

CHAPTER 17: SPECIAL CONSIDERATIONS FOR SEX OFFENDERS*

A. INTRODUCTION

This Chapter contains information specifically regarding sex offenders in Louisiana who are serving time in prison. Most sex crimes are covered in Title 14, Chapter 1 of the Louisiana Revised Statutes.¹ Because sex offenses vary in seriousness, they can be either misdemeanors or felonies. This Chapter deals with issues that are relevant to both types. Louisiana uses broad definitions for misdemeanors and felonies, unlike other states, which use different classes of offenses. In Louisiana, a felony is defined as “any crime for which an offender may be sentenced to death or imprisonment at hard labor[.]”² while a misdemeanor is simply any crime that is not a felony.³ None of the crimes discussed in this Chapter are punishable by death.⁴

Louisiana classifies some sex crimes as “Offenses Against the Person,” found in Part II of Chapter 1 of the Louisiana Revised Statutes, and others as “Offenses Affecting Public Morals,” found in Part V of Chapter 1. The crimes in Part II can be categorized as rape and sexual battery, while Part V deals more with prostitution and crimes involving juveniles. All of the crimes in Part II are considered felonies because they may be punishable by hard labor. Many of the crimes listed in Part V are also felonies, but some are misdemeanors. Some of these become felonies only after more than one offense. Each section describing a crime also lists the sentencing guidelines, so you should check it to see if the crime you have been convicted of is a felony or not.

If you are in prison for any of the sex crimes mentioned above, you should be mindful of issues that are unique to you. This Chapter is intended to provide you with some background and resources concerning those special matters. It is, however, important to keep in mind that laws are constantly changing. While this Chapter attempts to explain current law as accurately as possible, you should be aware that laws do change, and the laws may be different a year, or even a month from now. It is also important to remember that some sex offender laws only apply to certain kinds of sex offenses. For example, there might be a law that applies to those convicted of sexual battery but not to those guilty of sexting. While this Chapter attempts to highlight the major examples where this is true, you should read all relevant statutes carefully to determine whether a particular section actually applies to you.

This Chapter begins with a discussion of protective custody, also known as “extended lockdown” in Louisiana. That discussion is followed by an overview of treatment available to sex offenders. The rest of the Chapter provides information regarding registration requirements for sex offenders.

B. PROTECTIVE CUSTODY

It is possible that other prisoners may target you for abuse if they discover that you were convicted of a sex offense. If you have reasons to fear for your safety, you may wish to consider requesting protective custody while in prison. Being placed on protective custody allows you to be separated from the general prison population.

In Louisiana, you may request protective custody (also called “extended lockdown”) by submitting a signed written request. A hearing before the disciplinary board is not necessary if you submit this request. After you are placed in protective custody, a classification board should review you for possible release to a less restricted status at least every seven days for the first two months and every 30 days

* This supplement chapter was written by Raquel Toledo.

¹ LA. REV. STAT. ANN. § 14 (2017).

² LA. REV. STAT. ANN. § 14:2(A)(4) (2017).

³ LA. REV. STAT. ANN. § 14:2(A)(6) (2017).

⁴ Until recently, aggravated rape carried the possibility of capital punishment, or the death sentence. This was ruled unconstitutional in *Kennedy v. Louisiana*, 554 U.S. 407, 413, 128 S. Ct. 2641, 2642, 171 L. Ed. 2d 525 (2008), *opinion modified on denial of reh'g*, 554 U.S. 945, 129 S. Ct. 1, 171 L. Ed. 2d 932 (2008) (holding that the Eighth Amendment prohibits the death penalty for the rape of a child where the crime did not result, and was not intended to result, in death of the victim).

thereafter.⁵ You should remember that administrative segregation is a protection that is provided at your request, with the aim to ensure your safety. You should not confuse it with being placed in solitary confinement, which is one of the punishments for a serious offense committed in prison.

Before requesting protective custody, you should consider several things. Because protective custody is essentially a form of being separated from the general population of the prison, you need to weigh the pros and cons of such an arrangement. Protective custody will keep you safer, but it will also limit your movement in the prison, as well as your ability to take advantage of all prison resources and activities. Protective custody may also limit the full extent of your visitation rights. For example, it might place you on non-contact visitation status. Because these regulations vary by facility, you should thoroughly read the prisoner manual at your facility for details.

You have a right to be free from assault by other prisoners, and the state has a duty to protect you and your property, regardless of whether or not you are in protective custody.⁶ This right stems from the Eighth Amendment to the United States Constitution.⁷ If you do find yourself the victim of abuse, you might consider bringing legal action against the relevant parties (people or agencies responsible). For guidance on when you have a legitimate cause of action and how to pursue legal action in that case, please read Chapter 10, “The State’s Duty to Protect You and Your Property: Tort Action,” and Chapter 7, “Your Right to be Free from Assault by Prison Guards and Other Prisoners,” of the *Louisiana State Supplement*. Further information can also be found in Chapters 17 and 24 of the main *JLM*, but keep in mind that those Chapters may not correctly describe the state of the law in Louisiana.

C. SEX OFFENDER REHABILITATION PROGRAMS

Many correctional facilities offer group treatment for sex offenders. There is no publicly available list of such programs, so you should check your prisoner manual or ask the staff of your facility about available programs. If there are classes available, you should take them. A demonstrated commitment to rehabilitation will reflect well on you if you seek parole or probation.

In Louisiana, treatment is mandatory for certain offenders if they wish to be eligible for parole or probation. You must seek treatment to be eligible for parole if (1) your victim was a child of 12 years of age or younger, or (2) you were convicted two or more times of one of the enumerated violations.⁸ Even if you are not eligible for or are not seeking parole, the court may order you to undergo treatment if you have been convicted of an enumerated offense.⁹ This is true even if you are a first-time offender.

