

Regular Session, 2012
HOUSE BILL NO. 566

ACT No. 402

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.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____