

Regular Session, 2012

HOUSE BILL NO. 558

BY REPRESENTATIVES LOPINTO AND NORTON

SEX OFFENSE/REGISTRY: Provides relative to sex offender registration and notification

1 AN ACT

2 To amend and reenact R.S. 15:542.1.3(A) and (B)(4) and 544(C), (D), and (E) and to enact
3 R.S. 15:542.1.3(B)(5) and 544(F), relative to sex offender registration and
4 notification; to provide relative to sex offenders convicted under the laws of another
5 state; to provide for court documentation; to provide for the duration of sex offender
6 registration and notification for certain offenders; to provide relative to the frequency
7 of in-person registration renewals; to provide with respect to certification on an
8 offender's registration history; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 15:542.1.3(A) and (B)(4) and 544(C), (D), and (E) are hereby
11 amended and reenacted and R.S. 15:542.1.3(B)(5) and 544(F) are hereby enacted to read as
12 follows:

13 §542.1.3. Procedures for offenders convicted or adjudicated under the laws of
14 another state, or military, territorial, foreign, tribal, or federal law; procedures
15 for Louisiana offenders with out-of-state activities

16 A. Any person who is convicted or adjudicated of an offense under the laws
17 of another state, or military, territorial, foreign, tribal, or federal law for which R.S.
18 15:542 requires registration shall be subject to and shall comply with all of the
19 registration requirements of this Chapter within three business days of establishing
20 a residence in Louisiana and shall comply with all notification requirements required

1 in R.S. 15:542.1 within twenty-one days of establishing a residence in Louisiana.
2 Such person shall also ~~notify~~ provide certified copies of court records pertaining to
3 the offense or offenses which require registration as a sex offender, including but not
4 limited to the bill of information, indictment, court minutes, and final disposition, to
5 the bureau within three business days of establishing residence in Louisiana.

6 B.

7 * * *

8 (4) A person who was convicted or adjudicated of an offense under the laws
9 of another state, or military, territorial, foreign, tribal, or federal law who is required
10 to register as a sex offender pursuant to those provisions, or who is required to
11 register pursuant to the provisions of this Chapter, shall be required to register as
12 provided herein for the period of registration provided by the jurisdiction of his
13 conviction or the period of registration provided by the provisions of this Section,
14 whichever period is longer. Such person shall be required to renew and update his
15 registration in person as required by R.S. 15:542.1.1, and the frequency with which
16 the person is required to appear shall be in accordance with the provisions of R.S.
17 15:542.1.1.

18 ~~(4)~~(5) Any offender convicted or adjudicated under the laws of another state,
19 or military, territorial, foreign, tribal, or federal law who establishes a residence in
20 this state and is required to register and notify pursuant to the provisions of this
21 Chapter may appeal the bureau's determination of the applicable time period of
22 registration and frequency of in-person periodic renewals through an administrative
23 hearing as provided in R.S. 49:950 et seq. The offender shall have one year from the
24 date that the bureau posted its determination on the registry to appeal. The duty to
25 register and notify according to the determination of the bureau made pursuant to the
26 provisions of this Subsection shall be binding and shall not be suspended or stayed
27 pending appeal of the classification of the offender.

28 * * *

1 §544. Duration of registration and notification period

2 * * *

3 C. A person who was convicted or adjudicated of an offense under the laws
4 of another state, or military, territorial, foreign, tribal, or federal law who is required
5 to register as a sex offender pursuant to those provisions of law, or who is required
6 to register pursuant to the provisions of this Chapter, shall be required to register as
7 provided herein for the period of registration provided by the jurisdiction of his
8 conviction or the period of registration provided by the provisions of this Section,
9 whichever period is longer. Such person shall be required to renew and update his
10 registration in person as required by R.S. 15:542.1.1, and the frequency with which
11 the person is required to appear shall be in accordance with the provisions of R.S.
12 15:542.1.1.

13 D.(1) If an offender begins the period of registration and notification and is
14 subsequently incarcerated for any reason other than a misdemeanor arrest or a
15 misdemeanor conviction or for a felony arrest which does not result in a conviction,
16 then the period of registration and notification shall begin anew on the day the
17 offender is released from incarceration, with no credit for the period of time in which
18 the offender complied with registration and notification requirements prior to his
19 incarceration.

20 (2) An offender required to register pursuant to the provisions of this Chapter
21 shall only receive credit for the period of time in which he resides in this state and
22 is in compliance with all registration and notification requirements of this state.

23 ~~D.~~E.(1) The registration period of fifteen years established in Subsection A
24 of this Section may be reduced to a period of ten years if the offender maintains a
25 clean record for the entire ten-year period of registration upon petition to be relieved
26 of the sex offender registration to the court of conviction for those convicted in
27 Louisiana, or the court of the parish of residence for those convicted under the laws
28 of another state, or military, territorial, foreign, tribal, or federal law which have
29 been determined to be comparable to a Louisiana offense requiring a fifteen-year

1 registration period by the bureau pursuant to the provisions of R.S. 15:542.1.3. ~~The~~
2 ~~petition shall be accompanied by a certification from the office of state police of the~~
3 ~~offender's history of registration in Louisiana.~~

4 (2) The lifetime registration period established in Paragraph (B)(2) of this
5 Section may be reduced to a period of twenty-five years if the offender was
6 adjudicated delinquent for the offense which requires registration and maintains a
7 clean record for twenty-five years upon petition to be relieved of the sex offender
8 registration to the court of adjudication for those adjudicated in Louisiana, or court
9 of the parish of residence for those adjudicated under the laws of another state, or
10 military, territorial, foreign, tribal, or federal law. ~~The petition shall be accompanied~~
11 ~~by a certification from the office of state police of the offender's history of~~
12 ~~registration in Louisiana.~~

13 (3) For purposes of this Subsection, an offender maintains a "clean record"
14 by:

15 (a) Not being convicted of any offense for which imprisonment for more
16 than one year may be imposed;

17 (b) Not being convicted of any sex offense;

18 (c) Successfully completing any periods of supervised release, probation, or
19 parole; and

20 (d) Successfully completing an appropriate sex offender treatment program
21 by a registered treatment as provided in R.S. 24:936 or an appropriate sex offender
22 treatment program certified by the Attorney General of the United States.

