

# YOUTH SERVICES POLICY

<b>Title:</b> Sex Offender Notification and Registration Requirements <b>Next Annual Review Date:</b> 05/01/2018	<b>Type:</b> B. Classification, Sentencing and Service Functions <b>Sub Type:</b> 2. Classification <b>Number:</b> B.2.17
<b>Page 1 of 12</b>	
<b>References:</b> La. R.S. 14:42, 15:540 through 549, 15: 561 through 561.7, 15:571.5 and C. Cr. P. Article 895(H), (I), (J) and (K), Ch. C. Article 884.1; La. Children's Code Articles 1624 through 1645, and Ch. Code Article 116(24.2); Section 501(c)(3) of the Internal Revenue Code; YS Policy Nos. C.4.1 "Furlough Process" and D.10.22 "Interstate Compact for Juveniles (ICJ)"	
<b>STATUS: Approved</b>	
<b>Approved By:</b> <i>James Bueche, Deputy Secretary</i>	<b>Date of Approval:</b> 05/01/2017

**I AUTHORITY:**

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

**II. PURPOSE:**

To establish policy for juvenile sex offender pre-registration and registration; for the notification to juvenile sex offenders of the requirements of the duty to register; and make proper notifications pursuant to statute and emergency shelter provisions.

**III. APPLICABILITY:**

All employees and units of YS.

**IV. POLICY:**

It is the Deputy Secretary's policy that YS staff shall identify juvenile sex offenders who are required to register pursuant to the provisions of La. R.S. 15:542 and further, to ensure that all notification and pre-registration responsibilities are met pursuant to law.

**V. DEFINITIONS:**

***Accessory after the Fact*** - After the commission of one of the listed aggravated sex offenses, any youth who harbors, conceals, or aids the principal youth, knowing or having reasonable ground to believe that the youth has committed an enumerated aggravated sex offense, with the intent that the youth may avoid or escape from arrest, hearing, adjudication, or confinement.

**Aggravated Sex Offense** - For purposes of this policy, a juvenile adjudication for the perpetration or attempted perpetration of, or conspiracy to commit one of the following crimes, enumerated in La. R.S. 15:542 (A)(3): aggravated or first degree rape, forcible or second degree rape, second degree sexual battery, aggravated kidnapping of a child under the age of 13, second degree kidnapping of a child under the age of 13, aggravated incest involving circumstances defined as an "aggravated offense" under La. R.S. 15:541, and aggravated crime against nature.

**Bureau** - The Bureau of Criminal Identification and Information which is within the Office of State Police.

**Emergency Shelter** - Any facility, building, or structure operated by a nonprofit, tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code, which provides the basic necessities of life, including but not limited to water, food, and shelter, to persons who are displaced from their homes due to a man-made or natural emergency or disaster.

**Home Pass** - The authorized unescorted temporary release of a youth from a non-secure facility.

**Interstate Compact/Juveniles (ICJ)** - Compact developed between 2000 and 2002 and enacted by at least 35 states from 2003 through 2008 that regulates the interstate movement and supervision of juveniles under community supervision. (Refer to YS Policy No. D.10.22)

**Juvenile** - For purposes of this policy any juvenile who has been adjudicated of a sex offense as defined in La. R.S. 15:542, who has attained the age of 14 years at the time of commission of the offense, and who was adjudicated delinquent after January 01, 2008 for an offense which requires the person to register as a sex offender.

**Juvenile Notification** - Juveniles required to register in accordance with the provisions of R.S.15:542 are exempt from any notification requirements except for: (1) the notification required when providing recreational instruction to persons under the age of 17 as required by La. R.S 15:542.1(B)(1); (2) the notification required when entering an Emergency Shelter as provided in La. R.S. 15:543.2; or (3) compliance with the identification card requirements found in La. R.S. 32:412(l)(3).

**Mandatory Registration** - Requirement to register that a court cannot waive or suspend.

**Non-Secure Facility** - A non-state operated residential facility that houses OJJ youth.

***Out-of-State Offender*** - For purposes of this policy, a juvenile adjudicated by a court, other than a court of this state, for an offense having elements equivalent to a sex offense listed in La. R.S. 15:542A(3) which requires registration in the state of Louisiana as a sex offender.