⁵ LA. ADMIN. CODE tit. 22, pt. I, § 341 (2017).

⁶ *Longoria v. Texas*, 473 F.3d 586, 592 (5th Cir. 2006) (“It is well established that prison officials have a constitutional duty to protect prisoners from violence at the hands of their fellow inmates.”).

⁷ U.S. CONST. amend. VIII. For a discussion of circumstances when prison officials can be held responsible for assault by other prisoners, see *Farmer v. Brennan*, 511 U.S. 825, 114 S. Ct. 1970, 128 L. Ed. 2d. 811 (1994).

⁸ These crimes are listed in LA. ADMIN. CODE tit. 22, pt. I, § 337(E)(1) (2017). They include:

- Aggravated rape (R.S. 14:42);
- Forcible rape (R.S. 14:42.1);
- Simple rape (R.S. 14:43);
- Sexual battery (R.S. 14:43.1);
- Second degree sexual battery (R.S. 14:43.2);
- Oral sexual battery (R.S. 14:43.3);
- Incest (R.S. 14:78);
- Aggravated incest (R.S. 14:78.1);
- Crime against nature (R.S. 14:89(A)(2));
- Aggravated crime against nature (R.S. 14:89.1).

⁹ These crimes are listed in LA. ADMIN. CODE tit. 22, pt. I, § 337(G)(1) (2017). They include:

- Aggravated rape (R.S. 14:41);
- Forcible rape (R.S. 14:42.1);
- Second degree sexual battery (R.S. 14:43.2);
- Aggravated incest (R.S. 14:78.1);
- Molestation of a juvenile when the victim is under the age of 13 (R.S. 14:81.2(D)(1));
- Aggravated crime against nature (R.S. 14:89.1).

In order to determine your treatment plan, you are required to undergo a psychological evaluation. You are responsible for paying for the psychological evaluation and the treatment, and the Department of Corrections has the right to determine the eligibility of the service provider.¹⁰ If you are already on parole or probation and you are indigent, or unable to pay for treatment, services may be available to you through the Office of Mental Health at the Louisiana Department of Health and Hospitals. You should ask your parole or probation officer to help you access these services. If you are incarcerated and indigent, you should contact the mental health staff of your facility. They can tell you more about setting up a payment plan to cover your treatment.

Treatment may involve some type of behavioral therapy, and it usually involves administration of a chemical called medroxyprogesterone acetate (MPA), or another similar chemical. MPA treatment is commonly referred to as “chemical castration” because it inhibits your libido (sex drive) and your body’s ability to become sexually aroused. MPA has the potential to cause side effects, and medical personnel are required to inform you of all of them and make sure you understand before you can consent to treatment.¹¹ You should ask the medical provider any questions you have about the effects that the chemical might have on your body. Chemical castration for sex offenders is a controversial practice, but it is the law in Louisiana and in eight other states.¹²

An alternative to chemical castration is physical castration, sometimes called surgical castration. Whereas the effects of chemical castration may be reversible, physical castration is permanent because it involves the removal of your testes (if you are male) or ovaries (if you are female). A court may order you to undergo a physical castration, but it can only be done with your written voluntary consent.¹³ You should think very carefully about this decision after discussing it with your medical provider. You should note that undergoing chemical or physical castration would not reduce or replace any part of your sentence.¹⁴

D. REGISTRATION AND NOTIFICATION LAWS IN LOUISIANA

The Sex Offender Registration and Notification Act (SORNA) is a federal law passed by Congress in 2006 establishing a national system for sex offender registration.¹⁵ Under this Act, states must notify the sex offender about how and when to register and annually verify the offender’s address.¹⁶ In addition, the Act requires states to set up a system for community notification.¹⁷ For more information about what federal law requires states to do, refer to Chapter 36 of the main *JLM*.

Louisiana’s sex offender registration law is detailed in Title 15, Chapter 3-B of the Louisiana Revised Statutes Annotated. This Section explains whom this law covers and what kinds of duties you have if the law applies to you. While the *JLM* tries to provide the most updated information, you should check the statutes for yourself, as sex offender laws change fairly often in Louisiana.

1. Who Needs to Register?

a. Generally

In general, any adult residing in Louisiana who has pled guilty to or been convicted of committing, attempting to commit, or planning to commit a sex offense must register for the State Sex Offender & Child Predator Registry (SOCPR). You must also register if judgment by the court has been

¹⁰ LA. ADMIN. CODE tit. 22, pt. I, § 337(E)(12) (2017).

¹¹ LA. ADMIN. CODE tit. 22, pt. I, § 337(E)(11) (2017).

¹² LA. STAT. ANN. § 14:43.6 (2017); Charles L. Scott, MD, & Trent Holmberg, MD, *Castration of Sex Offenders: Prisoners’ Rights Versus Public Safety*, 31 J. AM. ACAD. PSYCHIATRY L. 502, 504 (2003).

¹³ LA. ADMIN. CODE tit. 22, pt. I, § 337(G)(2) (2017).

¹⁴ LA. ADMIN. CODE tit. 22, pt. I, § 337(G)(2) (2017).

¹⁵ 34 U.S.C. § 20912 (2012).

¹⁶ 34 U.S.C. § 20919 (2012).

