

THE STOP VIOLENCE AGAINST WOMEN FORMULA GRANT PROGRAM FUNDED THROUGH THE OFFICE ON VIOLENCE AGAINST WOMEN (OVW), OFFICE OF JUSTICE PROGRAMS

The Louisiana Commission on Law Enforcement and Administration of Criminal Justice (LCLE) is the state agency named by the Governor to administer the federal STOP Violence Against Women Formula Grant Program funded through the Office on Violence Against Women (OVW), Office of Justice Programs. STOP is an acronym for Services, Training, Officers, and Prosecution. The *intent* of the OVW STOP program is to reduce violence against women by developing and strengthening effective law enforcement and prosecution strategies used to combat violent crimes against women. Priority shall be given to women who are victims of domestic violence, dating violence, sexual assault, and stalking. This program is applied to crimes against women ages 13 and older as specified by OVW.

The LCLE Commission is a fifty-five member body appointed by the Governor from all areas of criminal justice and law enforcement disciplines (LA R.S. 15:1202). The Commission appoints the Victim Services Advisory Committee oversee the funding of grant applications under the STOP Program. The Advisory Committee works with LCLE staff to provide recommendations to the Commission regarding all decisions concerning the best course of action to take when allocating and awarding STOP funds. The Commission makes the final decisions on all funding matters. Both the Victim Services Advisory Committee and Commission members are subject to change with the election of each new Governor.

Currently, there are fourteen members serving on the Victim Services Advisory Committee. The members include the two statewide coalition executive directors, representatives from law enforcement and prosecution agencies, the judiciary sector, a member of the Crime Victims Reparations Board (the State's VOCA Crime Victim Reparations Program), victim services programs, and a representative of the Family Violence Prevention/Intervention Program of the Department of Children and Family Services. All members of the Board are involved in the development of the Louisiana's STOP Violence Against Women Formula Grant Program Implementation Plan.

The LCLE Federal Programs Manager is the State Administrator of the STOP Program. The STOP Administrator works closely with the Office on Violence Against Women (OVW), the Commission, the Victim Services Advisory Committee, the eight local law enforcement planning districts, the two state coalitions, and other interested entities in order to successfully accomplish this endeavor.

FUNDING PRIORITY AREAS

Funding priority is given to law enforcement, prosecution, courts, and victim service providers whose services strive to reduce violence by developing and strengthening effective law enforcement and prosecution strategies created to combat crimes committed against women. Law enforcement and prosecution applicant agencies apply for funding through one of the eight Local Law Enforcement Planning Districts or Criminal Justice Coordinating Councils. Non-profit, non-

governmental agencies apply through their respective coalitions, the Louisiana Coalition Against Domestic Violence and the Louisiana Foundation Against Sexual Assault. Statewide programs apply directly to the Louisiana Commission on Law Enforcement.

All recipients awarded with STOP Violence Against Women Formula Grant Program funds must address at least one or more of the twenty purpose areas required under the Violence Against Women Act. Applicant agencies are required to specify which purpose area or areas their projects address. No single purpose is given priority by the Committee or the Commission; each project is evaluated on its own merit.

STOP PURPOSE AREAS

Activities supported by the STOP Violence Against Women Formula Grant Program are determined by federal statute, federal regulations, and OVW policies. These may be provided for the apprehension, prosecution, and adjudication of persons committing violent crimes against women. Subgrants supported through this Program must meet one or more of the following twenty (20) statutory purpose areas:

1. Training law enforcement officers, judges, other court personnel, and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of sexual assault, domestic violence, and dating violence;
2. Developing, training, or expanding units of law enforcement officers, judges, other court personnel, and prosecutors specifically targeting violent crimes against women including sexual assault and domestic violence;
3. Developing and implementing more effective police, court, and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of sexual assault and domestic violence;
4. Developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of sexual assault and domestic violence;
5. Developing, enlarging, or strengthening victim services programs, including sexual assault, domestic violence, and dating violence programs, developing or improving delivery of victim services to underserved populations, providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted, and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault and domestic violence;
6. Developing, enlarging, or strengthening programs addressing stalking;
7. Developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of sexual assault and domestic violence;

8. Supporting formal and informal Statewide, multidisciplinary efforts, to the extent not supported by State funds, to coordinate the response of State law enforcement agencies, prosecutors, courts, victim services agencies, and other State agencies and departments, to violent crimes against women, including the crimes of sexual assault, domestic violence, and dating violence;
9. Training of sexual assault forensic medical personnel examiners in the collection and preservation of evidence, analysis, prevention, and providing expert testimony and treatment of trauma related to sexual assault;
10. Developing, enlarging, or strengthening programs to assist law enforcement, prosecutors, courts, and others to address the needs and circumstances of older and disabled women who are victims of domestic violence or sexual assault, including recognizing, investigating, and prosecuting instances of such violence or assault and targeting outreach and support, counseling, and other victim services to such older and disabled individuals;
11. Providing assistance to victims of domestic violence and sexual assault in immigration matters;
12. Maintaining core victim services and criminal justice initiatives while supporting complementary new initiatives and emergency services for victims and their families;
13. Supporting the placement of special victim assistants (to be known as “Jessica Gonzales Victim Assistants”) in local law enforcement agencies to serve as liaisons between victims of domestic violence, dating violence, sexual assault, and stalking and personnel in local law enforcement agencies in order to improve the enforcement of protection orders. Jessica Gonzales Victim Assistants shall have expertise in domestic violence, dating violence, sexual assault, or stalking and may undertake the following activities –
 - a. Developing, in collaboration with prosecutors, courts, and victim service providers, standardized response policies for local law enforcement agencies, including triage protocols to ensure that dangerous or potentially lethal cases are identified and prioritized;
 - b. Notifying persons seeking enforcement of protection orders as to what responses will be provided by the relevant law enforcement agency;
 - c. Referring persons seeking enforcement of protection orders to supplementary services (such as emergency shelter programs, hotlines, or legal assistance services); and
 - d. Taking other appropriate action to assist or secure the safety of the person seeking enforcement of a protection order.
14. Providing funding to law enforcement agencies, nonprofit nongovernmental victim services providers, and State, Tribal, Territorial, and local governments (which funding stream shall be known as the Crystal Judson Domestic Violence Protocol Program) to promote –
 - a. The development and implementation of training for local victim domestic violence service providers, and to fund victim services personnel, to be known as “Crystal Judson Victim Advocates,” to provide supportive services and advocacy for victims of domestic violence committed by law enforcement personnel;
 - b. The implementation of protocols within law enforcement agencies to ensure consistent and effective responses to the commission of domestic violence by personnel within such agencies such as the model policy promulgated by the International Association of Chiefs

of Police (“Domestic Violence by Police Officers: A Policy of the IACP, Police Response to Violence Against Women Project” July 2003); and

- c. The development of such protocols in collaboration with State, Tribal, Territorial and local victim services providers and domestic violence coalitions.

Note: Any law enforcement, State, Tribal, Territorial, or local government agency receiving funding under the Crystal Judson Domestic Violence Protocol Program shall, on an annual basis, receive additional training on the topic of incidents of domestic violence committed by law enforcement personnel from domestic violence and sexual assault nonprofit organizations and, after a period of two years, provide a report of adopted protocol to the Department, including a summary of progress in implementing such protocol. As such, States and Territories are responsible for ensuring that each subgrantee receiving funds under this purpose area will receive the required annual training. States are also responsible for ensuring that subgrantees submit their two-year report to the Department. States and Territories **must** notify and provide OVW with a list of subgrantee recipients awarded STOP funds under the Crystal Judson Domestic Violence Protocol Program.

