

Regular Session, 2013

HOUSE BILL NO. 423

BY REPRESENTATIVE BILLIOT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SEX OFFENSE/REGISTRY: Provides relative to petitions for injunctive relief or declaratory judgments regarding the registration and notification requirements of sex offenders

1 AN ACT

2 To enact R.S. 15:544.1, relative to petitions for injunctive relief or declaratory judgments
3 regarding the registration and notification requirements of sex offenders; to provide
4 for the procedure by which such petitions must be filed; to provide for the
5 jurisdiction where such petitions must be filed; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:544.1 is hereby enacted to read as follows:

8 §544.1. Petitions for injunctive relief or declaratory judgments

9 Any petition for injunctive relief or for declaratory judgment regarding the
10 registration and notification requirements of this Chapter as they apply to a particular
11 offender convicted of or adjudicated delinquent for a sex offense as defined in R.S.
12 15:541 or a criminal offense against a victim who is a minor as defined in R.S.
13 15:541, regardless of the date of conviction, which are based on theories of relief or
14 grounds not specifically provided for in the provisions of this Chapter, shall be filed
15 through ordinary civil proceedings by the offender, the state, the Department of
16 Public Safety and Corrections, office of state police, or the office of the attorney
17 general, in the district court for the parish where the state capitol is situated.

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)]

Billiot

HB No. 423

Abstract: Provides for the procedures and jurisdiction for petitions for injunctive relief or declaratory judgments regarding the sex offender registration and notification requirements.

Present law provides for the specific grounds on which certain sex offenders convicted of felony carnal knowledge or crime against nature may petition the court, or file a motion in the court, for relief from the sex offender registration and notification requirements. Present law further provides for the procedures by which and the jurisdictions in which these petitions and motions may be filed.

Proposed law retains present law and provides that any petition for injunctive relief or for declaratory judgment regarding the registration and notification requirements as they apply to a particular offender, regardless of the date of conviction, which are based on theories of relief or grounds not specifically provided for in present law, shall be filed through ordinary civil proceedings in the district court for the parish where the state capitol is situated.

(Adds R.S. 15:544.1)