¹⁷ 34 U.S.C. § 20923 (2012).

postponed or withheld in your case.¹⁸ Juveniles over the age of fourteen may also be required to register as sex offenders in certain cases. Specifically, a juvenile fourteen or older must register if he has pled guilty to or been convicted of a sex offense,¹⁹ even if it occurred in another state or jurisdiction. A juvenile must also register if he has been judged delinquent because he committed, attempted to commit, or planned to commit one of the offenses listed in La. Rev. Stat. Ann. § 15:542(A)(3).²⁰

You should note that different registration requirements apply if you have been convicted of prostitution or Crimes Against Nature by Solicitation (CANS). Those requirements are discussed in Section 4 below.

2. Offenses Triggering the Sex Offender Registration Law

The term “sex offense” includes a number of different crimes, most of which require convicted persons to register as sex offenders. There are also a number of offenses that do not necessarily involve sexual conduct that require sex offender registration because the victim was a minor child. There are also different rules for when convicted minors must register, versus convicted adults. An adult must register as a sex offender if he has committed the following crimes:²¹

- 1) A “sex offense”²² as defined by La. Rev. Stat. Ann. § 15:541(24);²³ and
- 2) A “criminal offense against a victim who is a minor” as defined by La. Rev. Stat. Ann. § 15:541(12).

“Criminal offense against a victim who is a minor” includes a variety of crimes, and it can be complicated to figure out which crimes fall into this category if you are reading the statute. Here is a list of which offenses are included in this category, and thus require the person convicted to register as a sex

¹⁸ LA. REV. STAT. ANN. § 15:542(A)(1) (2017).

¹⁹ LA. REV. STAT. ANN. § 15:542(A)(2). Except for simple rape, defined in LA. REV. STAT. ANN. § 14:43 (2017).

²⁰ Aggravated rape (R.S. 14:42).

Forcible rape (R.S. 14:42.1).

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

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

Second degree kidnapping of a child who has not attained the age of thirteen years (R.S. 14:44.1).

Aggravated crime against nature (defined by R.S. 14:89.1(A)(2)) involving circumstances defined as an “aggravated offense” (defined by R.S. 15:541).

Aggravated crime against nature (R.S. 14:89.1).

An offense under the laws of another state, or military, territorial, foreign, tribal, or federal law that is equivalent to the offenses listed in Subparagraphs (a) through (g) of this Paragraph.

²¹ LA. REV. STAT. ANN. § 15:542(A) (2017).

²² “Sex offense” means deferred adjudication, adjudication withheld, or conviction for the perpetration or attempted perpetration of or conspiracy to commit human trafficking when prosecuted under the provisions of R.S. 14:46.2(B)(2) or (3), R.S. 14:46.3 (trafficking of children for sexual purposes), R.S. 14:89 (crime against nature), R.S. 14:89.1 (aggravated crime against nature), R.S. 14:89.2(B)(3) (crime against nature by solicitation), R.S. 14:80 (felony carnal knowledge of a juvenile), R.S. 14:81 (indecent behavior with juveniles), R.S. 14:81.1 (pornography involving juveniles), R.S. 14:81.2 (molestation of a juvenile or a person with a physical or mental disability), R.S. 14:81.3 (computer-aided solicitation of a minor), R.S. 14:81.4 (prohibited sexual conduct between an educator and student), R.S. 14:82.1 (prostitution; persons under eighteen), R.S. 14:82.2(C)(4) and (5) (purchases of commercial sexual activity), R.S. 14:92(A)(7) (contributing to the delinquency of juveniles), R.S. 14:93.5 (sexual battery of persons with infirmities), R.S. 14:106(A)(5) (obscenity by solicitation of a person under the age of seventeen), R.S. 14:283 (video voyeurism), R.S. 14:41 (rape), R.S. 14:42 (aggravated or first degree rape), R.S. 14:42.1 (forcible or second degree rape), R.S. 14:43 (simple or third degree rape), R.S. 14:43.1 (sexual battery), R.S. 14:43.2 (second degree sexual battery), R.S. 14:43.3 (oral sexual battery), R.S. 14:43.5 (intentional exposure to AIDS virus), or a second or subsequent conviction of R.S. 14:283.1 (voyeurism), committed on or after June 18, 1992, or committed prior to June 18, 1992, if the person, as a result of the offense, is under the custody of the Department of Public Safety and Corrections on or after June 18, 1992.” LA. REV. STAT. ANN. § 15:541(24)(a) (2017). Note that, although “crime against nature by solicitation” is a sex offense, it no longer requires convicted persons to register as sex offenders. For more information, see section D(4) on prostitution and CANS offenses.

²³ Under certain circumstances, the court may waive the registration requirement for an individual convicted of felony carnal knowledge of a juvenile. The victim has to have been at least 13 years old, and the person convicted cannot have been more than 4 years older than the victim at the time of the crime. LA. REV. STAT. ANN. § 15:542(F) (2017).

offender:

- 1) The following offenses are considered a “criminal offense against a victim who is a minor” when the victim is under 18 years of age and is not the child of the person convicted: R.S. 14:44 (aggravated kidnapping), R.S. 44.1 (second degree kidnapping), R.S. 44.2 (aggravated kidnapping of a child), R.S. 45 (simple kidnapping), R.S. 45.1 (interference with the custody of a child), R.S. 46 (false imprisonment), or R.S. 46.1 (false imprisonment; offender armed with a dangerous weapon).²⁴
- 2) The following offenses are considered a “criminal offense against a victim who is a minor” when the victim is under 18 years of age: R.S. 14:82.1 (Prostitution; persons under eighteen; additional offenses),²⁵ R.S. 14:84(1) (pandering; enticing, placing, persuading, encouraging, or causing the entrance of any person into the practice of prostitution, either by force, threats, promises, or by any other device or scheme), R.S. 14:84(3) (pandering; Detaining any person in any place of prostitution by force, threats, promises, or by any other device or scheme), R.S. 14:84(5) (pandering; consenting, on the part of any parent or tutor of any person, to the person’s entrance or detention in the practice of prostitution), R.S. 14:86 (transporting any person from one place to another for the purpose of promoting the practice of prostitution), R.S. 14:86 (enticing persons into prostitution), R.S. 23:251(A)(4) (employing, exhibiting, using, or training a minor under 16 for the purpose of exhibition in any practice, exhibition, or place dangerous or injurious to the life, limbs, health, or morals of the minor), or R.S. 14:46.2 (human trafficking, or knowingly benefitting from human trafficking).²⁶
- 3) The following offenses are considered a “criminal offense against a victim who is a minor” when the prostitution involves a person under 18 years of age: R.S. 14:83 (soliciting for prostitutes), R.S. 14:83.1 (inciting prostitution), R.S. 14:83.2 (promoting prostitution), or R.S. 14:282 (operation of a place of prostitution).²⁷

