

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

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:542(F)(4) is hereby enacted to read as follows:

9 §542. Registration of sex offenders and child predators

10 * * *

11 F.

12 * * *

13 (4)(a) Any person who was convicted of crime against nature (R.S. 14:89)
14 prior to August 15, 2010, may file a motion in the court of conviction to be relieved
15 of the sex offender registration and notification requirements of this Chapter if the
16 offense for which the offender was convicted would be defined as crime against
17 nature by solicitation (R.S. 14:89.2) had the offender been convicted on or after
18 August 15, 2010. Offenders convicted of an offense under the laws of another state,
19 or military, territorial, foreign, tribal, or federal law may file a motion in the district
20 court of his parish of residence once the administrative procedures of R.S. 15:542.1.3

1 have been exhausted, and the elements of the offense of conviction have been found
2 to be equivalent to the current definition of crime against nature by solicitation (R.S.
3 14:89.2). The provisions of this Subparagraph shall not apply to persons whose
4 conviction for crime against nature pursuant to R.S. 14:89 involved the solicitation
5 of a person under the age of seventeen and would authorize sentencing of the
6 offender pursuant to R.S. 14:89.2(B)(3), had the offender been convicted on or after
7 August 15, 2010.

8 (b) The motion shall be accompanied by supporting documentation to
9 establish that the person was convicted of crime against nature prior to August 15,
10 2010, and that the offense for which the offender was convicted would be defined
11 as crime against nature by solicitation (R.S. 14:89.2) had the offender been convicted
12 on or after August 15, 2010.

13 (c) The district attorney, office of state police, and the Department of Justice,
14 shall be served with a copy of the motion.

15 (d) If the supporting documentation described in Subparagraph (b) of this
16 Paragraph is provided and meets the requirements of Subparagraph (4)(b), relief shall
17 be granted unless the district attorney objects and provides supporting documentation
18 proving that the offense for which the person was convicted, and which requires
19 registration and notification pursuant to the provisions of this Chapter, involved the
20 solicitation of a person under the age of seventeen.

21 (e) If the district attorney proves by clear and convincing evidence that the
22 conviction for crime against nature pursuant to R.S. 14:89 involved the solicitation
23 of a person under the age of seventeen, the court shall deny the motion to be relieved
24 of the sex offender registration and notification requirements as provided by the
25 provisions of this Paragraph.

26 (f) The provisions of this Paragraph shall not apply to any person who was
27 convicted of one or more offenses which otherwise require registration pursuant to
28 the 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 and provides for a procedure by which such relief is granted.

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., provides that compliance with the sex offender registration and notification provisions is only 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 file a motion in 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, or for any person who was convicted of one or more offenses which otherwise require registration pursuant to present law.

Proposed law provides that the district attorney, the office of state police, and the Department of Justice shall be served with a copy of the motion.

Proposed law provides that the motion shall be accompanied by supporting documentation which proves that the person filing the motion meets the proposed law requirements necessary to have the authority to file such motion. Upon providing this proof, proposed law requires the court to grant the person's motion unless the district attorney objects and proves by clear and convincing evidence that the conviction involved the solicitation of a person under the age of 17.

(Adds R.S. 15:542(F)(4))

Summary of Amendments Adopted by House

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

1. Amended proposed law procedures by which relief from sex offender registration and notification requirements is granted pursuant to proposed law.

2. Made technical corrections to incorporate changes.

House Floor Amendments to the engrossed bill.

1. Made technical corrections.
2. Added office of state police and the Department of Justice to the list of entities to be served with a copy of the offender's motion to be relieved of the sex offender registration and notification requirements.
3. Clarified that proposed law does not apply to any person who was convicted of one or more offenses which require registration pursuant to present law.