
DIGEST

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St. Germain

HB No. 70

Abstract: Creates the crime of unlawful presence or communication of a sex offender relative to a former victim.

Proposed law prohibits a sex offender from engaging in any of the following:

- (1) Establishing a residence or physically residing within three miles of the victim of the offense for which he was convicted.
- (2) Knowingly being physically present within 300 feet of the victim of the offense for which he was convicted.
- (3) Communicating with the victim of the offense for which he was convicted or an immediate family member of the victim, unless the victim consents to such communication in writing.

Proposed law defines "immediate family member" as the spouse, mother, father, aunt, uncle, sibling, or child of the victim, whether related by blood, marriage, or adoption.

Proposed law provides for the following penalties:

- (1) Whoever violates the provisions of Paragraphs (1) and (2) of proposed law shall be fined not more than \$1,000, imprisoned for not more than one year, or both.
- (2) Whoever violates the provisions of Paragraph (3) of proposed law shall be fined not more than \$500, imprisoned for not more than six months, or both.

Provides for the following affirmative defenses to prosecution for a violation of proposed law:

- (1) If the property where the offender resides was occupied by the offender prior to the date on which his victim began residing within three miles of the residence of the offender, unless the offender pleads guilty to or is convicted of a subsequent sex offense against the same victim after the victim began residing within three miles of the offender.
- (2) If the property where the offender resides was occupied by the offender prior to Aug. 1, 2012, unless the offender pleads guilty to or is convicted of a subsequent sex offense against the same victim after Aug. 1, 2012.

(Adds R.S. 14:91.9)

Summary of Amendments Adopted by House

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

1. Provided that the offender cannot knowingly be physically present within 300 feet of the victim of the offense for which he was convicted.