3. Exemptions

Two narrow categories of people are exempt from having to register as sex offenders. The first category applies to people convicted of sexual activity with a juvenile.²⁸ The second category of people exempt from registering as sex offenders are those convicted of Crimes Against Nature by Solicitation (CANS). This is a recent development in the law based on the 2012 case of *Doe v. Jindal*.²⁹ This exemption is detailed in Section 4 below.

4. Prostitution and CANS Convictions

Prior to 2012, Louisiana had different registration requirements for people who had been convicted of Prostitution and people who had been convicted of Crimes Against Nature by Solicitation (CANS). Prostitution refers to the solicitation of any kind of sex, including vaginal, anal, and oral, for compensation.³⁰ CANS is a different statute criminalizing the solicitation of another person with the intent to engage in oral or anal sex for compensation.³¹ Prostitution is a misdemeanor, and the convicted person was not required to register as a sex offender on SOCPR. CANS, however, was considered a more serious crime. A second CANS offense was considered a felony, and the crime was punished by larger fines and longer prison sentences than Prostitution. CANS offenders were also required to register as sex offenders on SOCPR. The Louisiana legislature equalized the prison and monetary penalties for the two crimes in 2011,³² but did not change the SOCPR registration requirements.

²⁴ LA. REV. STAT. ANN. §15:541(12)(a) (2017).

²⁵ LA. REV. STAT. ANN. §15:541(25)(g) (2017).

²⁶ LA. REV. STAT. ANN. § 15:541(12)(b) (2017).

²⁷ LA. REV. STAT. ANN. § 15:541(12)(c) (2017).

²⁸ LA. REV. STAT. ANN. § 14:80 (2017).

²⁹ *Doe v. Jindal*, 851 F. Supp. 2d 995, 1007 (E.D. La. 2012).

³⁰ LA. REV. STAT. ANN. § 14:82 (2017).

³¹ LA. REV. STAT. ANN. § 14:89.2 (2017).

³² H.B. 141, 2011 Leg., Reg. Sess. (La. 2011).

That changed in April 2012, when the court held it unconstitutional to require registration for those convicted of CANS, but not for those convicted of Prostitution.³³ The court explained that the differential treatment of people convicted under the different statutes violated the Fourteenth Amendment because the state had no rational basis for treating the two groups differently based on the type of sexual act they engaged in for pay.

In response to the court's decision, the Louisiana legislature amended § 15:542 to allow people convicted of CANS to have their names removed from the sex offender registry.³⁴ It is important to note that this process is not self-executing (or automatic). Rather, a person convicted of CANS must file papers in court. The main requirements of this process are:

- 1) You must have been convicted of CANS before August 15, 2010.
- 2) The crime that you were convicted of must be one that would have been defined as CANS³⁵ if you had been convicted after August 15, 2010.
- 3) You may not file this motion if your CANS conviction involved the solicitation of a person under the age of 17 and would authorize sentencing under R.S. § 14:89.2(B)(3)³⁶ had the person been convicted after August 15, 2010.
- 4) You must include supporting documentation to prove that your CANS conviction meets these requirements.
- 5) You must serve copies of your motion to the district attorney, office of state police, and the Department of Justice.
- 6) You are not eligible for relief if you have been convicted of one or more offenses which otherwise require registration as a sex offender.
- 7) If you have been convicted in another state, you must fulfill certain administrative requirements before filing this motion with the district court of your area of residence. The administrative requirements are found in La. Rev. Stat. Ann. § 15:542.1.3. They involve submitting the court records about the sex offense within a specified time period and submitting periodic updates.

If your supporting documentation meets the requirements, your motion will be granted unless the district attorney provides clear and convincing evidence that the crime of which you were convicted involved a person under the age of 17.³⁷

5. What Information Goes into the Registry under State Law?

a. Where and When You Must Register

If you are required to register as a sex offender, you must go in person to the sheriff of your parish of residence.³⁸ If you live in an incorporated area, like a town, that has a police department, you must also go in person to the chief of police. If you live in a large city of more than 300,000 people, you must also register in person with the police department of the city.³⁹ If you work or attend school in a different area than where you live, you must also register with the relevant parish sheriff's offices and police departments in these areas.⁴⁰ If you attend a college, you must also register with the campus police at least one business day before the school term begins.⁴¹

In terms of timing, registration must be completed quickly after your relocation to Louisiana or your conviction in a Louisiana court. If you are moving to Louisiana from another jurisdiction, you must

³³ Doe v. Jindal, 851 F. Supp. 2d 995, 997–999 (E.D. La. 2012).

³⁴ LA. REV. STAT. ANN. § 15:542(F)(4) (2017).

³⁵ LA. REV. STAT. ANN. § 14.89.2 (2017).

