

Existing law provides that sex offender registration and notification requirements are mandatory and shall not be waived or suspended.

Existing 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 existing 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.

Existing 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.

New 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 new 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 requires registration pursuant to existing law.

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

New law provides that the motion shall be accompanied by supporting documentation which proves that the person filing the motion meets the new law requirements necessary to have the authority to file such motion. Upon providing this proof, new 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.

Effective August 1, 2012.

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