All eligible applicants are encouraged to provide personnel, training, technical assistance, evaluation, data collection, equipment and supplies. These may be provided for the apprehension, prosecution, and adjudication of persons committing violent crimes against women. Ideas for innovative approaches under the fourteen purpose areas are also provided in the application kit instructions provided to applicant agencies. Examples include:

- Instituting comprehensive training programs to change attitudes that have traditionally prevented the criminal justice system from adequately responding to the problem.
- Forming specialized units within police departments and prosecutors’ offices, or specialized multi-disciplinary units, devoted exclusively to the handling of domestic violence and sexual assault cases.
- Establishing sexual trauma units in emergency rooms where forensic examinations, victim counseling, and victim advocacy are equally available.
- Developing strategies that maximize resources by establishing regional approaches such as the registration and enforcement of protective orders across jurisdictional lines.
- Establishing protocols to achieve better coordination in the handling of cases involving violence against women between civil and criminal courts.
- Establishing and expanding victim services that address the special needs of women from minority and ethnic communities, women who are disabled, or non-English speaking women.
- Increasing the number and type of services and criminal justice programs to include judicial education and court-related projects.
- Initiating projects that address stalking.
- Initiating projects that address victims of human trafficking crimes.
- Initiating projects that provide specialized services to the elderly population aged 60 and older who are victims of domestic violence, dating violence, sexual assault, and stalking.
- Establish and expand training for law enforcement, protective services workers, medical personnel, nonprofit, nongovernmental victim service providers, prosecutors, and other victim service providers specializing in providing services to the elderly populations to

better identify and serve elderly women who are victims of domestic violence, dating violence, sexual assault, stalking, physical abuse, or emotional abuse by family members or strangers.

- Collaborate with Adult Protective Services (APS) and law enforcement agencies to identify what type of services are in place for elderly women who are victims of domestic violence, dating violence, sexual assault, and stalking.
- Seek shelter services that may be or are available in each region that will address the needs for older women who have become victims of domestic violence, dating violence, sexual assault, and stalking.

PROHIBITED ACTIVITIES/UNALLOWABLE USES OF FUNDS.

The following activities have been found to jeopardize victim safety, deter or prevent physical or emotional healing for victims, or allow offenders to escape responsibility for their actions and cannot be supported with STOP Violence Against Women funding:

1. Procedures or policies that exclude victims from receiving safe shelter, advocacy, services, counseling, and other assistance based on their actual or perceived age, immigration status, race, religion, sexual orientation, gender identity, mental health condition, physical health condition, criminal record, work in the sex industry, or the age and/or the gender of their children.
2. Offering perpetrators the option of entering pre-trial diversion programs.
3. Requiring mediation or counseling for couples as a systemic response to domestic violence or sexual assault, or in situations in which child sexual abuse is alleged.
4. Requiring victims to report sexual assault, stalking, or domestic violence crimes to law enforcement or forcing victims to participate in criminal proceedings.
5. Relying on court-mandated batterer intervention programs that do not use the coercive power of the criminal justice system to hold batterers accountable for their behavior.
6. Supporting policies that deny individuals access to services based on their relationship to the perpetrator.
7. Supporting policies or engaging in practices that impose restrictive conditions to be met by the victim in order to receive services (e.g., attending counseling, seeking an order of protection).
8. Sharing confidential victim information with outside organizations and/or individuals without the documented consent of the victim.
9. Placing of batterers in anger management programs.
10. Procedures that would penalize or impose sanctions on victims of domestic violence or sexual assault for failure to testify against the abuser and/or the perpetrator.
11. Development or presentation of a domestic violence, sexual assault, dating violence, and/or stalking curriculum for primary or secondary schools. STOP funds will not be used to teach primary or secondary school students from an already existing curriculum.

12. Development or presentation of public awareness or community education campaigns or related activities.
13. Other unallowable activities:
 - a. Research Projects
 - b. Lobbying
 - c. Fundraising
 - d. Purchase of Real Property
 - e. Construction
 - f. Physical Modifications to Building (including minor renovations, such as painting or carpeting)

ELIGIBLE AGENCIES

Eligible agencies or organizations include, but not limited to:

1. State Offices and Agencies
2. Public or Private Non-Profit Organizations
3. Non-Profit, Non-Governmental Victim Services Programs
4. Faith-Based and Community Organizations
5. Courts
6. Units of Local Government (Units of local government mean any city, county, town, township, borough, parish, village or other general-purpose political subdivision of a state. For the State of Louisiana, Sheriffs and District Attorneys are considered units of local government.)
7. Indian Tribal Governments (Native American Tribes that perform law enforcement functions as determined by the Secretary of the Interior).

STOP PROGRAM REQUIREMENTS

1. New applicant agencies that have not yet demonstrated a record of providing services must demonstrate that twenty-five percent (25%) of their overall financial support is from non-federal sources. This is not considered part of the required match.
2. The following documentation must be provided:
 - a. Federal Tax Identification Number
 - b. IRS Form W-9 (Request for Taxpayer Identification and Certification)
 - c. IRS Form 501C3 (Tax-Exempt Status for Non-Profit Organizations)
 - d. LCLE Request for Vendor Information
 - e. DUNS (Data Universal Numbering System) Number
 - f. CAGE (Commercial and Government Agency) Code
 - g. SAM (System for Award Management) Number and its Expiration Date
 - h. Louisiana Secretary of State Nonprofit Corporation Status
 - i. All agencies with a private, non-profit, or non-governmental status are required to procure and maintain a surety, dishonesty, or fidelity bond in the amount of the

federal funds for each STOP award received. LCLE must be clearly named as the beneficiary of the bond.

- j. No diminished support policy is presently in effect for all programs, but the Committee will reserve the right to approve a program at a reduced level. This will take into account other projects requesting funding and the past ability of the agency to appropriately expend its award funds. Funding is contingent of funds availability, proper subgrant management, meeting goals and objectives, and meeting all requirements. The Committee may make recommendations to the Commission to reduce funding or discontinue funding to those agencies not meeting these requirements.
3. Appropriate programs will be required to comply with the most current version of the Louisiana Child Protection Act, LRS 15:587.1 and the Adult Protective Services (APS) Law, LRS 15:1501-1511.
 4. STOP programs are subject to non-supplanting provisions.
 - a. Funds must be used to supplement, not supplant, non-federal funds that would otherwise be available for expenditure.
 - b. Funds must be used to fund new projects, or expand or enhance existing projects.
 - c. Funds cannot be used to supplant or replace existing funds already allocated to funding programs.
 - d. For state and local public agencies, funds may not be used to replace state or local funds that would, in the absence of federal aid, be available or forthcoming for programs to assist victims of crime.
 5. All non-profit, non-governmental agencies providing direct services to victims must meet the minimum requirements of the federally funded program for which an award is requested in order to submit an application for funding.
 6. In addition to the requirements of the federally funded program, non-profit agencies who are members of the state's coalitions, Louisiana Coalition Against Domestic Violence (LCADV) and/or the Louisiana Foundation Against Sexual Assault (LaFASA), must meet the applicable program standards adopted by their respective state coalition.
 7. Programs must maintain a profile of the victims served and provide an assessment of the effectiveness of the activities funded by the subgrant.
 8. All projects are required to be twelve (12) month projects; however, training projects are exempt from this requirement.
 9. All reporting requirements established by LCLE must be followed.
 10. The two state coalitions, LCADV and LaFASA, will provide monitoring assistance to LCLE, as appropriate.