³⁶ LA. REV. STAT. ANN. § 14:89.2(B)(3) (2017) specifies punishments for people convicted of CANS when the solicited person is under 18. It also specifies harsher punishments for when the solicited person is under 14 years of age.

³⁷ LA. REV. STAT. ANN. § 15:542(F)(4) (2017).

³⁸ If you have multiple residences, you must go to each parish's sheriff's office.

³⁹ LA. REV. STAT. ANN. § 15:542(B)(1) (2017).

⁴⁰ LA. REV. STAT. ANN. § 15.542(B)(2) (2017).

⁴¹ LA. REV. STAT. ANN. § 15:542(B)(1) (2017); LA. REV. STAT. ANN. § 15:542(B)(3) (2017).

appear within three business days of moving there. If you already live in Louisiana, you must register within three business days of your conviction or adjudication if you are not immediately incarcerated or taken into custody. If you are incarcerated or taken into custody immediately after your conviction or adjudication, then you must make sure the right documents are given to either the Department of Public Safety and Corrections or the deputy secretary for youth services, whichever has you in their custody. The documents you need to give are listed below in Section 6. You must submit these documents within ten days before you are released. After you are released, you must appear in person within three business days to register at either the Department of Public Safety and Corrections or youth services, whichever one you gave the documents to.

Note that there is also a fee to register. You must pay \$60 to each agency with which you register (with the exception of campus police) to cover the costs of maintaining your file. This fee must be paid every year on the anniversary of the date that you first registered. If you cannot pay the fee that does not mean you don't have to register. If you are truly unable to pay the fee, the Department of Safety and Corrections may excuse you from paying.⁴²

6. Information You Must Provide

This is a list of the documentation you must provide when you register as a sex offender with a law enforcement agency:⁴³

- 1) Name and any aliases you use.
- 2) Physical address or addresses of residence.
- 3) Name and physical address of place of employment. If you do not have a fixed place of employment, you must provide information with as much specificity as possible regarding the places where you work, including but not limited to travel routes used.
- 4) Name and physical address of the school in which you are a student.
- 5) Two forms of proof of residence for each residential address provided, including but not limited to a driver's license, bill for utility service, and bill for telephone service. If those forms of proof of residence are not available, you may provide an affidavit, or official statement, of an adult resident living at the same address. The person making the affidavit must certify that he understands his obligation to provide written notice to the appropriate law enforcement agency when you, the offender, no longer reside at the residence provided in the affidavit.
- 6) The crime for which you were convicted and the date and place of such conviction. If you know the court in which the conviction was obtained, the docket number of the case, the specific statute under which you were convicted, and the sentence imposed, you should submit that information as well.
- 7) A current photograph.
- 8) Fingerprints, palm prints, and a DNA sample.
- 9) Telephone numbers, including fixed location phone and mobile phone numbers assigned to you or associated with any residence address where you live.
- 10) A description of every vehicle registered to or operated by you, including license plate number and a copy of your driver's license or identification card.
- 11) Social security number and date of birth.
- 12) A description of your physical characteristics, including but not limited to sex, race, hair color, eye color, height, age, weight, scars, tattoos, or other identifying marks on your body.
- 13) Every e-mail address, online screen name, or other online identifiers you have used to communicate on the Internet. Required notice must be given before any online identifier is used to communicate on the Internet.
- 14) Temporary lodging information regarding any place where you plan to stay for seven or more days.
- 15) Travel and immigration documents, including but not limited to passports and documents establishing immigration status.

⁴² LA. REV. STAT. ANN. § 15:542(D) (2017).

⁴³ LA. REV. STAT. ANN. § 15:542(C)(1) (2017).

7. Notifying authorities about changes in your status and address

If you are registered as a sex offender, then you must report any changes of address or long periods of time spent away from your home. You must report these to either the sheriff of your parish or to your police department if you live in a big city. You have three business days to report this information if you do any of the following:⁴⁴

- 1) Change your place of residence or acquire an additional one;
- 2) Leave your place of residence with the intent not to return;
- 3) Are absent from your residence for thirty consecutive days or more than thirty days in the same calendar year; or
- 4) Change your name, place of employment, or other information that you have provided to the authorities.

If you are moving to a new parish, you must appear at the sheriff's office or police station in your new parish within three business days of your move.⁴⁵ You do not have to appear in person at the sheriff or police of your former parish, but you must send them written notice with your new address within three business days of your move. When you give notice of your new residence to any law enforcement agencies, you will be required to provide proof of residence.⁴⁶ Some common ways to prove your residence include a driver's license, a utility bill, or a phone bill mailed to you at the new address.⁴⁷ If you do not have one of these, you may submit an affidavit (or official statement) from an adult living at the same address. In the affidavit, the person must say that they understand their duty to report to the authorities when you no longer live at the address.⁴⁸

If you plan to stay somewhere temporarily for seven days or more, you must report it to your law enforcement agency three days in advance.⁴⁹ Note this rule says days, not *business* days like the other provisions. This means that you should count weekends and holidays in figuring out when you need to report. If you are traveling outside the parish where you are registered, your sheriff or police department will notify the sheriff of the parish where you are staying temporarily.⁵⁰ If you are traveling out of state, the sheriff will notify the Louisiana Bureau of Criminal Identification and Information, which is the agency responsible for keeping the sex offender registry.

8. What Information Is Made Available to the Public?

a. Your Online Registry Page

The public has access to much of the information you submit when you register as a sex offender in Louisiana. The online database can be accessed by anyone, and they can see your photograph, your name and known aliases, and any known addresses for your home, work, school, or volunteer activities. Your physical description is also available, including your height and weight, age and date of birth, race and sex, eye and hair color, and any distinguishing physical characteristics like scars, tattoos, and birth marks.

