Regular Session, 2011

HOUSE BILL NO. 131

BY REPRESENTATIVE TEMPLET

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SEX OFFENSE/REGISTRY: Amends the crime of failure to register to include the failure to comply with sex offender drivers' license and state identification card requirements

AN ACT

To enact R.S. 15:542.1.4(C), relative to sex offenders; to provide relative to sex offender registration and notification requirements; to provide relative to failure to register; to provide relative to drivers' licenses and state identification cards issued to sex offenders; to provide for criminal penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:542.1.4(C) is hereby enacted to read as follows:

§542.1.4. Failure to register and notify as a sex offender or child predator; penalties

* * *

C.(1) Any person who either fails to meet the requirements of R.S. 32:412(I) or R.S. 40:1321(J), who is in possession of any document required by R.S. 32:412(I) or R.S. 40:1321(J) that has been altered with the intent to defraud, or who is in possession of a counterfeit of any document required by R.S. 32:412(I) or R.S. 40:1321(J), shall, on a first conviction, be fined not more than one thousand dollars and imprisoned at hard labor for not less than two years nor more than ten years without benefit of parole, probation, or suspension of sentence.

(2) Upon a second or subsequent conviction for a violation of the provisions of this Subsection, the offender shall be fined three thousand dollars and imprisoned

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at hard labor for not less than five years nor more than twenty years without benefit of parole, probation, or suspension of sentence.

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)]

Templet HB No. 131

Abstract: Amends the crime of failure to register as a sex offender to include the failure to comply with sex offender drivers' license and state identification card requirements.

Present law provides that it shall be unlawful for convicted sex offenders to fail to comply with certain registration and notification requirements including but not limited to registering with local law enforcement, periodically renewing and updating registration information, providing proof of residence or notification of change of address or other registration information, and providing community notification.

Present law (R.S. 32:412(I)) provides that a driver's license issued to any person required to register as a sex offender shall contain a restriction code which declares that the license holder is a sex offender, and further provides that the sex offender shall carry upon his person the last driver's license issued to him and shall personally appear at a motor vehicle field office to renew his driver's license every year.

Present law (R.S. 40:1321(J)) provides that any person required to register as a sex offender shall obtain a special identification card issued by DPS&C which shall contain a restriction code declaring that the holder is a sex offender, and further provides that the sex offender shall carry this card upon his person at all times and shall personally appear, annually, at a field office of the office of motor vehicles to renew his special identification card.

Proposed law provides that it shall constitute a failure to register pursuant to the provisions of present law (R.S. 15:542.1.4) when any sex offender either fails to comply with these provisions of present law (R.S. 32:412(I) and R.S. 40:1321(J)), possesses a document required by these provisions of present law that has been altered with the intent to defraud, or possesses a counterfeit of any document required by these provisions of present law. Proposed law provides the following criminal penalties:

(1) Upon a first conviction, the offender shall be fined not more than $1,000, and imprisoned at hard labor for not less than two nor more than 10 years without benefit of parole, probation, or suspension of sentence.

(2) Upon a second or subsequent conviction, the offender shall be fined $3,000, and imprisoned at hard labor for not less than five years nor more than 20 years without benefit of parole, probation, or suspension of sentence.

(Adds R.S. 15:542.1.4(C))

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