DISTRIBUTION OF STOP FUNDS

Each Federal fiscal year's grant award must be allocated, without duplication, to each of the following areas according to federal guidelines:

1. A minimum of twenty-five percent (25%) to Law Enforcement,
2. A minimum of twenty-five percent (25%) to Prosecution,
3. A minimum of thirty percent (30%) to Victim Services, of which ten percent (10%) must be allocated to culturally specific community-based organizations,
4. A minimum of five percent (5%) to State and Local Courts, and
5. A minimum of fifteen percent (15%) to discretionary projects, which are determined by the LCLE Executive Director with Commission approval.

The method of distribution is based on a series of face-to-face meetings with District Program Directors of the state's law enforcement planning districts, the Executive Directors of the state's domestic violence and sexual assault coalitions, and the Victim Services Advisory Committee members to garner support from criminal justice agencies and victim service agencies throughout the state. These efforts should be designed to gather expertise, input, and vision on existing services, creating new projects for new initiatives when gaps have been found for needed victim services, advice on how to provide services to underserved, diverse, or culturally specific populations, collaboration efforts among the different types of agencies, as well as collecting ideas and conducting needs assessments or conducting surveys when necessary to prioritize STOP program objectives.

Under a Louisiana Statute, the planning districts/councils listed below serve as local points of contact for agencies wishing to access STOP funds administered by the LCLE. Each district office is notified of their allocation, which is based on the population and crime statistics within their respective districts. These districts must distribute their allocations between law enforcement and prosecution agencies using a 50/50 split according to the formulas below. They also perform functions similar to those prescribed to the Commission in planning, developing, coordinating, and administering criminal justice improvement programs within their respective districts. The attached map shows each district and the parishes they serve. Each Planning District/Council has their own local Advisory Board that oversees the distribution of funds and recommends the approval or disapproval of the allocation of STOP funds. These District Law Enforcement Planning Districts/Councils' Boards are comprised of nonprofit victim service organizations, criminal justice, and law enforcement officials from the parishes in their respective Districts and are aware of unmet needs.

District 1	Northwest Law Enforcement Planning District	11.07%
District 2	North Delta Law Enforcement Planning District	10.77%
District 3	Red River Delta Law Enforcement Planning District	9.74%
District 4	Evangeline Law Enforcement Planning Council	10.66%

District 5	Capital District Law Enforcement Planning District	15.95%
District 6	Southwest District Law Enforcement Planning Council	10.44%
District 7	Metropolitan/Jefferson Criminal Justice Coordinating Council	15.48%
District 9	Orleans Office of Criminal Justice Coordination Council	15.89%

NOTE: The formula was revised upon release of the 2010 U.S. Census Report.

The statewide coalitions, the Louisiana Coalition Against Domestic Violence (LCADV) and the Louisiana Foundation Against Sexual Assault (LaFASA) represent most of the non-profit, non-governmental victim services programs in the state. The LCADV is a statewide network of seventeen (17) battered women’s programs and shelters operated by the organizations and individuals who share the goal of ending domestic violence and other related crimes committed against women in Louisiana. LaFASA is a statewide network of thirteen (13) sexual assault centers operated by the organizations and individuals who share the goal of providing services to women who have become victims of sexual abuse and sexual assault.

REPORTING, MONITORING, AND EVALUATION

Reporting requirements include maintaining appropriate programmatic and financial records that fully disclose the amount and disposition of VAWA funds received by the applicant agency to ensure proper management, fiscal control and efficient disbursement of the VAWA funds. Written procedures regarding the reporting requirements of a project are provided in the VAWA Application Instructions. The procedures inform the applicant of specific reporting requirements before and after receiving a subgrant award and those requirements are to be followed during the project period.

STOP Violence Against Women Formula Grant Program funded activities in the State are evaluated through Quarterly Progress Reports that are used as tools to report each project’s activities and its programmatic progress during a particular reporting period. These reports are due on a calendar basis (i.e., Jan 1 - March 31, Apr 1 - June 30, July 1 - September 30, and October 1 - December 31) within fifteen days following the end of each quarter throughout the project period. These requirements are provided in the VAWA Application Instructions.

All subgrant agencies submit quarterly progress reports directly to LCLE on the Egrants system. The LCLE STOP Administrator records the receipt of the progress reports in the LCLE Egrants management system. After the review by the LCLE STOP Administrator, if additional information is needed, the report is incomplete, or corrective action is necessary, the subgrant agency is contacted directly. When this occurs, the Fiscal section is notified and any Subgrant Expenditure Report/Requests for Funds are withheld until LCLE receives a corrected progress report and marks the report as “Completed and Approved.” Once the progress report is approved, any requested funding is released.

Other reporting requirements are in place to aid in the success of the STOP-funded projects in Louisiana. Failure to comply with these requirements may result in administrative action such as, withholding of payments, suspension of funding, cancellation of the project, loss

of awarded funds, or non-certification of new grant awards. An Equipment Inventory Listing and Assurance Form must be completed for any equipment purchased with STOP funds. These forms are due with the final Expenditure/Request for Funds report. Expenditure/Requests for Funds are due within 15 days of the end of the quarterly cycle.

Subgrantees are responsible for compiling and submitting the STOP Annual Progress Report that reflects all grant funded activities for the period of January 1 to December 31 each year. The form is submitted electronically to the LCLE STOP Administrator within thirty days of the end of the reporting period. If a subgrantee fails to submit this annual report, future STOP funds will not be awarded until the VAWA Annual Progress Report is submitted to LCLE for the period ending December 31.

The LCLE STOP Administrator also either conducts or oversees on-site monitoring visits of all STOP subgrantee agencies. The eight Local Law Enforcement Planning Districts or Criminal Justice Coordinating Councils conduct their own on-site monitoring visits to the law enforcement and prosecution-based agencies receiving STOP funds in their respective districts. However, the LCLE STOP Administrator conducts on-site monitoring visits to all other agencies that receive funds through the two state coalitions, as well as other state-level agencies receiving the court and discretionary funding through the LCLE office.

The On-Site Monitoring form is a two-part module. One section is completed by the subgrantee and the second part is completed on-site as part of the review, which covers the grant award, its assurances and special conditions, the project budget, any subgrant adjustment requests, reporting information, special conditions relevant to the agency's subgrant award, and an opportunity for the STOP Administrator to respond and assist with any questions or problems the subgrantee may have in the course of completing their STOP project.

The review provides direct assistance to subgrant agencies and ensures that these agencies utilize the funds to meet the intended goals and objectives, have a full understanding of subgrant reporting requirements, maintain statistics and fiscal records and submit the mandatory reports to LCLE according to schedule. Subgrant agencies that fail to comply with certified assurances, special conditions, or reporting requirements of the subgrant award are subject to the withdrawal of the subgrant award.

In conclusion, the success of grant-funded activities is evaluated by using quarterly program reports that effectively track goals, objectives and outcomes of each recipient agency. An on-site monitoring visit that is conducted and a written report used to provide a thorough overview of grant-funded activities. A STOP Annual Progress Report completed by each subgrantee agency, as well as the STOP Administrator's Annual Report, provides a comprehensive and accurate measure of data collection, which are submitted directly to the Office on Violence Against Women (OVW) annually. The information provided in these reports is submitted to Congress after receiving approval from OVW.