Additionally, the registry lists all of your offenses that would require registration as a sex offender. It also says if your offense was attempted or conspiracy to commit an offense. For example, if you were convicted of attempt to commit aggravated rape, it would read "14:42 – Aggravated Rape (attempted)." This includes the date and state where you were convicted and the date of your release. If you are paroled or on probation, the website lists the conditions.

⁴⁴ LA. REV. STAT. ANN. § 15:542.1.2(A) (2017).

⁴⁵ LA. REV. STAT. ANN. § 15:542.1.2(B) (2017).

⁴⁶ LA. REV. STAT. ANN. § 15:542.1.2(D) (2017).

⁴⁷ LA. REV. STAT. ANN. § 15:542(C)(1)(e) (2017).

⁴⁸ LA. REV. STAT. ANN. § 15:542(C)(1)(e) (2017).

⁴⁹ LA. REV. STAT. ANN. § 15:542.1.2(F)(1) (2017).

⁵⁰ LA. REV. STAT. ANN. § 15:542.1.2(F)(2) (2017).

Other information publicly available on the registry includes the information you submit regarding vehicles you own or use. It lists the date that you last presented yourself in person for verification. If you do not comply with the registration rules and have a warrant out for your arrest, that fact is made prominent on your registry page with red lettering and a “WANTED” sign, as well as the date that the warrant was issued.

Finally, your online page in the registry includes the tier assigned to your offense. You can read more about tiers in Section 9 of this Chapter.

b. Identifying Yourself as a Sex Offender

Louisiana has strict rules about how you must identify yourself as a sex offender when you use public or online spaces and when you work with or close to minors. You are also required to notify people and businesses in your neighborhood. These requirements are found in § 542.1 and are discussed in this Section.

i. *Notice to Neighbors*

You are required to provide notice to at least one person in every residence or business near your home.⁵¹ You must provide them with the following information: the crime for which you were convicted, your name and address, your physical description, and a photo of yourself. If you live in a rural area, this is defined as a one-mile radius (one mile in every direction from your home). If you live in a suburban or urban area, you must provide notice to people and businesses within three tenths of a mile radius. You must also provide notice to every person living in your residence and to your lessor, landlord, or the owner of the property where you live.⁵²

Additionally, you must provide notice to the superintendent of the school district where you live, as well as the superintendents of any park, playground, or recreational facility in your area. Those officials will have the responsibility of telling the schools and facilities under their leadership. You should note that your photo, name, address, and the crime for which you were convicted may be posted in conspicuous areas of schools and recreational facilities.⁵³ You must give notice to schools, recreational facilities, and neighboring homes and businesses within twenty-one days of conviction if you are not taken into custody immediately after, or within twenty-one days of your release from custody or your relocation to Louisiana.⁵⁴

If you provide recreational instruction to people less than seventeen years old, you must post notice in the facility where you do this work.⁵⁵ This notice includes a photo, the date and jurisdiction of your conviction, and the crime you were convicted of. Recreational instruction includes lessons or instruction in non-educational activities like martial arts, music, theater, and similar activities.⁵⁶

If you are a juvenile required to register as a sex offender, you do not need to provide notice to anyone except if you provide recreational instruction to children under seventeen. In that case, you should post the same notice as an adult would.⁵⁷

ii. *Other Types of Notice*

When you register, you will be given a special sex offender identification card that you must carry on your person at all times. The card has the words “sex offender” in orange capital letters and it is valid for one year. When you return for your annual reregistration and all your information is confirmed, you

⁵¹ LA. REV. STAT. ANN. § 15:542.1(A)(1)(a) (2017).

⁵² LA. REV. STAT. ANN. § 15:542.1(A)(1)(a) (2017); LA. REV. STAT. ANN. § 15:542.1(A)(1)(c) (2017).

⁵³ LA. REV. STAT. ANN. § 15:542.1(A)(1)(b)(i) (2017); LA. REV. STAT. ANN. § 15:542.1(A)(1)(d) (2017).

⁵⁴ LA. REV. STAT. ANN. § 15:542.1(A)(2)(a) (2017).

⁵⁵ LA. REV. STAT. ANN. § 15:542.1(B)(1) (2017).

⁵⁶ LA. REV. STAT. ANN. § 15:542.1(B)(2) (2017).

⁵⁷ LA. REV. STAT. ANN. § 15:542.1(C) (2017).

will receive a new card.⁵⁸ In addition to this special card, your driver's license will also be marked with the words "sex offender" in capital orange letters.⁵⁹

At your physical address, you are required to show the number of your address clearly outside your home.⁶⁰

If you use the Internet for networking, you must indicate that you are a sex offender or child predator.⁶¹ A website that is considered a "networking" site for purposes of the statute is one where you would create a profile for the purpose of interacting with other members. It might include photos, names or nicknames, and a way of messaging other users. Examples are sites like Facebook.com, or any dating websites like Match.com. If you use such a website, you must list the crime for which you were convicted, the jurisdiction of conviction, your physical description, and your residential address. Note that "networking website" does not include websites that primarily facilitate commercial transactions (like eBay.com), websites that primarily disseminate news, and government websites.

9. How Long Does My Registration Requirement Last?

The amount of time that you must register for depends on the "tier" assigned to your offense. Louisiana groups sex offenses into three tiers. Tier I offenses have a registration period of 15 years.⁶² Tier II offenses are more serious than Tier I because they are all crimes committed against minors. If you commit one of these crimes or a crime equal to it in another state when the victim is a minor, you must register for 25 years. Tier III "aggravated" offenses are the most serious. They require you to register for the rest of your life. You are excused from registering only if the underlying conviction is reversed, set aside, or cleared. You are not excused from registering if you are pardoned.

