by R.S. 46:1403,  
20 or residence in which child care services are provided by a family child care provider  
21 or in-home provider who is registered pursuant to R.S. 17:407.61 et seq.

22 \* \* \*

23 §91.4. Contributing to the endangerment of a minor

24 A. No person shall knowingly employ a person convicted of a sex offense  
25 as defined in R.S. 15:541, whose offense involved a minor child, to work in any ~~of~~  
26 ~~the following facilities:~~ early learning center as defined by R.S. 17:407.33,  
27 residential home as defined by R.S. 46:1403, or residence in which child care  
28 services are provided by a family child care provider or in-home provider who is  
29 registered pursuant to R.S. 17:407.61 et seq.

1           ~~(1) A day care center, residential home, community home, or group home~~  
2 ~~or child care facility as defined in R.S. 46:1403; or~~

3           ~~(2) A family child day care home as defined in R.S. 46:1441.1.~~

4           B. No person shall knowingly permit a person convicted of a sex offense as  
5 defined in R.S. 15:541 physical access to any ~~of the following facilities:~~ early  
6 learning center as defined by R.S. 17:407.33, residential home as defined by R.S.  
7 46:1403, or residence in which child care services are provided by a family child  
8 care provider or in-home provider who is registered pursuant to R.S. 17:407.61 et  
9 seq.

10           ~~(1) A day care center, residential home, community home, group home, or~~  
11 ~~child care facility as defined in R.S. 46:1403; or~~

12           ~~(2) A family child day care home as defined in R.S. 46:1441.1.~~

13   \*       \*       \*

14           Section 2. R.S. 15:538(D)(1)(b) and (c) and (6)(b) and (c) are hereby amended and  
15 reenacted to read as follows:

16           §538. Conditions of probation, parole, and suspension or diminution of sentence

17   \*       \*       \*

18           D.(1) No sexual offender, whose offense involved a minor child, shall be  
19 eligible for probation, parole, or suspension of sentence unless, as a condition  
20 thereof, the sexual offender is prohibited from:

21   \*       \*       \*

22           (b) Going in, on, or within one thousand feet of ~~a day care center, group~~  
23 ~~home, residential home, or child care facility as defined in R.S. 46:1403, a family~~  
24 ~~child day care home as defined in R.S. 46:1441.1, playground, public or private~~  
25 ~~youth center, public swimming pool, or free-standing video arcade facility~~ any of the  
26 following:

27           (i) Early learning center as defined by R.S. 17:407.33.



1 895 and 896 or R.S. 15:574.4 and 574.7:

2 \* \* \*

3 (b) ~~Going in, on, or within one thousand feet of a day care center, group~~  
4 ~~home, residential home, or child care facility as defined in R.S. 46:1403, a family~~  
5 ~~child day care home as defined in R.S. 46:1441.1, playground, public or private~~  
6 ~~youth center, public swimming pool, or free-standing video arcade facility~~ any of the  
7 following:

8 (i) Early learning center as defined by R.S. 17:407.33.

9 (ii) Residence in which child care services are provided by a family child  
10 care provider or in-home provider who is registered pursuant to R.S. 17:407.61 et  
11 seq.

12 (iii) Residential home as defined by R.S. 46:1403.

13 (iv) Playground.

14 (v) Public or private youth center.

15 (vi) Public swimming pool.

16 (vii) Free standing video arcade facility.

17 (c) ~~Physically residing within one thousand feet of any public or private~~  
18 ~~elementary or secondary school, day care center, group home, residential home, or~~  
19 ~~child care facility as defined in R.S. 46:1403, a family child day care home as~~  
20 ~~defined in R.S. 46:1441.1, playground, public or private youth center, public~~  
21 ~~swimming pool, or free-standing video arcade facility~~ of the following:

22 (i) Early learning center as defined by R.S. 17:407.33.

23 (ii) Residence in which child care services are provided by a family child  
24 care provider or in-home provider who is registered pursuant to R.S. 17:407.61 et  
25 seq.

26 (iii) Residential home as defined by R.S. 46:1403.

27 (iv) Playground.

28 (v) Public or private youth center.

29 (vi) Public swimming pool.