***Principals*** - All persons concerned in the commission of a crime, whether present or absent, and whether they directly commit the act constituting the offense, aid and abet in its commission, or directly or indirectly counsel or procure another to commit the crime.

***Recreational Instruction*** - Any instruction or lessons of non-educational activities, including but not limited to martial arts, dancing, theater and music.

***Registration*** - For purposes of this policy, registration occurs when a juvenile required by R.S. 15:542 to register, provides information such as name, aliases, addresses, and employment to law enforcement.

***Secure Care Center for Youth*** - A living environment characterized by a range of moderate to high security level facilities that include construction, fixtures and staff supervision designed to restrict the movements and activities of the residents, and to control, on a 24-hour basis, the ability of the residents to enter and leave the premises, and which are intended for the treatment and rehabilitation of children who have been adjudicated delinquent. [Ch. Code Article 116(24.2)]

**VI. REGISTRATION REQUIREMENTS UNDER THE PROVISIONS OF La. R.S. 15:542:**

Any juvenile who has attained the age of fourteen years at the time of commission of the offense, who was adjudicated delinquent, after January 01, 2008, based upon the perpetration, attempted perpetration, or conspiracy to commit any of the following offenses:

**A. Offenses Requiring Registration:**

1. Aggravated or first degree rape (R.S. 14:42), which shall include those that have been adjudicated delinquent based upon the perpetration, attempted perpetration or conspiracy to commit aggravated oral sexual battery.
2. Forcible or second degree rape (R.S. 14:42.1).
3. Second degree sexual battery (R.S. 14:43.2).
4. Aggravated kidnapping of a child who has not attained the age of thirteen years (R.S. 14:44).

5. Second degree kidnapping of a child who has not attained the age of thirteen years (R.S. 14:44.1).
  6. Aggravated crime against nature as defined by R.S. 14:89.1(A)(2) involving circumstances defined by R.S. 15:541 as an "aggravated offense".
  7. Aggravated crime against nature [R.S. 14:89.1(A)(1)].
  8. An offense under the laws of another state or military, territorial, foreign, tribal or federal law which is equivalent to the offenses listed in 1 through 7 above.
- B. A juvenile who is adjudicated as a principal or who receives a "Deferred Disposition Agreement" for one of the offenses listed in A. above shall be required to register.
- C. A juvenile who is adjudicated as an accessory after the fact or who receives an "Informal Adjustment Agreement" for any of the offenses listed in A. above is not required to register.

**VII. SAFETY PLAN CONTRACT REQUIREMENTS FOR YOUTH IN A SECURE OR NON-SECURE CARE FACILITY:**

- A. Youth who have been adjudicated for a hands-on sex offense or a hands-on sex offense that has been pled down to a non-sex offense must have a signed "Safety Plan Contract" [refer to YS Policy No. C.4.1, Attachment (h)] in place prior to the occurrence of any the following:
1. Release from a secure care facility;
  2. Placement in or release from a non-secure facility; and
  3. Furlough or home pass.
- B. The plan must be signed by the youth, parent(s)/guardian(s) and the PPO/J. The "Safety Plan Contract" must be updated as needed or when changes in the youth's status have the potential to negatively impact the public and/or the youth's safety.

**VIII. SAFETY PLAN CONTRACT REQUIREMENTS FOR YOUTH IN COMMUNITY-BASED TREATMENT:**

Youth who have been adjudicated for a hands-on sex offense or a hands-on sex offense that has been pled down to a non-sex offense must have a signed "Safety Plan Contract" [refer to YS Policy No. C.4.1, Attachment (h)] in place when the following occurs:

1. The youth's disposition is probation with YS/OJJ supervision.
2. The youth is under a Deferred Disposition Agreement and YS/OJJ is supervising the youth.

**IX. PRE-REGISTRATION:**

Prior to the release of a youth from the physical custody of OJJ, staff designated by the Facility Director to pre-register sex offenders shall do the following:

**A. Secure Care Facilities**

1. Notification to the youth:

When a youth is being processed for release or step down from a secure facility, facility staff shall inform the youth of his duties and responsibilities as contained in the "Sex Offender Registration and Notification Requirements" form [see Attachment (b)]. Staff reviewing this form with the youth shall have the youth sign the form acknowledging receipt and shall also sign the completed form.