State of Louisiana



EXECUTIVE DEPARTMENT

EXECUTIVE ORDER NO. BJ 2014 – 14

UNIFORMITY OF POLICIES RELATED TO THE CRIME OF SEXUAL ASSAULT

- WHEREAS,** Article I, Section 1 of the Louisiana Constitution is titled “Origin and Purpose of Government”, and provides
- “All government, of right, originates with the people, is founded on their will alone, and is instituted to protect the rights of the individual and for the good of the whole. Its only legitimate ends are to secure justice for all, preserve peace, protect the rights, and promote the happiness and general welfare of the people. The rights enumerated in this Article are inalienable by the state and shall be preserved inviolate by the state.”;*
- WHEREAS,** Article IV, Section 5 establishes the governor as the chief executive officer of the State and charged with the duty to faithfully support the constitution and laws of the State and see that the laws are faithfully executed;
- WHEREAS,** sexual assault is a horrendous crime that creates physical and emotional damage to victims, for which special measures must be taken by every public officer and agency in this state in order to bring the perpetrators to justice and assist the victims in their recovery;
- WHEREAS,** within the executive branch, Article VIII, Section 5 creates the Board of Regents with responsibilities to plan, coordinate, and have budgetary responsibilities for all public postsecondary education institutions;
- WHEREAS,** public postsecondary education institutions under the Board of Regents in this state have separately implemented measures to address the reporting of sexual assault on their campuses, and the prevention of such crimes;
- WHEREAS,** these separate measures implemented by the individual public postsecondary education institutions, while well-intentioned, are in some cases outdated and create a fractured approach to this critical issue that would benefit from a statewide uniformity of best practices that can be provided by the Board of Regents exercising its constitutional authority to coordinate among these institutions;
- WHEREAS,** the Crime Victims Reparations Board, created in statute under the jurisdiction of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, is responsible for assisting victims of crime with the financial losses caused by the crime, and is charged with administering this vital program in accordance with law and the administrative rules which it has promulgated;
- WHEREAS,** reports indicate the existence of discrepancies between the enabling statutes of the Crime Victims Reparations Board and the rules it has promulgated, and that such discrepancies should be identified and eliminated immediately;
- WHEREAS,** reports indicate that, in some parts of this state, victims of sexual assault are requested or required to submit to polygraph examination as part of the law enforcement investigation of the crime;
- WHEREAS,** La. R.S. 15:241 plainly prohibits such a request or requirement, and states *“No law enforcement officer, prosecutor, or other governmental official shall request or require any victim, regardless of age, of an alleged sex offense as defined in R.S. 15:541 to submit to a polygraph examination or other device used to measure the truthfulness of the victim as a condition of proceeding with the investigation of the offense.”;*

WHEREAS, it is the goal of this administration that a victim of sexual assault not be billed for the financial cost of forensic or other testing incident to the crime whether the victim reports the crime to law enforcement or not, that such bills be sent for payment directly to the Crime Victims Reparations Board, and that this outcome will require a change in statutory law;

WHEREAS, it is incumbent upon the public officers and agencies, with a role to play in bringing the perpetrators to justice and assisting the victims in their recovery, to coordinate their efforts to ensure that this vital issue is addressed immediately.

NOW THEREFORE, I, BOBBY JINDAL, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The Board of Regents shall coordinate uniform policies and best practices among the public postsecondary education institutions to implement measures to address the reporting of sexual assault on their campuses, the prevention of such crimes, and the medical and mental health care needed for these victims;

SECTION 2: A. The Crime Victims Reparations Board is directed to immediately revise such administrative rules, policies and practices under R.S. 46: 1809 as they pertain to victims of sexual assault that take into account prior behavior of the victim at the time of the crime giving rise to the claim was such that the victim bears some measure of responsibility for the crime that caused the physical injury, death, or catastrophic property loss or for the physical injury, death, or catastrophic property loss to eliminate any such that contain determinations made based on any of the following:

1. The manner in which the victim was dressed at the time of the assault;
2. Where the victim was prior to the sexual assault;
3. The time of the sexual assault;
4. Whether the victim was or may have been under the influence of alcohol or drugs;
5. Whether the victim had a previous sexual relationship with the offender;
6. Whether the victim was married to the offender;
7. Whether the victim was dating the offender;
8. Whether the victim consented to prior sexual activity with the offender;
9. The occupation of the victim;
10. Whether the victim has a history of prior sexual assaults;
11. Whether the victim has a criminal record;
12. Whether the victim consented to the sexual act if the victim is below the age of consent mentally defective, mentally incapacitated or physically helpless;
13. Whether the victim continued to live with the offender after the assault; and
14. Whether the victim has a familial relationship to the offender.

B. The Crime Victims Reparations Board is further directed to review and evaluate the eligibility of non-governmental organizations to serve as a partner or as a sub-grantee of the federal STOP grant program or other federal grant programs within its purview, in order to reimburse hospitals for victim services and offset programmatic costs.

C. The Crime Victims Reparations Board is further directed to immediately revise such administrative rules, policies and practices under R.S. 46:1809 as they pertain to victims of sexual assault that take into account the extent that the pecuniary loss is recouped from collateral or other sources to clarify that the victim has the discretion to choose whether or not to file for private insurance or Medicaid coverage of associated charges.

SECTION 3: All departments, budget units, agencies, offices, entities, and officers of the executive branch of the State of Louisiana are authorized and directed to cooperate in the implementation of the provisions of this Order.

SECTION 4: Nothing in this Order shall be applied in a manner which violates, or is contrary to, the Fair Labor Standards Act (FLSA), the Family and Medical Leave Act (FMLA), the Health Insurance Portability and Accountability Act (HIPAA), or any other applicable federal or state law, rule, or regulation.

SECTION 5: The Order is effective October 20, 2014 and shall remain in effect modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the City of Baton Rouge, on this 20th day of October, 2014.

/s/ Bobby Jindal
GOVERNOR OF LOUISIANA

ATTEST BY
THE GOVERNOR

/s/ Tom Schedler
SECRETARY OF STATE



2008 REGULAR SESSION

HB1373 by Representative Damon J. Baldone**SEX OFFENSE/REGISTRY: Provides for revisions to the sex offender registration and notification provisions****Current Status (as of 10/22/2014 6:39 am): Signed by the Governor - Act 816**

<u>Date</u>	<u>Chamber</u>	<u>Page</u>	<u>Action</u>
07/07	H		Effective date: August 15, 2008.
07/07	H		Signed by the Governor. Becomes Act No. 816.
06/23	H		Sent to the Governor for executive approval.
06/20	S	88	Signed by the President of the Senate.
06/20	H	58	Enrolled and signed by the Speaker of the House.
06/19	H	45	Read by title, roll called, yeas 97, nays 1, Senate amendments concurred in.
06/18	H		Scheduled for concurrence on 6/19/08.
06/17	H	2	Received from the Senate with amendments.
06/16	S	83	Rules suspended. Senate floor amendments were read and adopted. The amended bill was read by title and finally passed by a vote of 38 yeas and 0 nays. The bill was ordered returned to the House. Motion to reconsider tabled.
06/12	S	5	Reported with Legislative Bureau amendments which were read and adopted. Read by title and passed to a third reading.
06/11	S	17	Committee amendments read and adopted. Read by title and referred to the Legislative Bureau.
06/10	S	7	Reported with amendments.
06/02	S	13	Received in the Senate. Rules suspended. Read first and second time by title and referred to the Committee on Judiciary C.
05/29	H	26	Read third time by title, amended, roll called on final passage, yeas 97, nays 0. Finally passed, title adopted, ordered to the Senate.
05/26	H		Scheduled for floor debate on 5/29/08.
05/15	H	15	Read by title, ordered engrossed, passed to 3rd reading - regular calendar.
05/14	H	11	Read by title, substitute title adopted, lies over in the same order of business, substitute for HB No. 1052 reported by the Committee on Administration of Criminal Justice (10-0).

