

ACT No. 5

2018 Regular Session

HOUSE BILL NO. 75

BY REPRESENTATIVE DWIGHT

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

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

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

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

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

13 (e) Playground.

14 (f) Public or private youth center.

15 (g) Public swimming pool.

16 (h) Free standing video arcade facility.

17 * * *

18 §91.2. Unlawful presence of a sex offender

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

22 * * *

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

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

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

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

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

2 (3) The physical presence of the offender in, on, or within one thousand feet
3 of ~~a public park, recreational facility, or child care facility as defined in R.S. 46:1403~~
4 any of the following:

5 (a) Public park or recreational facility.

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

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

11 * * *

12 B. The following acts, when committed by a person convicted of an
13 aggravated offense as defined in R.S. 15:541(2) when the victim is under the age of
14 thirteen years, shall constitute the crime of unlawful residence or presence of a sex
15 offender:

16 (1) The physical presence of the offender in, on, or within one thousand feet
17 of ~~a group home, residential home, child care facility as defined in R.S. 46:1403, or~~
18 ~~a family child day care home as defined in R.S. 46:1441.1~~ any of the following:

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

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

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

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

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

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

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

5 (d) Playground.

6 (e) Public or private youth center.

7 (f) Public swimming pool.

8 (g) Free standing video arcade facility.

9 * * *

10 §91.3. Unlawful participation in a child-related business

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

19 * * *

20 §91.4. Contributing to the endangerment of a minor

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

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

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

1 B. No person shall knowingly permit a person convicted of a sex offense as
 2 defined in R.S. 15:541 ~~physical access to any of the following facilities:~~ early
 3 learning center as defined by R.S. 17:407.33, residential home as defined by R.S.
 4 46:1403, or 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 ~~(1) A day care center, residential home, community home, group home, or~~
 8 ~~child care facility as defined in R.S. 46:1403; or~~

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

10 * * *

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

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

14 * * *

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

18 * * *

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

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

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

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

29 (iv) Playground.

30 (v) Public or private youth center.

1 (vi) Public swimming pool.

2 (vii) Free standing video arcade facility.

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

8 (i) Public or private elementary or secondary school.

9 (ii) Early learning center as defined by R.S. 17:407.33.

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

13 (iv) Residential home as defined by R.S. 46:1403.

14 (v) Playground.

15 (vi) Public or private youth center.

16 (vii) Public swimming pool.

17 (viii) Free standing video arcade facility.

18 * * *

19 (6) Any sexual offender, whose offense involved a minor child, and who was
20 placed on probation or was paroled prior to August 15, 2004, and is on probation or
21 parole as of August 15, 2005, shall have the following prohibitions added as
22 conditions of probation and parole pursuant to Code of Criminal Procedure Articles
23 895 and 896 or R.S. 15:574.4 and 574.7:

24 * * *

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

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

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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

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

5 (iv) Playground.

6 (v) Public or private youth center.

7 (vi) Public swimming pool.

8 (vii) Free standing video arcade facility.

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

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

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

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

19 (iv) Playground.

20 (v) Public or private youth center.

21 (vi) Public swimming pool.

22 (vii) Free standing video arcade facility.

23 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____