The following are the youth's responsibilities as required by law:

- a. The youth's duty to register as a youth sex offender according to state statutes, R.S. 15:542, 15:542.1, 15:544, and 15.560.3.
- b. The requirement that registration is only deemed complete upon the in-person registration by the youth with the sheriff(s) where the youth lives, is employed and attends school within three (3) business days of release. If the youth lives, is employed or attends school in a municipality he must also register with the police chief(s) of the municipality. If the youth lives, works or attends school in Orleans Parish he will register only with the New Orleans Policy Department and not the Orleans Parish Sheriff. Additionally the youth must register in the parish of conviction at the time of the initial registration if he was not incarcerated or taken into custody by law enforcement at the time of adjudication.
- c. The youth's duty to register with the campus law enforcement agency at least one day prior to the beginning of the school term or semester if the youth is a student at an institution of postsecondary education.

- d. The youth's duty to update their registration in-person every ninety (90) days for the entire registration period from the date of the initial registration with the sheriff of the parish of residence.
- e. The youth's duty to provide notice of change of name, address, place of employment or enrollment or other registration information to the sheriff of the parish of residence within three (3) business days. If the new or additional residence is located in another parish, then the youth is required to register with the sheriff of the parish in which the new or additional residence is located. The youth must also send written notice within three (3) business days of registering in the new parish to the sheriff of the parish where formerly registered.
- f. If the youth is absent from his address of registration for more than thirty (30) consecutive days or an aggregate of thirty (30) days or more in a calendar year, and is physically present at another address during that same time period, he is required to register the new address in person as one of his addresses of residence.

If the new address is in a parish different from his current address, he is required to also register in person with the sheriff of the new parish within three (3) business days of reaching the 30<sup>th</sup> consecutive or 30<sup>th</sup> aggregate day.

This requirement, notwithstanding, the youth is still required to notify the sheriff of one of the parishes of residence in person if he is to take up temporary lodging for seven (7) or more days. It is only after the thirty-day (30) limit is exceeded that the new registration shall occur.

- g. The youth's duty to notify the public of the youth's status as a sex offender if the youth provides recreational instruction to other youth under 17 years of age.
- h. The youth's duty to acquire a special state issued identification card from the Office of Motor Vehicles which contains the sex offender designation.
- i. The youth's responsibility to notify an emergency shelter of the youth's presence within 24 hours of arrival at the shelter.

- j. The youth shall receive a copy of the statutory requirements and shall be required to acknowledge receipt by his signature that the youth received a copy of the statutory requirements, and that the registration and notification requirements have been explained [see Attachment B.2.17 (b)]. A signed copy of the statutory notification of the youth's duty to register shall be retained in the youth's Master Record under clip VIII, along with the pre-registration packet.
- k. Failure to comply with any of these registration and notification requirements is a felony for which a sex offender may be punished by a fine of up to one thousand dollars (\$1,000.00) and imprisonment at hard labor for not less than two years nor more than ten years without benefit of parole, probation, or suspension of sentence. Upon a second or subsequent conviction, a sex offender may be punished by a fine of up to three thousand dollars (\$3,000.00) and imprisonment at hard labor for not less than five years, nor more than twenty years without benefit of parole, probation, or suspension of sentence.
- l. If the youth has been adjudicated of a sex offense as defined in R.S. 15:541 involving a victim who was under the age of thirteen at the time of the offense, he is prohibited from residing or being present at certain locations. A copy of this statute is provided to you with this notification, if applicable.
- m. The youth has been adjudicated for an offense listed in R.S. 15:542(A)(3) which requires life-time registration and notification. The lifetime registration may be reduced to a period of 25 years if the youth maintains a clean record for 25 years and files a petition to the court of adjudication asking to be relieved of sex offender registration.

2. Facility Pre-Registration:

Within 10 days of the youth's release the secure care facility where the youth is housed shall do the following:

- a. Complete the "Juvenile Sex Offender Pre-Registration Form" [see Attachment (a)].
- b. Obtain a digital color photograph of the youth and obtain a copy of the fingerprint card.