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Available Documents:**Text**

HB1373 Act <http://www.legis.la.gov/Legis/ViewDocument.aspx?d=504258>
 HB1373 Enrolled <http://www.legis.la.gov/Legis/ViewDocument.aspx?d=501034>
 HB1373 Reengrossed <http://www.legis.la.gov/Legis/ViewDocument.aspx?d=492661>
 HB1373 Engrossed <http://www.legis.la.gov/Legis/ViewDocument.aspx?d=488162>
 HB1373 Original <http://www.legis.la.gov/Legis/ViewDocument.aspx?d=488041>

Amendments

Senate Floor Bureau Note, #4955, Amedee, Adopted <http://www.legis.la.gov/Legis/ViewDocument.aspx?d=497918>
 Senate Legislative Bureau Amendment, #4787, BUREAU, Adopted <http://www.legis.la.gov/Legis/ViewDocument.aspx?d=497131>
 Senate Committee Amendment, #4580, JUDC, Adopted <http://www.legis.la.gov/Legis/ViewDocument.aspx?d=496047>
 House Floor Amendment, #4584 (429), Baldone, Adopted <http://www.legis.la.gov/Legis/ViewDocument.aspx?d=492180>
 House Floor Legislative Bureau Amendment, #3350, Waddell, Adopted <http://www.legis.la.gov/Legis/ViewDocument.aspx?d=489140>

Digests

Resume Digest for HB1373 <http://www.legis.la.gov/Legis/ViewDocument.aspx?d=504626>

Summary of Senate Amendments to HB1373 <http://www.legis.la.gov/Legis/ViewDocument.aspx?d=499077>
Digest of HB1373 Reengrossed <http://www.legis.la.gov/Legis/ViewDocument.aspx?d=492790>
Digest of HB1373 Engrossed <http://www.legis.la.gov/Legis/ViewDocument.aspx?d=488282>
Digest of HB1373 Original <http://www.legis.la.gov/Legis/ViewDocument.aspx?d=488046>

Votes

House Vote on HB 1373, CONCUR IN SENATE AMENDMENTS (#1540) <http://www.legis.la.gov/Legis/ViewDocument.aspx?d=500819>
Senate Vote on HB 1373, FINAL PASSAGE (#1445) <http://www.legis.la.gov/Legis/ViewDocument.aspx?d=498683>
House Vote on HB 1373, FINAL PASSAGE (#877) <http://www.legis.la.gov/Legis/ViewDocument.aspx?d=492419>

Regular Session, 2008

ACT No. 816

HOUSE BILL NO. 1373 (Substitute for House Bill No. 1052 by Representative Baldone)

BY REPRESENTATIVES BALDONE, ARMES, ARNOLD, BOBBY BADON, HENRY BURNS, CHAMPAGNE, DOVE, GISCLAIR, HARDY, HENDERSON, HOFFMANN, HONEY, LABRUZZO, LEGER, LORUSSO, MILLS, MONTOUCET, MORRELL, NORTON, PEARSON, PETERSON, RICHARD, RICHMOND, GARY SMITH, JANE SMITH, ST. GERMAIN, TEMPLET, WADDELL, AND WHITE AND SENATOR CROWE

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AN ACT

To amend and reenact R.S. 15:241, 541(1)(d), (e), (f), (g), (h), (i), (j), and (k), (14.1), and (14.2)(a) and (f), 542(C)(2), 542.1(A)(1)(e) and (2)(a), 542.1.1(A)(1) and (B), 542.1.3(A), (B), and (F), 542.1.5(A)(1) and (2)(a) and (F), 542.1.6, 543(B)(introductory paragraph) and (6), 543.1, and 544(A), (B), (C), and (D)(3)(d), to enact R.S. 15:541(1)(l) and (m), 542.1.3(H), and 544(E), and to repeal R.S. 15:541(14.2)(k) and 542.1.1(A)(4), relative to sex offenses and offenses involving child victims; to provide with respect to victims of sex offenses; to provide with respect to the requirements of sex offender and child predator registration and notification provisions; to provide for definitions; to provide for the time period in which an offender must comply with registration and notification requirements; to provide for the duties of the Department of Public Safety and Corrections and the office of youth development; to provide relative to the duration of registration and notification requirements; to provide for written notification by the courts; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:241, 541(1)(d), (e), (f), (g), (h), (i), (j), and (k), (14.1), and (14.2)(a) and (f), 542(C)(2), 542.1(A)(1)(e) and (2)(a), 542.1.1(A)(1) and (B), 542.1.3(A), (B), and (F), 542.1.5(A)(1) and (2)(a) and (F), 542.1.6, 543(B)(introductory paragraph) and (6), 543.1, and 544(A), (B), (C), and (D)(3)(d) are hereby amended and reenacted and R.S. 15:541(1)(l) and (m), 542.1.3(H), and 544(E) are hereby enacted to read as follows:

1 §241. Medical, psychological, psychiatric examination of certain victims under age
 2 eighteen; polygraph examinations; prohibition

3 A. If the defendant is charged with a violation of R.S. 14:93 or any provision
 4 of Subpart C of Part II, Subpart B of Part IV, or Subpart A(1) or A(4) of Part V of
 5 Chapter I of Title 14 of the Louisiana Revised Statutes of 1950, and the victim was
 6 under the age of eighteen at the time of the offense, the defendant shall not be
 7 entitled to compel the victim to submit to a medical, psychological, or psychiatric
 8 examination, unless the court finds, after a contradictory hearing with the state, that
 9 such an examination is necessary and appropriate and will not cause the victim
 10 undue emotional stress and is not being sought for the purpose of harassing or
 11 intimidating the victim. At such a hearing the defendant shall not be entitled to
 12 compel the attendance of the victim.

13 B. No law enforcement officer, prosecutor, or other governmental official
 14 shall request or require any victim, regardless of age, of an alleged sex offense as
 15 defined in R.S. 15:541 to submit to a polygraph examination or other device used to
 16 measure the truthfulness of the victim as a condition of proceeding with the
 17 investigation of the offense.

18 C. The refusal of a victim of an alleged sex offense to submit to an
 19 examination described in Subsection B of this Section shall not prevent the
 20 investigation, charging, or prosecution of the offense.