23 (e) Complying with all sex offender registration and notification
24 requirements in Louisiana for the prescribed period of time pursuant to the
25 provisions of this Chapter.

26 (4) The following procedures shall apply to the provisions of Paragraphs (1)
27 and (2) of this Subsection:

28 (a) The district attorney shall be served with a copy of the petition and the
29 Louisiana Department of Public Safety and Corrections, office of state police, and

1 the Department of Justice shall be given notice of the filing with a copy of the
2 pleading. Upon receipt of the pleading, the office of state police shall issue a
3 certification of the offender's history of registration in Louisiana to the court in
4 which the petition was filed.

5 (b) The court shall order a contradictory hearing to determine whether the
6 offender is entitled to be relieved of the registration and notification requirements
7 pursuant to the provisions of Paragraphs (1) and (2) of this Subsection. The
8 Louisiana Department of Public Safety and Corrections, office of state police, and
9 the Department of Justice shall be given notice of the hearing date.

10 (c) The provisions of Paragraphs (1) and (2) of this Subsection shall not
11 apply to any person who was convicted of more than one offense which requires
12 registration pursuant to the provisions of this Chapter.

13 ~~E.F.~~(1) Notwithstanding the provisions of Subsection A or Paragraph (B)(1)
14 of this Section, the court, upon motion of the district attorney, and after a
15 contradictory hearing, shall have the authority to order a person required to register
16 and provide notification pursuant to the provisions of this Chapter to register and
17 notify for the duration of the lifetime of the offender upon a showing by a
18 preponderance of the evidence that the offender poses a substantial risk of
19 committing another offense requiring registration pursuant to this Chapter. The
20 district attorney and the offender may enter into a plea agreement requiring the
21 offender to register and provide notification for the duration of the lifetime of the
22 offender without a contradictory hearing.

23 (2) Whenever the registration and notification period of a sex offender has
24 been increased to lifetime pursuant to the provisions of Paragraph (1) of this
25 Subsection, upon maintenance of a clean record for the minimum time period
26 applicable to the offense of conviction as provided by the provisions of Subsection
27 A or Paragraph (B)(1) of this Section, the offender may petition the court in the
28 jurisdiction of conviction, or if convicted under the laws of another state, or military,
29 territorial, foreign, tribal, or federal law, in the jurisdiction of the offender's

1 residence, to be relieved of the registration and notification requirements of this
 2 Chapter. The district attorney shall be served with the petition, and the matter shall
 3 be set for contradictory hearing. Upon a finding by clear and convincing evidence
 4 that the offender has maintained a "clean record" as defined in this Section and that
 5 the offender does not pose a substantial risk of committing another offense requiring
 6 registration pursuant to this Chapter, the court may order that the offender be
 7 relieved of the obligation to register and notify pursuant to 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)]

Lopinto

HB No. 558

Abstract: Provides relative to sex offender registration and notification requirements of persons convicted under the laws of another state and amends procedures relative to documentation pertaining to the offense which requires sex offender registration and notification.

Present law provides that any person who is convicted of an offense under the laws of another state shall be subject to and shall comply with all of the registration requirements in La. within three business days of establishing a residence in La. and shall comply with all notification requirements in La. within 21 days of establishing a residence in La. This person is also required to notify the La. Bureau of Criminal Identification and Information within three business days of establishing residence in La.

Proposed law requires such persons to provide certified copies of court records pertaining to the offense or offenses which require registration as a sex offender to the bureau within three business days of establishing residence in La.

Present law provides that the registration period for a person who is convicted of an offense under the laws of another state shall be the same as a person convicted of a similar offense under the laws of this state.

Proposed law amends present law and provides that for any person convicted under the laws of another state who moves to La. and is required to register under the laws of this state or under the laws of the state in which he was convicted, shall do so for the length of time required by the jurisdiction of his conviction or the length of time required in La., whichever period is longer.

Proposed law provides that the frequency of in-person periodic renewals of registration shall be conducted pursuant to La. present law.

Proposed law removes present law requirement that the petition to be relieved of the sex offender registration requirements must be accompanied by a certification from the office of state police of the offender's history of registration in La., and amends the requirement to provide that this information shall be provided to the court upon receipt of the pleading by the office of state police.

(Amends R.S. 15:542.1.3(A) and (B)(4) and 544(C), (D), and (E); Adds R.S. 15:542.1.3.(B)(5) and 544(F))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Added provision which states that the provisions of proposed law shall apply to persons who were convicted and are required to register pursuant to the laws of another state.
2. Added provision which states that the offender is required to renew and update his registration information in-person as required by present law and provided that the frequency with which the person is required to register shall be pursuant to La. law.