

Prior law (R.S. 14:81.4) prohibited sexual conduct between educator and student when the student is 17 years of age or older, but less than 19 years.

New law amends prior law to apply to students who are 17 years of age or older, but less than 21 years, where there is an age difference of greater than four years and clarifies that such provision applies only to secondary schools.

Prior law (R.S. 14:91.1) prohibited sexually violent predators from residing within 1000 ft. of a school, day care facility, playground, public or private youth center, public swimming pool, or free standing video arcade.

New law retains prior law and adds day care centers, child care facilities, group homes, residential homes, and family child day care homes to the list of prohibited locations.

Prior law (R.S. 14:91.2) prohibited sex offenders from residing, or being physically present, within 1000 ft. of a school, public park, or recreational facility.

New law retains prior law and adds the following acts, when committed by a person convicted of certain aggravated offenses when the victim is under the age of 13 years:

- (1) The physical presence of the offender in, on, or within 1000 ft. of a day care center, group home, residential home, or child care facility, or a family child day care home as defined.
- (2) The establishment of a residence within 1000 ft. of any day care center, group home, residential home, or child care facility, a family child day care home, playground, public or private youth center, public swimming pool, or free standing video arcade facility.

New law (R.S. 14:91.3) creates the crime of unlawful participation in a child-related business. Prohibits convicted sex offenders whose offense involved a person under the age of 13 from owning, operating, or participating in the governance of those child care facilities or family child day care homes. Provides for the following criminal penalties: a fine of up to \$1,000, imprisonment with or without hard labor up to one year, or both.

New law (R.S. 14:91.4) creates the crime of contributing to the endangerment of a minor, which includes:

- (1) The employment of a sex offender in a day care center, residential home, community home, group home child care facility, or family child day care home.
- (2) The permitting of a sex offender to have physical access to a day care center, residential home, community home, group home child care facility, or family child day care home.

Provides for the following criminal penalties: a fine of up to \$1,000, imprisonment up to six months, or both.

Prior law (R.S. 15:538) provided that sex offenders shall not be eligible for parole, unless as a condition thereof, the offender is prohibited from engaging in business or volunteer activities which would require the offender to engage in a significant amount of direct contact with children.

New law retains prior law with regard to business activities. Amends restrictions on volunteer activities by prohibiting sex offenders from volunteering where goods, services, instruction, or care will be provided to minor children or where the offender will engage in direct contact with children. When the volunteer activity does not require the offender to engage in such contact with minor children due to the nature of the volunteer activity, the sex offender shall nonetheless provide notice to the officer or director of the volunteer organization of his status as a convicted sex offender prior to engaging in any volunteer work activity with the organization. Provides for a limitation of liability for the organization, or any officer and director thereof, for failure to comply with new law.

Prior law provided that sex offenders shall not be eligible for parole, unless as a condition thereof, the offender is prohibited from residing or being physically present within 1000 ft. of a day care facility, playground, public or private youth center, public swimming pool, or free-standing video arcade.

New law retains prior law except that it amends definitions of "day care facility" to "day care center" and adds "child care facilities", "group homes", "residential homes", and "family child day care homes".

Effective September 1, 2009.

(Amends R.S. 14:81.4(A), (B)(2), and (4), and (E)(1), 91.1(A)(2), 91.2(B), (C) and (D) and R.S. 15:538(A), (D)(1)(b) and (c), and (6)(b) and (c); Adds R.S. 14:91.2(E), 91.3 and 91.4)