

Regular Session, 2012

HOUSE BILL NO. 566

BY REPRESENTATIVE BROSSETT

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  
21 have been exhausted, and the elements of the offense of conviction have been found  
22 to be equivalent to the current definition of crime against nature by solicitation (R.S.  
23 14:89.2). The provisions of this Subparagraph shall not apply to persons whose  
24 conviction for crime against nature pursuant to R.S. 14:89 involved the solicitation  
25 of a person under the age of seventeen and would authorize sentencing of the

1 offender pursuant to R.S. 14:89.2(B)(3), had the offender been convicted on or after  
2 August 15, 2010.

3 (b) The motion shall be accompanied by supporting documentation to  
4 establish that the person was convicted of crime against nature prior to August 15,  
5 2010, and that the offense for which the offender was convicted would be defined  
6 as crime against nature by solicitation (R.S. 14:89.2) had the offender been convicted  
7 on or after August 15, 2010.

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

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

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

21 (f) The provisions of this Paragraph shall not apply to any person who was  
22 convicted of one or more offenses which otherwise require registration pursuant to  
23 the provisions of this Chapter.

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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: \_\_\_\_\_