It is possible to reduce the number of years that you must register as a sex offender by maintaining a clean record. You can maintain a clean record by (1) "not being convicted of any offense for which imprisonment for more than one year may be imposed"; (2) "not being convicted of any sex offense"; (3) "successfully completing any periods of supervised release, probation, or parole"; and (4) "successfully completing an appropriate sex offender treatment program by a registered treatment provider as defined in R.S. 24:936 or an appropriate sex offender treatment program certified by the Attorney General of the United States."⁶³ You must complete each of these steps, not just one or many. If you originally had a registration period of 15 years (for Tier I offenses), then you can lower it to 10 years if you keep a clean record for those first 10 years. If you had a lifetime registration period (for Tier III offenses), you may have it lowered to 25 years if you keep a clean record for 25 years straight. There is no section in the Statute that allows Tier II offenders to lower their registration period.

How often you have to register also changes by the tier. Tier I offenders need to register annually, or once a year. Tier II offenders must register semi-annually, or twice a year. Tier III offenders must register quarterly, or every three months.⁶⁴

Here is a list of each sex offense and the tier to which they belong:⁶⁵

a. Tier I Sex Offenses

1) Simple Rape under subsection (3)—14:43(A)(3)

⁵⁸ LA. REV. STAT. ANN. § 40:1321(J)(1) (2017); LA. REV. STAT. ANN. § 40:1321(J)(2) (2017).

⁵⁹ LA. REV. STAT. ANN. § 32:412(I)(1) (2017).

⁶⁰ LA. REV. STAT. ANN. § 15:542.1(A)(5) (2017).

⁶¹ LA. REV. STAT. ANN. § 15:542.1(D)(1) (2017).

⁶² LA. REV. STAT. ANN. § 15:544(A) (2017).

⁶³ LA. REV. STAT. ANN. § 15:544(E)(3) (2017).

⁶⁴ See Louisiana Department of Public Safety & Corrections, *available at* <http://www.lsp.org/socpr/offenses.html> (last visited Sept. 16, 2017).

⁶⁵ See Louisiana Department of Public Safety & Corrections, *available at* <http://www.lsp.org/socpr/offenses.html> (last visited Sept. 16, 2017).

- 2) Sexual Battery of Victim 18 and over—14:43.1
- 3) Intentional Exposure to Aids—14:43.5
- 4) Interference with child custody (other than by parent)—14:45.1
- 5) False Imprisonment of child under 18 (other than by parent)—14:46
- 6) False Imprisonment of child under 18 with weapon—14:46.1
- 7) Incest—14:78
- 8) Felony Carnal Knowledge (except if waived by court pursuant to § 15:542(F)(2)) —14:80
- 9) Indecent Behavior with Juveniles—14:81
- 10) Prohibited Sexual Conduct between educator and student—14:81.4
- 11) Crime Against Nature—14:89
- 12) Contributing to the Delinquency of Juveniles—14:92(A)(7)
- 13) Obscenity through solicitation of a minor—14:106(5)
- 14) Video Voyeurism—14:283
- 15) Voyeurism—14:283.1
- 16) Minors under 16: prohibited employments or occupations—23:251

b. Tier II Sex Offenses

- 1) Sexual Battery of Minor under 18 years of age—14:43.1
- 2) Oral Sexual Battery—14:43.3
- 3) Human Trafficking—14:46.2(B)(2)
- 4) Aggravated Incest under circumstances not in Tier III—14:78.1
- 5) Possession, Production and/or Distribution of Child Porn—14:81.1
- 6) Molestation of a juvenile or a person with a physical or mental disability (R.S. 14:81.2), except when prosecuted under the provisions of R.S. §§ 14:81.2(C)(1), (D)(1), or (D)(2) —14:81.2
- 7) Computer Aided Solicitation—14:81.3
- 8) Prostitution: Persons Under Seventeen—14:82.1
- 9) Soliciting for prostitutes when the persons being solicited for prostitution are under the age of 18 years—14:83
- 10) Inciting prostitution when the prostitution involves persons under the age of eighteen years—14:83.1
- 11) Promoting prostitution when the prostitution being promoted involves persons under the age of eighteen years—14:83.2
- 12) Pandering when victim is under 18 years of age—14:84 (1), (3), (5), and (6)
- 13) Enticing of minor into Prostitution—14:86
- 14) Operation of places of prostitution when the prostitution involves persons under the age of eighteen years—14:282

c. Tier III Aggravated Sex Offenses

- 1) Aggravated Rape—14:42
- 2) Forcible Rape—14:42.1
- 3) Simple Rape under subsection A(1) and (2) —14:43
- 4) Sexual Battery of a child under the age of 13—14:43.1(c)(2)
- 5) Second Degree Sexual Battery—14:43.2
- 6) Aggravated Kidnapping of a minor—14:44
- 7) Second Degree Kidnapping of a minor under 18—14:44.1
- 8) Aggravated Kidnapping of a child—14:44.2
- 9) Simple Kidnapping of a minor under 18—14:45
- 10) Trafficking of children for sexual purposes—14:46.3
- 11) Aggravated Incest involving sexual intercourse, 2nd degree sexual battery, or oral sexual battery—14:78.1
- 12) Molestation of a juvenile or a person with a physical or mental disability prosecuted under the provisions of R.S. 14:81.2(C)(1), (D)(1), or (D)(2)—14:81.2(E)(1)
- 13) Aggravated Crime Against Nature—14:89.1
- 14) Sexual Battery of the Infirm—14:93.5

