

SENATE BILL NO. 517

BY SENATORS AMEDEE, ADLEY, BROOME, CHAISSON, CHEEK, CRAVINS, CROWE, DONAHUE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAUX, N. GAUTREAUX, GRAY, HEBERT, HEITMEIER, LONG, MARTINY, MCPHERSON, MICHOT, MORRISH, MOUNT, MURRAY, NEVERS, QUINN, RISER, SCALISE, SHAW, SHEPHERD, SMITH, THOMPSON AND WALSWORTH

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

AN ACT

To amend and reenact R.S. 15:541(1)(d) through (k) and 544(A), (B), (C), and (D)(3) and to enact R.S. 15:541(1)(l) and (m) and 544(E), relative to registration of sex offenders; to provide for registration and notification of sex offenders; to provide for the duration of registration and notification requirements; to provide for a procedure to extend the duration of registration and notification requirements; to provide with respect to the definition of an "aggravated offense"; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:541(1)(d) through (k) and 544(A), (B), (C), and (D)(3) are hereby amended and reenacted and R.S. 15:541(1)(l) and (m) and 544(E) are hereby enacted to read as follows:

§541. Definitions

For the purposes of this Chapter, the definitions of terms in this Section shall apply:

(1) "Aggravated offense" means a conviction for the perpetration or attempted perpetration of, or conspiracy to commit, any of the following:

* * *

(d) **Sexual battery prosecuted under the provisions of R.S. 14:43.1(C)(2).**

(e) Second degree sexual battery (R.S. 14:43.2)

(e)(f) Aggravated kidnapping (R.S. 14:44) of a child who has not attained the age of eighteen years.

1 conviction for an offense for which registration is required by the provisions of this
 2 Chapter shall register and maintain his registration and provide community
 3 notification pursuant to the provisions of this Chapter for the duration of the lifetime
 4 of the offender, unless the underlying conviction is reversed, set aside or vacated.
 5 The requirement to register shall apply to an offender who is pardoned. **Any of the**
 6 **following persons required to register pursuant to this Chapter shall register**
 7 **and provide notification for the duration of their lifetime, even if granted a first**
 8 **offender pardon, unless the underlying conviction is reversed, set aside, or**
 9 **vacated:**

10 **(a) A person required to register pursuant to this Chapter who was**
 11 **convicted of an aggravated offense as defined in R.S. 15:541;**

12 **(b) A juvenile adjudicated for the enumerated offenses in R.S.**
 13 **15:542(A)(3); or**

14 **(c) A person with a prior conviction or adjudication for an offense for**
 15 **which registration is required by the provisions of this Chapter, whether or not**
 16 **the prior offense required registration at the time of commission or conviction,**
 17 **who subsequently is convicted of or adjudicated for an offense which requires**
 18 **registration under the provisions of this Chapter.**

19 C. If an offender begins the period of registration and notification and is
 20 subsequently incarcerated for the commission of a subsequent felony or where
 21 probation or parole of the offender is revoked, **for any reason other than a**
 22 **misdemeanor arrest or a misdemeanor conviction or for a felony arrest which**
 23 **does not result in a conviction,** then the period of registration and notification shall
 24 begin anew on the day the offender is released from incarceration, with no credit for
 25 the period of time in which the offender complied with registration and notification
 26 requirements prior to his incarceration.

27 D.

28 * * *

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

1 * * *

2 (d) Successfully completing an appropriate sex offender treatment program
3 certified by this state or **by a registered treatment as provided in R.S. 24:936 or**
4 **an appropriate sex offender treatment program certified** by the Attorney General
5 of the United States.

6 * * *

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

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

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____