

Regular Session, 2012

HOUSE BILL NO. 566

BY REPRESENTATIVE BROSSETT

SEX OFFENSE/REGISTRY: Provides relative to persons convicted of crimes against nature by solicitation

1 AN ACT

2 To amend and reenact R.S. 15:542(F)(3)(b) and (c) and to enact R.S. 15:542(F)(3)(d),
3 relative to sex offender registration and notification requirements; to authorize
4 certain persons convicted of crime against nature to petition the court to be relieved
5 of sex offender registration and notification requirements; to provide for exceptions;
6 to provide for procedures; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:542(F)(3)(b) and (c) are hereby amended and reenacted and R.S.
9 15:542(F)(3)(d) is hereby enacted to read as follows:

10 §542. Registration of sex offenders and child predators

11 * * *

12 F.

13 * * *

14 (3)

15 * * *

16 (b) Any person who was convicted of crime against nature (R.S. 14:89) prior
17 to August 15, 2010, may petition the court of conviction to be relieved of the sex
18 offender registration and notification requirements of this Chapter if the offense for
19 which the offender was convicted would be defined as crime against nature by
20 solicitation (R.S. 14:89.2) had the offender been convicted on or after August 15,

1 2010. Offenders convicted of an offense under the laws of another state, or military,
2 territorial, foreign, tribal, or federal law may petition the district court of his parish
3 of residence once the administrative procedures of R.S. 15:542.1.3 have been
4 exhausted, and the elements of the offense of conviction have been found to be
5 equivalent to the current definition of crime against nature by solicitation (R.S.
6 14:89.2). The provisions of this Subparagraph shall not apply to persons whose
7 conviction for crime against nature pursuant to R.S. 14:89 involved the solicitation
8 of a person under the age of seventeen and would authorize sentencing of the
9 offender pursuant to R.S. 14:89.2(B)(3), had the offender been convicted on or after
10 August 15, 2010. Relief shall not be granted unless the motion is accompanied by
11 supporting documentary proof that the offense did not involve the solicitation of
12 persons under the age of seventeen. The court may grant the motion upon clear and
13 convincing evidence that the conviction for crime against nature pursuant to R.S.
14 14:89 did not involve the solicitation of a person under the age of seventeen.

15 ~~(b)~~(c) The following procedures shall apply to the provisions of this
16 Paragraph:

17 (i) The petition shall be accompanied with supporting documentation to
18 establish that the age of the perpetrator and the victim at the time the offense was
19 committed are within the parameters set forth in R.S. 14:80.1.

20 (ii) The district attorney shall be served with a copy of the petition.

21 (iii) The court shall order a contradictory hearing to determine whether the
22 offender is entitled to be relieved of the registration and notification requirements
23 pursuant to the provisions of this Paragraph.

24 ~~(c)~~(d) The provisions of this Paragraph shall not apply to any person who
25 was convicted of more than one offense which requires registration pursuant to the
26 provisions of this Chapter.

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)]

Brossett

HB No. 566

Abstract: Authorizes certain persons convicted of crime against nature to be relieved of the sex offender registration and notification provisions.

Present law provides that sex offender registration and notification requirements are mandatory and shall not be waived or suspended.

Present law provides for crime against nature (R.S. 14:89) and crime against nature by solicitation (R.S. 14:89.2). Act No. 882 of the 2010 R.S. created a separate provision for present law crime against nature, prior to which the unlawful acts defined in both crimes, crime against nature and crime against nature by solicitation, were encompassed in one provision for crime against nature.

Present law, pursuant to Act No. 223 of the 2011 R.S., provided that compliance with the sex offender registration and notification provisions would only be required for those persons convicted of crime against nature by solicitation (R.S. 14:89.2) when the person being solicited is under the age of 17.

Proposed law authorizes any person who was convicted of crime against nature (R.S. 14:89) prior to Aug. 15, 2010, to petition the court of conviction to be relieved of the sex offender registration and notification requirements if the offense for which the offender was convicted would be defined as crime against nature by solicitation (R.S. 14:89.2) had the offender been convicted on or after Aug. 15, 2010.

Further provides that these provisions of proposed law shall not apply to persons whose offense involved the solicitation of persons under the age of 17.

(Amends R.S. 15:542(F)(3)(b) and (c); Adds R.S. 15:542(F)(3)(d))