10. Additional Requirements for Sexually Violent Predators and Child Sexual Predators

At least six months before being released, paroled, or placed on probation, each person convicted of any sex offense must be evaluated by a sex offender assessment panel (SOAP) to determine if he or she should be classified as a sexually violent predator,⁶⁶ a child sexual predator,⁶⁷ or neither. The panel has three members: a psychologist, an experienced prison warden, and the secretary of the Department of Public Safety and Corrections or someone he or she assigns to take his or her place. The panel will review multiple sources of information, including “presentence reports, prison records, medical and psychological records, information and data gathered by the staffs of the Board of Pardons and the committee on parole, information provided by the convicted offender, the district attorney, and the assistant district attorney, and any other information received by the board and the committee or the Department of Public Safety and Corrections.”⁶⁸

Once the panel has made its decision, it submits a report to the court along with all the evidence it reviewed (the record) and an explanation of the panel's decision.⁶⁹ The court will then schedule a hearing and notify you and your lawyer. You have a right to be present at the hearing, to present evidence, and to have a lawyer present.⁷⁰ If you cannot afford a lawyer, one will be given to you.⁷¹ If you do not appear or do not provide enough new evidence for the court to consider the panel's determination again, then you will have to comply with the rules for sexually violent predators and sexual predators, found in La. Rev. Stat. Ann. § 15:560.3. The SOAP legal plan has been challenged in court and was upheld as constitutional.⁷² If you believe you were wrongfully placed under the category of a sexually violent predator or child sexual predator, you may hand in a petition for review once every 3 years. In order for your petition to be considered, you must be receiving treatment and must show “good cause” for reconsideration of your case.⁷³

If you have been put under the category of a sexually violent predator or child sexual predator, you will need to follow the notification rules discussed earlier in this Section, as well as some additional requirements. The most important difference is that you are required to submit to electronic monitoring for the rest of your life.⁷⁴ This means that your movements will be tracked and recorded by a GPS system whenever you leave a designated area, usually your home.⁷⁵ The system does not track your movements inside your home. This type of system usually works by attaching something to your person, such as an ankle brace, and then transmitting your location to the monitoring system.

In addition to electronic monitoring, you will have a parole officer that you are required to report to when directed to do so.⁷⁶ You will be required to send in a plan for living arrangements⁷⁷ to your officer and to send in any medical, psychiatric, or mental health evaluation or treatment that the parole officer

⁶⁶ “Sexually violent predator’ means an offender who has been convicted of a sex offense as defined in R.S. 15:541 and who has a mental abnormality or antisocial personality disorder that makes the offender likely to engage in predatory sexually violent offenses as determined by the court upon receipt and review of relevant information including the recommendation of the sex offender assessment panel as provided for by this Chapter.” LA. REV. STAT. ANN. § 15:560.1(5) (2017).

⁶⁷ “Child sexual predator’ means a person who has been convicted of a sex offense as defined in R.S. 15:541 and who is likely to engage in additional sex offenses against children, because he has a mental abnormality or condition which can be verified by a physician or psychologist, or because he has a history of committing crimes, wrongs, or acts involving sexually assaultive behavior or acts which indicate a lustful disposition toward children, as determined by the court upon receipt and review of relevant information including the recommendation by the sex offender assessment panel as provided for by this Chapter.” LA. REV. STAT. ANN. § 15:560.1(1) (2017).

⁶⁸ LA. REV. STAT. ANN. § 15:560.2(E) (2017).

⁶⁹ LA. REV. STAT. ANN. § 15:560.2(H) (2017).

⁷⁰ LA. REV. STAT. ANN. § 15:560.2(I) (2017).

⁷¹ LA. REV. STAT. ANN. § 15:560.2(I) (2017).

⁷² *State v. Golston*, 2010-2804, pp. 15–16, 23 (La. 7/1/11); 67 So. 3d 452, 463, 467.

⁷³ LA. REV. STAT. ANN. § 15:560.5 (2017).

⁷⁴ LA. REV. STAT. ANN. § 15:560.3(A)(3) (2017).

⁷⁵ LA. REV. STAT. ANN. § 15:560.4(A) (2017).

⁷⁶ LA. REV. STAT. ANN. § 15:560.3(A)(4) (2017).

⁷⁷ LA. REV. STAT. ANN. § 15:560.3(A)(12) (2017).

thinks is appropriate.⁷⁸ Lying to your parole officer or not answering on time could be considered a violation.⁷⁹ You are prohibited from owning or controlling any firearms or other dangerous weapons.⁸⁰ You must also behave honorably, work carefully and enthusiastically at a legal occupation, and support your “dependents”, if any, to the best of your ability.⁸¹

Your use of the Internet will also be observed, either in-person or through “remote monitoring.”⁸² This includes observation of your incoming and outgoing e-mail, as well as any other electronic communications. The websites you visit will also be observed, and you will be subject to unannounced inspections of your computer and other devices. These devices may be removed from your home for closer inspection.⁸³

E. CONCLUSION

If you are in prison because of a sex offense, there are unique issues that you should be aware of. Information about protective custody, rehabilitation programs, and registration requirements is explained above. We urge you to get a good understanding of this information.

⁷⁸ LA. REV. STAT. ANN. § 15:560.3(A)(10) (2017).

⁷⁹ LA. REV. STAT. ANN. § 15:560.3(A)(7) (2017); LA. REV. STAT. ANN. § 15:560.3(C) (2017).

⁸⁰ LA. REV. STAT. ANN. § 15:560.3(A)(9) (2017).

⁸¹ LA. REV. STAT. ANN. § 15:560.3(A)(6) (2017).

⁸² LA. REV. STAT. ANN. § 15:560.3(A)(13) (2017).

⁸³ LA. REV. STAT. ANN. § 15:560.3(A)(13)(c) (2017).