- c. Send the signed “Sex Offender Registration and Notification Requirements” form, completed Juvenile Sex Offender Pre-Registration Form”, a copy of the fingerprint card, and the photograph of the youth to Legal Services by electronic mail immediately upon completion utilizing the email option "Request a Read Receipt" to all the names listed on the “Legal Services Email List” [see Attachment (c)].
- d. Ensure the youth's original fingerprint card and copies of the completed registration form and “Acknowledgement” form signed by the youth are in the youth’s Master Record under Clip VIII.

3. Early Release:

Facility staff shall notify Legal Services of the possibility of the early release of juvenile sex offenders. If facility staff is scheduled to appear in court and there are indications that the court may release the youth prior to his full term date, the pre-registration and notification forms, the digital photo, and a copy of the fingerprint card (if one is not in the youth's file) shall be brought to court.

If the youth is released by the court, the youth must fill out the necessary pre-registration forms required by law and be notified of his duty to register, and all other requirements pertaining to the youth’s registration as a sex offender before the youth is released to his parent/guardian. As soon as possible after the release, facility staff must email the completed pre-registration packet to Legal Services or if email is not available, the packet can be faxed to Legal Services at 225-287-7901.

**The juvenile cannot be released without the notification to Legal Services and completion of the pre-registration packet.**

4. Post release:

If any youth needs assistance with registration once released, Probation and Parole/Juvenile (PPO/J) staff shall provide support to ensure the registration process is completed.

B. Central Office Pre-Registration

Legal staff shall review all pre-registration packets completed at the secure care facilities. Once Legal Services staff confirms that all the required information is included in the pre-registration packet sent by the secure care facility, Legal Services shall upload the relevant information to the “Offender Watch Systems” to complete the pre-registration procedure required by law.



**C. Modification to Non-Secure Custody**

If a youth's disposition is modified to non-secure custody, the procedures outlined in A.3 above shall be followed. Additionally, PPO/J staff shall ensure the youth registers with the sheriff of the parish where the non-secure facility is located within three (3) business days of arrival at the facility. If the facility is located in a municipality, the youth must also register with the police chief.

**X. FURLOUGH OF SECURE CARE YOUTH:**

Once a furlough has been granted by the Deputy Secretary, Central Office staff responsible for processing furloughs shall notify Legal Services of the furlough. Upon approval by the district attorney or a decision by the youth's judge(s), and no later than 48 hours prior to the furlough, Legal Services shall be notified that the scheduled furlough will be taking place. Legal Services shall enter the relevant personal information and information about the address and duration of the furlough into the "Offender Watch Systems".

If a Family Emergency Furlough is granted, the Regional Office shall inform Legal Services of the impending furlough as soon as possible. Once notified, Legal Services shall enter the information into the "Offender Watch Systems" as soon as possible and prior to the release of the youth on furlough, if possible.

**XI. NON-SECURE PLACEMENT:**

**A. Registration**

It is the responsibility of the youth's PPO/J to take the youth to the appropriate law enforcement agency if a youth placed in a non-secure facility has not previously registered. Additionally, upon arrival at a non-secure facility or subsequent transfers to another non-secure facility, the PPO/J shall ensure the youth is registered with the sheriff and police chief (if located in a municipality) in the parish where the non-secure facility is located.

**B. Duty to Inform, Update and Penalties for Non-Compliance**

If the youth has not been informed by the court of his duty to register, update information, and the penalties for non-compliance, the PPO/J shall provide the information as provided under VII.A.1.

**C. Home Pass of Non-Secure Youth**

1. Responsibility of non-secure facility: At least five (5) days prior to the beginning of the home pass, the non-secure facility staff shall notify the Regional Office.

2. Responsibility of Regional Office: The Regional Office shall notify Legal Services at least 72 hours prior to the beginning of the home pass.
3. Responsibility of Legal Services: Legal Services shall enter the relevant personal information and information about the address and duration of the home pass into the "Offender Watch Systems".

If an emergency home pass is granted, the information shall be entered into the "Offender Watch Systems" as soon as possible, but must be completed prior to release of the youth on the home pass.

4. A youth shall not be allowed to be released on a home pass unless the Regional Office has received written confirmation from Legal Services (email is sufficient) that the relevant personal information and the address and duration of the home pass has in fact been entered into the Offender Watch Information Program.

## **XII. YOUTH UNDER SUPERVISION:**

Youth who are placed on probation by the court are responsible for appearing before the appropriate law enforcement agencies and completing the registration process. If a probationer has not already done so, the PPO/J shall advise the youth of his obligations under law and assist the youth in completing the registration process.