21 * * *

22 §541. Definitions

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

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

27 * * *

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

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

- 1 ~~(e)~~ (f) Aggravated kidnapping (R.S. 14:44) of a child who has not attained
 2 the age of eighteen years.
- 3 ~~(f)~~ (g) Second degree kidnapping (R.S. 14:44.1) of a child who has not
 4 attained the age of eighteen years.
- 5 ~~(g)~~ (h) Aggravated kidnapping of a child (R.S. 14:44.2).
- 6 ~~(h)~~ (i) Simple kidnapping (R.S. 14:45) of a child who has not attained the
 7 age of eighteen years.
- 8 ~~(i)~~ (j) Aggravated incest (R.S. 14:78.1) involving sexual intercourse, second
 9 degree sexual battery, ~~or oral sexual battery, or when prosecuted under the provisions~~
 10 of R.S. 14:78.1(D)(2).
- 11 ~~(k)~~ Molestation of a juvenile prosecuted under the provisions of R.S.
 12 14:81.2(E)(1).
- 13 ~~(j)~~ (l) Aggravated crime against nature (R.S. 14:89.1).
- 14 ~~(k)~~ (m) Sexual battery of the infirm (R.S. 14:93.5).
- 15 * * *
- 16 (14.1) "Sex offense" means deferred adjudication, adjudication withheld, or
 17 conviction for the perpetration or attempted perpetration of or conspiracy to
 18 commit R.S. 14:78 (incest), R.S. 14:78.1 (aggravated incest), R.S. 14:89 (crime
 19 against nature), R.S. 14:89.1 (aggravated crime against nature), R.S. 14:80 (felony
 20 carnal knowledge of a juvenile), R.S. 14:81 (indecent behavior with juveniles),
 21 R.S.14:81.1 (pornography involving juveniles), R.S. 14:81.2 (molestation of a
 22 juvenile), R.S. 14:81.3 (computer-aided solicitation of a juvenile), R.S. 14:81.4
 23 (prohibited sexual conduct between an educator and student), R.S. 14:92(A)(7)
 24 (contributing to the delinquency of juveniles), R.S. 14:93.5 (sexual battery of the
 25 infirm), R.S. 14:106(A)(5) (obscenity by solicitation of a person under the age of
 26 seventeen), R.S. 14:283 (video voyeurism), a second or subsequent conviction of
 27 R.S. 14:283.1 (voyeurism) or any provision of Subpart C of Part II or Subpart A(1)
 28 of Part V of Chapter 1 of Title 14 of the Louisiana Revised Statutes of 1950, or a
 29 second or subsequent conviction of R.S. 14:283.1 (voyeurism), committed on or after
 30 June 18, 1992, or committed prior to June 18, 1992, if the person, as a result of the

1 offense, is under the custody of the Department of Public Safety and Corrections on
 2 or after June 18, 1992. A conviction for any offense provided in this definition
 3 includes a conviction for the offense under the laws of another state, or military,
 4 territorial, foreign, tribal, or federal law which is equivalent to an offense provided
 5 for in this Chapter, unless the tribal court or foreign conviction was not obtained with
 6 sufficient safeguards for fundamental fairness and due process for the accused as
 7 provided by the federal guidelines adopted pursuant to the Adam Walsh Child
 8 Protection and Safety Act of 2006.

9 (14.2) "Sexual offense against a victim who is a minor" means a conviction
 10 for the perpetration or attempted perpetration of, or conspiracy to commit, any of the
 11 following:

12 (a) Sexual battery (R.S. 14:43.1) when the victim is under the age of
 13 eighteen, except when prosecuted under the provisions of R.S. 14:43.1(C)(2).

14 * * *

15 (f) Molestation of a juvenile (R.S. 14:81.2), except when prosecuted under
 16 the provisions of R.S. 14:81.2(E)(1).

17 * * *

18 §542. Registration of sex offenders and child predators

19 * * *

20 C.

21 * * *

22 (2) Every offender required to register in accordance with this Section shall
 23 appear in person and provide the information required by Paragraph (1) of this
 24 Subsection to the appropriate law enforcement agencies within three business days
 25 of establishing residence in Louisiana, or if a current resident, within three business
 26 days after conviction or adjudication ~~within ten days prior to release from~~
 27 ~~confinement by the Department of Public Safety and Corrections from a state~~
 28 ~~correctional facility, or from parish jail following a conviction if the offender is not~~
 29 ~~housed in a state correctional facility~~ if not immediately incarcerated or taken into
 30 custody after conviction or adjudication. If incarcerated immediately after

1 conviction or placed in a secure facility immediately after adjudication, the
 2 information required by Paragraph (1) of this Subsection shall be provided to the
 3 secretary of the Department of Public Safety and Corrections, or his designee, or the
 4 deputy secretary for youth services, or his designee, whichever has custody of the
 5 offender, within ten days prior to release from confinement. Once released from
 6 confinement, every offender shall appear in person within three business days to
 7 register with the appropriate law enforcement agencies pursuant to the provisions of
 8 this Section.

9 * * *

10 §542.1. Notification of sex offenders and child predators

11 A. Any adult residing in this state who has pled guilty to, has been convicted
 12 of, or where adjudication has been deferred or withheld for the perpetration or
 13 attempted perpetration of, or conspiracy to commit, a sex offense as defined in R.S.
 14 15:541(14.1) or a criminal offense against a minor as defined in R.S. 15:541(9) shall
 15 be required to provide the following notifications:

16 (1) Give notice of the crime for which he was convicted, his name,
 17 residential address, a description of his physical characteristics as provided in R.S.
 18 15:542(C)(1), and a photograph or copy thereof to all of the following:

19 * * *

20 (e) Notwithstanding the provisions of Paragraph (1) of this Subsection,
 21 persons convicted of R.S. 14:89(A)(2) shall not be required to furnish a photograph
 22 as required by that Paragraph.

23 (2)(a) Give notice of the crime for which he was convicted, his name,
 24 jurisdiction of conviction, a description of his physical characteristics as required by
 25 this Section, and his physical address by mail to all people residing within the
 26 designated area within twenty-one days of the sentencing date of conviction, if the
 27 offender is not taken into custody at the time of conviction, or within twenty-one
 28 days of the date of release from confinement or within twenty-one days of
 29 establishing residency in the locale where the offender plans to have his domicile,
 30 and the notice shall be published on two separate days within the applicable period

1 provided for herein, without cost to the state, in the official journal of the governing
 2 authority of the parish where the defendant plans to reside and, if ordered by the
 3 sheriff or police department or required by local ordinance, in a newspaper which
 4 meets the requirements of R.S. 43:140(3) for qualification as an official journal and
 5 which has a larger or smaller circulation in the parish than the official journal. The
 6 notice provided to the official journal or other designated newspaper pursuant to this
 7 Subparagraph shall also include a recent photograph of the offender or a clear
 8 photocopy of a recent photograph of the offender.

9 * * *

10 §542.1.1. In person periodic renewal of registration by offenders
 11 A.(1) Any person convicted of an aggravated offense as defined in R.S.
 12 15:541(1) or any person with a prior conviction or adjudication for an offense which
 13 requires registration pursuant to this Chapter, regardless of whether or not the prior
 14 offense required registration at the time of commission or conviction, who is
 15 subsequently convicted of or adjudicated for an offense which requires registration
 16 pursuant to the provisions of this Chapter, shall renew and update his registration
 17 required by R.S. 15:542 in person every three months from the date of initial
 18 registration.

19 * * *

20 B. Each periodic renewal shall occur with the sheriff of the parish of
 21 residence or residences of the offender. Such periodic registration renewals shall
 22 continue for the period of registration required by the provisions of R.S. 15:544. The
 23 sheriff of the parish of residence shall immediately forward the information obtained
 24 through the periodic renewals to each law enforcement agency as provided in R.S.
 25 15:542(B) and to the bureau for inclusion in the State Sex Offender and Child
 26 Predator Registry. The sheriff shall also comply with the requirements in R.S.
 27 15:543(B) at least annually with each offender.

