

Regular Session, 2012

HOUSE BILL NO. 558

BY REPRESENTATIVES LOPINTO AND NORTON

1 AN ACT

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

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 15:542.1.3(A) and (B)(2) and 544(C), (D), and (E) are hereby  
12 amended and reenacted and R.S. 15:544(F) is hereby enacted to read as 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  
21 in R.S. 15:542.1 within twenty-one days of establishing a residence in Louisiana.  
22 Such person shall also notify the bureau within three business days of establishing  
23 residence in Louisiana and shall provide the bureau, within thirty days of  
24 establishing residence in Louisiana, certified copies of court records pertaining to the

1 offense or offenses which require registration as a sex offender, including but not  
2 limited to the bill of information, indictment, court minutes, and final disposition.

3 B.

4 \* \* \*

5 (2)(a) Within ~~ninety~~ sixty days of receiving the ~~information~~ certified copies  
6 of court records from the offender as required by the provisions of R.S. 15:542(E)  
7 Subsection A of this Section, the bureau shall determine which time period of  
8 registration under the provisions of R.S. 15:544 and the frequency of in-person  
9 periodic renewals under the provisions of R.S. 15:542.1 is applicable to the offender  
10 while residing in Louisiana. This determination shall be based on a comparison of  
11 the elements of the offense of conviction or adjudication with the elements of the  
12 most comparable Louisiana offense. The bureau shall post this official notification  
13 on the state sex offender and child predator registry within the ninety-day period  
14 provided in this Paragraph. If the most comparable Louisiana offense is carnal  
15 knowledge of a juvenile, the bureau shall indicate so and give notice to the offender  
16 that he may qualify for relief from registration pursuant to the provisions of R.S.  
17 15:542(F)(2) or (3) if the offender's age and the age of the victim are within the  
18 limitations provided by R.S. 15:542.

19 (b) Until the bureau makes a determination and posts an official notification  
20 as to the frequency of in-person periodic renewals, the offender shall renew and  
21 update his registration required by R.S. 15:542 in person every three months from  
22 the date of establishing a residence in Louisiana. Thereafter, the frequency of in-  
23 person periodic renewals of the offender shall be pursuant to the provisions of R.S.  
24 15:542.1.1, based on the determination made by the bureau, comparing the elements  
25 of the offense of conviction or adjudication with the elements of the most  
26 comparable Louisiana offense, as required by Subparagraph (a) of this Paragraph.

27 \* \* \*

28 §544. Duration of registration and notification period

29 \* \* \*

1           C. A person who is required to register pursuant to the provisions of R.S.  
 2           15:542.1.3 shall register and maintain his registration and provide community  
 3           notification pursuant to the provisions of this Chapter for the period of registration  
 4           provided by the jurisdiction of conviction or for the period of registration provided  
 5           by the provisions of this Section, whichever period is longer.

6           D.(1) If an offender begins the period of registration and notification and is  
 7           subsequently incarcerated for any reason other than a misdemeanor arrest or a  
 8           misdemeanor conviction or for a felony arrest which does not result in a conviction,  
 9           then the period of registration and notification shall begin anew on the day the  
 10          offender is released from incarceration, with no credit for the period of time in which  
 11          the offender complied with registration and notification requirements prior to his  
 12          incarceration.

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

17           ~~D.~~E.(1) The registration period of fifteen years established in Subsection A  
 18          of this Section may be reduced to a period of ten years if the offender maintains a  
 19          clean record for the entire ten-year period of registration upon petition to be relieved  
 20          of the sex offender registration to the court of conviction for those convicted in  
 21          Louisiana, or the court of the parish of residence for those convicted under the laws  
 22          of another state, or military, territorial, foreign, tribal, or federal law which have  
 23          been determined to be comparable to a Louisiana offense requiring a fifteen-year  
 24          registration period by the bureau pursuant to the provisions of R.S. 15:542.1.3. ~~The~~  
 25          ~~petition shall be accompanied by a certification from the office of state police of the~~  
 26          ~~offender's history of registration in Louisiana.~~

27           (2) The lifetime registration period established in Paragraph (B)(2) of this  
 28          Section may be reduced to a period of twenty-five years if the offender was  
 29          adjudicated delinquent for the offense which requires registration and maintains a  
 30          clean record for twenty-five years upon petition to be relieved of the sex offender

1 registration to the court of adjudication for those adjudicated in Louisiana, or court  
 2 of the parish of residence for those adjudicated under the laws of another state, or  
 3 military, territorial, foreign, tribal, or federal law. ~~The petition shall be accompanied~~  
 4 ~~by a certification from the office of state police of the offender's history of~~  
 5 ~~registration in Louisiana.~~

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

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

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

11 (c) Successfully completing any periods of supervised release, probation, or  
 12 parole; ~~and.~~

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

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

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

21 (a) The district attorney shall be served with a copy of the petition and the  
 22 Louisiana Department of Public Safety and Corrections, office of state police, and  
 23 the Department of Justice shall be given notice of the filing with a copy of the  
 24 pleading. Upon receipt of the pleading, the office of state police shall issue a  
 25 certification of the offender's history of registration in Louisiana to the court in  
 26 which the petition was filed. The certification issued by the office of state police  
 27 shall be admissible and shall be deemed prima facie evidence of the offender's  
 28 history of registration in Louisiana.

29 (b) The court shall order a contradictory hearing to determine whether the  
 30 offender is entitled to be relieved of the registration and notification requirements

1           pursuant to the provisions of Paragraphs (1) and (2) of this Subsection. The  
2           Louisiana Department of Public Safety and Corrections, office of state police, and  
3           the Department of Justice shall be given notice of the hearing date.

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

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

17                   (2) Whenever the registration and notification period of a sex offender has  
18          been increased to lifetime pursuant to the provisions of Paragraph (1) of this  
19          Subsection, upon maintenance of a clean record for the minimum time period  
20          applicable to the offense of conviction as provided by the provisions of Subsection  
21          A or Paragraph (B)(1) of this Section, the offender may petition the court in the  
22          jurisdiction of conviction, or if convicted under the laws of another state, or military,  
23          territorial, foreign, tribal, or federal law, in the jurisdiction of the offender's  
24          residence, to be relieved of the registration and notification requirements of this  
25          Chapter. The district attorney shall be served with the petition, and the matter shall  
26          be set for contradictory hearing. Upon a finding by clear and convincing evidence  
27          that the offender has maintained a "clean record" as defined in this Section and that  
28          the offender does not pose a substantial risk of committing another offense requiring  
29          registration pursuant to this Chapter, the court may order that the offender be  
30          relieved of the obligation to register and notify pursuant to this Chapter.

1           Section 2. The provisions of this Act shall only apply to persons who establish a  
2 residence in Louisiana on or after the effective date of this Act.

3           Section 3. This Act shall become effective upon signature by the governor or, if not  
4 signed by the governor, upon expiration of the time for bills to become law without signature  
5 by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If  
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
7 effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_