## **XIII. LIMITED COMMUNITY NOTIFICATION BY THE JUVENILE:**

Youth are not required to notify the public of their sex offender status with the following three exceptions:

### **A. Recreational Instruction**

Any youth who provides recreational instruction to persons under the age of 17 years shall post a notice in the building or facility where such instruction is being given. This notice shall contain the name and photograph of the youth, the date and jurisdiction of conviction, and the crime for which the youth was convicted. Such notification shall be prominently displayed and shall be of sufficient size to alert persons entering such building or facility that the recreational instructor is a convicted sex offender. "Recreational instruction" refers to instruction or lessons on non-educational activities, including but not limited to martial arts, dancing, theater, and music.

**B. Emergency Shelter**

Juvenile offenders who are required to register as a sex offender, upon entering an emergency shelter, must provide notice of their status as a juvenile sex offender under the provisions of La. R.S. 15:543.2. Notice must be provided within 24 hours, and the offender must notify the designated manager of the shelter, the local sheriff of the parish in which the shelter resides, and the police chief of the local municipality, if the emergency shelter is in a municipality.

The youth must provide: full name, date of birth, social security number, and last address of registration. Failure to comply could constitute a violation of condition of Probation and Parole and subject to the youth revocation.

Youth Services shall disseminate information to each sex offender of his obligation to notify management of emergency shelter of sex offender status and his obligation to report to his PPO/J. YS shall provide information of above protocol to every youth whether in custody or under its supervision. Each Regional Office shall contact juveniles under its supervision by April of each year to provide them with the toll-free number to call in the event of a declared emergency.

**C. Identification Card**

Juvenile offenders who are required to register as a sex offender must obtain a Louisiana driver's license or identification card that complies with the LA R.S. 32:412(I)(3). The identification card shall contain a restriction code which declares that the license holder is a sex offender. Additionally, the identification card shall include the words "sex offender" which shall be orange in color.

**XIV. INTERSTATE COMPACT FOR JUVENILES (ICJ):**

**A. Transfer of Sex Offenders**

In accordance with ICJ 3.6.6, a sex offender's supervision may be transferred to another state, which is obligated upon acceptance to supervise the youth under the same standards it applies to in-state sex offenders. Among the key requirements are the following:

1. A juvenile required to register in the sending state will not be required to register in Louisiana unless the crime he was adjudicated for is the equivalent of one of the crimes for which a juvenile in Louisiana is required to register.

2. The sending state shall not allow a youth who has been adjudicated of a sex related offense to transfer to the receiving state until the sending state's request to transfer supervision has been approved or the receiving state has issued reporting instructions.
3. In conducting home evaluations for juvenile sex offenders, the receiving state shall ensure compliance with local policies or laws when issuing reporting instructions. If the proposed placement is unsuitable, the receiving state may deny acceptance.
4. A juvenile sex offender from the sending state who must register as a sex offender in Louisiana, must abide by Louisiana's sex offender registration laws, including sex offender registration requirements, notifications, and DNA testing. A juvenile sex offender who fails to register is subject to the laws of the receiving state.
5. The receiving state shall receive a travel permit at least 48 hours prior to the juvenile sex offender's departure from the sending state with the exception of emergency circumstances.
6. A travel permit shall not be granted by the sending state until reporting instructions are issued by the receiving state.

Upon receiving any youth into Louisiana, the PPO/J shall ensure the youth is registered with the appropriate law enforcement agencies.

**B. Victim Notification**

In accordance with ICJ 3.7, compliance with victim notification requirements is the responsibility of the sending state in accordance with the laws and policies of that state.

**C. Closing a Case under ICJ**

In accordance with ICJ 3.8, only a sending state has the authority to terminate jurisdiction over a juvenile under supervision in another state. Jurisdiction over a case remains with the state court where the charges forming the basis for supervision were prosecuted.

**Previous Regulation/Policy Number:** B.2.17

**Previous Effective Date:** 12/18/2015

**Attachments/References:**

- B.2.17 (a) – Juvenile Sex Offender Pre-Registration Form
- B.2.17 (b) – Juvenile Sex Offender Notification Requirements
- B.2.17 (c) – Legal Services Email Address Listing