28 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 provisions of this Chapter, including juveniles required to register, the bureau shall
 2 immediately enter the appropriate information in the public registry. The bureau
 3 shall accept electronically submitted ~~updated~~ information and registration renewal
 4 information from law enforcement.

5 (2)(a) The registry bureau shall provide for public access to the information
 6 contained in the registry, including Internet-based access, and which shall have field-
 7 search capabilities which comply with the provisions of the federal Adam Walsh
 8 Child Protection and Safety Act of 2006 and any federal guidelines adopted pursuant
 9 thereto.

10 * * *

11 F. The bureau shall may promulgate rules and regulations in accordance with
 12 the Administrative Procedure Act to implement the provisions of this Chapter,
 13 provided that such rules and regulations are promulgated in accordance with the
 14 federal Adam Walsh Child Protection and Safety Act of 2006 and any federal
 15 guidelines adopted pursuant thereto.

16 §542.1.6. Additional duties of the Louisiana Bureau of Criminal Identification and
 17 Information; verification of address

18 A.~~(+)~~ Except as otherwise provided in Subsections B and C of this
 19 Subsection, once ~~Once~~ each year during the required period of registration as defined
 20 in R.S. 15:544, ~~not less than five days prior to the anniversary of the date of the~~
 21 ~~offender's initial registration under the conviction giving rise to the duty to register,~~
 22 the bureau shall mail a non-forwardable verification form to the last reported address
 23 or addresses of each offender ~~with the exception of those offenders determined to be~~
 24 ~~sexually violent predators.~~ This verification form shall include notification of the
 25 official determination by the bureau of the period of time in which an offender shall
 26 be required to register and the frequency of in-person periodic renewals the offender
 27 shall be required to make from the date of initial registration.

28 ~~(2) B.~~ The bureau shall mail a non-forwardable verification form to the last
 29 reported address or addresses of the ~~sexually violent predator~~ and those convicted of
 30 an aggravated offense as defined in R.S. 15:541 ~~every ninety days following the~~

1 receipt of the initial registration information and those adjudicated for an offense as
2 provided in R.S. 15:542(A)(3) at least on a quarterly basis. The verification form
3 shall include notification of the official determination by the bureau of the period of
4 time in which the offender shall be required to register and the frequency of the in-
5 person periodic renewals the offender shall be required to make each year from the
6 date of initial registration.

7 ~~(3)~~ C. The bureau shall mail a non-forwardable verification form to the last
8 reported address or addresses of those persons convicted of a sexual offense against
9 a victim who is a minor as defined in R.S. 15:541 ~~every six months~~ following the
10 receipt of the initial registration information at least twice annually. The verification
11 form shall include notification of the official determination by the bureau of the
12 period of time in which the offender shall be required to register and the frequency
13 of the in-person periodic renewals the offender shall be required to make each year
14 from the date of initial registration.

15 ~~(4)~~ D. The offender subject to registration shall sign the verification form
16 acknowledging receipt of the form and confirming the accuracy of the residency
17 information and mail the signed verification form to the bureau within ten days of
18 receipt. For purposes of this Section, it shall be assumed that the offender subject
19 to registration shall have received the non-forwardable verification form ten days
20 from the date of mailing by the bureau.

21 ~~(5)~~ E. If the offender fails to mail the signed verification form to the bureau
22 within ten days of receipt of the form, then he shall be in violation of this Section and
23 subject to the penalties specified in R.S. 15:542.1.4 unless the offender proves that
24 ~~he has not changed the residence address~~ the residence information is accurate and
25 can show good cause why he failed to mail the verification form to the bureau within
26 the specified ten days.

27 ~~(6)~~ E. If the bureau does not receive the signed verification form from the
28 offender within thirty days from the date of mailing by the bureau, the bureau shall
29 immediately notify the sheriff of the parish in which the last reported address of
30 residence of the offender is located or, in the case of an offender residing in a parish

1 with a population in excess of four hundred fifty thousand, the police department of
 2 his municipality of residence. If the offender is under the supervision of the
 3 Department of Public Safety and Corrections, the bureau shall also immediately
 4 notify the Department of Public Safety and Corrections.

5 * * *

6 §543. Duties of the courts, sheriffs, and the Department of Public Safety and
 7 Corrections and the office of youth development; informing the offender of
 8 the registration and notification requirements

9 * * *

10 B. When a person who is required to register under this Chapter is released
 11 from incarceration or placed under parole, supervised release, or probation, the
 12 Department of Public Safety and Corrections for adult offenders. or the office of
 13 youth development for juvenile offenders, or the sheriff if the offender is housed in
 14 the parish jail, or the court if the offender is not incarcerated or placed in the
 15 jurisdictional custody of the Department of Public Safety and Corrections or the
 16 office of youth development, shall:

17 * * *

18 (6) Obtain fingerprints, if not already on file. the registration information
 19 required by the provisions of R.S. 15:542 for inclusion into the state sex offender and
 20 child predator registry, and a current photograph of the person. The agency
 21 responsible in this Section for collecting the registration information shall, before
 22 release of the offender, transfer that information to the bureau for immediate
 23 inclusion in the registry which shall constitute preregistration. but which shall only
 24 be deemed completed registration upon the in-person verification by the offender
 25 with the appropriate law enforcement agency as provided in R.S. 15:542. within
 26 three business days of conviction. if not incarcerated immediately after conviction,
 27 or of release from confinement.

28 * * *

1 Based on the foregoing you are hereby notified of the following:

2 (1) The offender, within three (3) business days of establishing residence in
3 Louisiana or if a current resident, within ~~ten~~ three (3) business days after conviction
4 ~~or adjudication if not immediately incarcerated or taken into custody~~, or within ~~ten~~
5 (+0) three (3) business days ~~prior to~~ after release from confinement, shall obtain and
6 provide the following information to each sheriff or police department in accordance
7 with R.S. 15:542(B) (except in Orleans Parish where registration shall take place
8 with the New Orleans Police Department):

9 (a) Name and any aliases used by the offender.

10 (b) Physical address or addresses of residence.

11 (c) Name and physical address of place of employment. If the offender does
12 not have a fixed place of employment, the offender shall provide information with
13 as much specificity as possible regarding the places where he works, including but
14 not limited to travel routes used by the offender.

15 (d) Name and physical address of the school in which he is a student.

16 (e) Two forms of proof of residence for each residential address provided,
17 including but not limited to a driver's license, bill for utility service, and bill for
18 telephone service. If those forms of proof of residence are not available, the offender
19 may provide an affidavit of an adult resident living at the same address. The
20 affidavit shall certify that the affiant understands his obligation to provide written
21 notice pursuant to R.S. 15:542.1.4 to the appropriate law enforcement agency with
22 whom the offender last registered when the offender no longer resides at the
23 residence provided in the affidavit.

24 (f) The crime for which he was convicted and the date and place of such
25 conviction, and if known by the offender, the court in which the conviction was
26 obtained, the docket number of the case, the specific statute under which he was
27 convicted, and the sentence imposed.

28 (g) A current photograph, fingerprints, palm prints, and a DNA sample.

29 (h) Fingerprints, palm prints, and a DNA sample.

1 (†) Telephone numbers, including fixed location phone and mobile phone
2 numbers assigned to the offender or associated with any residence address of the
3 offender.

