

First Extraordinary Session, 2005

SENATE BILL NO. 29

BY SENATORS N. GAUTREAUX AND CHAISSON AND REPRESENTATIVE  
CRAVINS

SEX OFFENSES. Provides with respect to criminal penalties for failure to register as a sex offender.

AN ACT

To amend and reenact R.S. 15:542(C)(2) and (F)(1), relative to penalties for failure to register as a sex offender; to provide that penalties for failure to register as a sex offender shall apply to sex offenders who fail to notify appropriate law enforcement officials when they are temporarily displaced from their residence due to an evacuation order or declaration of an emergency; to amend the criminal penalties for a first conviction of failure to register as a sex offender; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:542(C)(2) and (F)(1) are hereby amended and reenacted to read as follows:

§542. Registration of sex offenders

\* \* \*

C.

\* \* \*

(2) Any person required to register pursuant to this Section shall send written notifications upon change of address in accordance with the following provisions:

1 (a) If the offender changes his residence address within the same parish or  
2 is temporarily displaced from his residence due to an evacuation order or  
3 declaration of emergency issued by the governor or the local governing  
4 authority, the person shall send written notice of the change of address to the sheriff  
5 and the police chief or, if the residence is within a parish with a population in excess  
6 of four hundred fifty thousand, the police department, within ten days of establishing  
7 the new residence. Within thirty calendar days from receipt of this written  
8 notification, the sheriff shall send written notification of the offender's address  
9 change to the Department of Public Safety and Corrections.

10 (b) If any person required to register pursuant to this Section moves to a new  
11 parish or is temporarily displaced from his residence due to an evacuation order  
12 or declaration of emergency issued by the governor or the local governing  
13 authority, the person shall register with the sheriff in the new parish and the police  
14 chief or, if the residence is within a parish with a population in excess of four  
15 hundred fifty thousand, the police department in such parish, within ten days of  
16 establishing the new residence. The person shall also send written notice, within ten  
17 days after the change of address in the new parish, to the sheriff and the police chief  
18 or, if the residence is within a parish with a population in excess of four hundred fifty  
19 thousand, the police department with whom the person last registered. Within thirty  
20 calendar days from receipt of this written notification, the sheriff shall send written  
21 notification of the offender's address change to the Department of Public Safety and  
22 Corrections.

23 \* \* \*

24 F.(1) A person who fails to register as required by this Section shall, upon  
25 first conviction, be ~~fin~~~~ed not more than one thousand dollars~~ or imprisoned with or  
26 without hard labor for not less than ~~one year~~ thirty days nor more than five years,  
27 ~~or both.~~ with at least thirty days imposed without benefit of probation, parole  
28 or suspension of sentence, and may be fined not less than five hundred dollars  
29 nor more than one thousand dollars.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Tracy Sabina Sudduth.

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#### DIGEST

Present law contains sex offender registration and notification requirements that apply to persons convicted of certain sex offenses. Requires these offenders to send written notice of a change of address within ten days of relocating to the sheriff and chief of police, or to the police department in the case of a parish with a population in excess of 450,000.

Proposed law retains present law and provides that the change of address requirement shall apply to offenders who are temporarily displaced due to an evacuation order or declaration of emergency issued by the governor or local governing authority.

Present law provides for the following penalties for failure to register as a sex offender:

- (1) For the first conviction, the offender shall be fined not more than \$1,000, imprisoned with or without hard labor for not less than one year nor more than five years, or both.
- (2) For the second or subsequent conviction, the offender shall be fined not less than \$1,000 nor more than \$2,500 or imprisoned with or without hard labor for three to ten years without benefit of parole, probation or suspension of sentence.

Proposed law changes the penalties for a first conviction to include imprisonment with or without hard labor for a minimum of 30 days and a maximum of five years. Provides that at least 30 days shall be imposed without benefit of probation, parole, or suspension of sentence. Provides that a fine may be imposed of not less than \$500 nor more than \$1,000.

Proposed law retains present law with respect to a second or subsequent conviction.

(Amends R.S. 15:542(C)(2) and (F)(1))