4 (†) (i) A description of every vehicle registered to or operated by the
5 offender, including license plate number and a copy of the offender's driver's license
6 or identification card.

7 (†) (j) Social security number and date of birth.

8 (†) (k) A description of the physical characteristics of the offender, including
9 but not limited to sex, race, hair color, eye color, height, age, weight, scars, tattoos,
10 or other identifying marks on the body of the offender.

11 (†) (l) Every e-mail address, online screen name or other online identity
12 used by the offender to communicate on the Internet.

13 (†) (m) Temporary lodging information regarding any place where the
14 offender plans to stay for seven or more days and the length of the stay.

15 (†) (n) Travel and immigration documents, including but not limited to
16 passports and documents establishing immigration status.

17 (2) The offender shall register with the sheriff and police chief in each of
18 his/her residence(s) and with the sheriff of the parish in which the offender is
19 employed and attends school and, for initial registration only, with the sheriff in the
20 parish of the offender's conviction in accordance with R.S. 15:542. If the offender
21 lives, works, or attends school in Orleans Parish, however, the offender shall register
22 with the New Orleans Police Department and not with the sheriff of that parish.

23 (3) If the offender is incarcerated as a result of the crime, the offender shall
24 provide all information listed in Paragraph (1) of this Section to the Department of
25 Public Safety and Corrections, or if a juvenile, to the office of youth development,
26 within ten (10) days prior to release from confinement. The offender shall still
27 appear in person at the sheriff's office within three business (3) days of release from
28 confinement.

29 (†) (4) During the declaration of an emergency, any offender required to
30 register who enters an emergency shelter shall, within the first twenty-four (24)

1 hours of admittance, notify the management of the facility, the chief of police of the
 2 municipality, and the sheriff of the parish in which the shelter is located of ~~their~~
 3 his sex offender status in accordance with R.S. 15:543.2.

4 ~~(4)~~ (5) An offender required to register has a duty to provide notice of
 5 change of address or other registration information to the sheriff of the parish of
 6 residence within three business days. If the new or additional residence is located in
 7 a different parish, then offender must register with the sheriff of the parish in which
 8 the new or additional residence is located. The offender shall also send written
 9 notice within three business days of re-registering in the new parish to the sheriff of
 10 the parish of former registration in accordance with R.S. 15:542.1.2.

11 ~~(5)~~ (6) The offender shall give notice of the crime for which he was
 12 convicted, his name, address, a physical description, and a photograph to the
 13 following in accordance with R.S. 15:542(B)(1):

14 (a) At least one person in every residence or business within a one-mile
 15 radius in a rural area and a three-tenths of a mile radius in an urban or suburban area
 16 of the address of the residence where the offender will reside upon release, including
 17 all adult residents of the residence of the offender.

18 (b) The superintendent of the school district where the offender will reside.

19 (c) The lessor, landlord, or owner of the residence or the property on which
 20 he resides.

21 (d) The superintendent of the park, playground, and recreation districts
 22 within the designated area where the offender will reside only if the victim was under
 23 eighteen (18) years of age at the time of the commission of the offense.

24 *Any person convicted of a violation of R.S. 14:89~~(A)(2)~~ shall not have to
 25 include a photograph in this the notice described in Paragraph (b) of this Subsection.

26 *Juveniles adjudicated for a crime requiring registration DO NOT have to
 27 provide this community notice.

28 ~~(6)~~ (7) In accordance with R.S. 15:542.1, ~~Community~~ community
 29 notification shall be given by mail within twenty-one days of sentencing the date of
 30 conviction, if the offender is not taken into custody at the time of conviction, and

1 within twenty-one days of the date of or release from confinement if sentenced to a
2 term of imprisonment. This notification shall also occur within twenty-one days of
3 each time the offender changes his residence or within twenty-one days of
4 establishing residency in the new locale where the offender plans to have his
5 domicile. This notification must occur each time the offender changes his/her
6 residence address. Juvenile offenders are exempt from this requirement. This
7 notification shall also occur at least every five years, whether or not the offender
8 changes residences. This notification shall occur in each jurisdiction in which the
9 offender regularly resides.

10 *Juveniles adjudicated for a crime requiring registration DO NOT have to
11 provide this community notice.

12 ~~(7)~~ (8) In accordance with R.S. 15:542.1, Community ~~community~~ notice
13 shall be published on two (2) separate days within this period in the official journal
14 of the governing authority of the parish where the offender plans to reside, ~~and if~~
15 unless ordered to be published in a different journal or newspaper by the sheriff or
16 local ordinance, ~~in a newspaper.~~ The notice shall include a recent photograph of the
17 offender. ~~Juvenile Offenders are exempt from this requirement as are those~~
18 ~~convicted of a violation of R.S. 14:92(A)(7) and 14:89(A)(2).~~

19 *Those convicted of R.S. 14:92(A)(7) or 89 are not required to publish notice
20 in the newspaper or official journal as provided in Paragraph (8).

21 *Juveniles who are adjudicated for a crime requiring registration DO NOT
22 have to provide this community notice.

23 ~~(8)~~ (9) In accordance with R.S. 15:542.1(B), an offender who provides
24 recreational instruction to persons under the age of seventeen (17) shall post a notice
25 in the building or facility where such instruction is being given.

26 ~~(9)~~ (10) In accordance with R.S. 15:543, an offender must, within ten (10)
27 days prior to release from a correctional facility, provide a photograph and other
28 relevant information noted above to the ~~Dept.~~ Department of Public Safety and
29 Corrections and the office of youth development for purposes of the State Sex
30 Offender and Child Predator Registry.

1 (11) In accordance with R.S. 15:542.1.2, if an offender changes his place of
2 residence or establishes a new or additional residence, he shall appear in person at
3 the office of the sheriff of his parish of residence where he is currently registered
4 within three (3) business days of the change to register the new address. If the new
5 address is located in a different parish, then the offender shall also appear in person
6 at the office of the sheriff of his new parish of residence within the same time period.
7 If the offender's parish of residence is in Orleans Parish, then the registration shall
8 take place at the New Orleans Police Department and not with the Orleans Parish
9 Sheriff.

10 ~~(10)~~ (12) In accordance with R.S. ~~15:542.2~~ 15:542.1.2, if an offender is
11 physically present in a different parish for more than thirty (30) consecutive days
12 shall re-register with the sheriff of the new parish in which he is physically present.
13 The offender shall send written notice within ten (10) days of re-registering to the
14 sheriff or police chief with whom he had previously registered; absent from his
15 current address of registration for more than thirty (30) consecutive days or an
16 aggregate of thirty (30) days or more in a calendar year, and is physically present at
17 another address during that same period of time, the offender shall register in person
18 the new address as one of his addresses of residence. If the new address is in a
19 parish different from his current address, he shall also register in person with the
20 sheriff of the new parish within three (3) business days of the tolling of the time
21 periods listed. This requirement notwithstanding, the offender shall still notify the
22 sheriff of one of his parishes of residence in person if he is to take up temporary
23 lodging for seven (7) or more days. It is only after the thirty-day limit is exceeded
24 that the new registration shall occur.

25 (13) The offender shall also appear in person at the office of the sheriff of
26 any of his parishes of residence when there is a change in the offender's name, place
27 of employment, or enrollment. This appearance shall occur within three (3) business
28 days of the change. If the offender's address of residence is in Orleans Parish, this
29 registration update shall take place at the New Orleans Police Department and not
30 with the Orleans Parish Sheriff's Office.

