

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3198 ORDINANCE COUNCIL SERIES NO. 06-

COUNCIL SPONSOR: MR. BINDER PROVIDED BY: LEGAL COUNSEL

INTRODUCED BY: MR. BURKHALTER SECONDED BY: MR. CANULETTE

ON THE 5TH DAY OF JANUARY 2006

ORDINANCE TO AMEND ST. TAMMANY PARISH CODE OF ORDINANCES, CHAPTER 15, OFFENSES – MISCELLANEOUS, TO ENACT ARTICLE XVII REGISTRATION OF SEX OFFENDERS – VERIFICATION PROCEDURES, SECTION 15-985.00, TO PROVIDE THAT ANY PERSON REQUIRED TO REGISTER FOR LIFE AS A SEX OFFENDER WITH THE SHERIFF OF ST. TAMMANY PARISH SHALL BE REQUIRED TO WEAR A LOCATION TRACKING ELECTRONIC MONITORING DEVICE TO AID THE SHERIFF'S OFFICE IN VERIFYING THAT ALL REQUIRED INFORMATION AND NOTIFICATIONS ARE CURRENT AND BEING PROVIDED WITHIN THE DESIGNATED AREAS.

WHEREAS, it has been determined by the State of Louisiana that sex offenders have a high incidence of recidivism and that sex offenders, sexually violent predators, and child predators often pose a high risk of engaging in sex offenses, and crimes against victims who are minors even after being released from incarceration or commitment and that protection of the public from sex offenders, sexually violent predators, and child predators is of paramount governmental interest; and

WHEREAS, it has been determined that unless there is registration and community notification of accurate information, sex offenders could remain hidden and thereby increase the risk to public safety. Accordingly, in order to effectively alert the public for the purpose of public safety, to aid the police in their investigation of sex offenders, and to enable quick apprehension of sex offenders, it is absolutely imperative that the accuracy and current validity of the required registration and notification information be readily verifiable; and

WHEREAS, to aid the sheriff's office in its efforts to verify that it has the most current and accurate registration and notification information possible, and to otherwise provide with respect thereto.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that ARTICLE XVII of CHAPTER 15 is hereby enacted to provide as follows:

CHAPTER 15 OFFENSES
MISCELLANEOUS

ARTICLE XVII

REGISTRATION OF SEX OFFENDERS; VERIFICATION PROCEDURES

SEC. 15-985.00 Findings; Purpose

The legislature has found that sex offenders, sexually violent predators, and child predators often pose a high risk of engaging in sex offenses, and crimes against victims who are minors even after being released from incarceration or commitment and that protection of the public from sex offenders, sexually violent predators, and child predators is of paramount governmental interest. The legislature has also found that local law enforcement officers' efforts to protect their communities, conduct investigations, and quickly apprehend offenders who commit sex offenses and crimes against victims who are minors, are impaired by the lack of information available to law enforcement agencies about convicted sex offenders, sexually violent predators, and child predators who live within the agency's jurisdiction, and the penal and mental health components of our justice system are largely hidden from

public view and that lack of information from either may result in failure of both systems to meet this paramount concern of public safety. Restrictive confidentiality and liability laws governing the release of information about sex offenders, sexually violent predators, and child predators have reduced willingness to release information that could be appropriately released under the public disclosure laws, and have increased risks to public safety. Persons found to have committed a sex offense or a crime against a victim who is a minor have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government. Release of information about sex offenders, sexually violent predators, and child predators to public agencies, and under limited circumstances to the general public, will further the governmental interests of public safety and public scrutiny of the criminal and mental health systems so long as the information released is rationally related to the furtherance of those goals.

It is the express policy of this state to assist local law enforcement agencies' efforts to protect their communities by requiring sex offenders, sexually violent predators, and child predators to register with state and local law enforcement agencies, to require the exchange of relevant information about sex offenders, sexually violent predators, and child predators among state, local, and federal public agencies and officials, and to authorize the release of necessary and relevant information about sex offenders, sexually violent predators, and child predators to members of the general public as provided in Chapter 3-B of Title 15.

In order for St. Tammany Parish to further assist local law enforcement officers' efforts to protect this community, conduct investigations, and quickly apprehend offenders who commit sex offenses and crimes against victims who are minors, it is necessary that the sheriff's office have an effective means of continuing verification of the information and notifications that sex offenders are required to provide.

SEC. 15-985.01 Definitions

Where necessary for clarification or interpretation of this ordinance, reference to the definitions and provisions of La. Rev. Stat. Ann. § 15:540 La. Rev. Stat. Ann. § 15:541, La. Rev. Stat. Ann. § 15:542, La. Rev. Stat. Ann. § 15:542.1, La. Rev. Stat. Ann. § 15:544, and any relevant provisions cited therein, is permissible.

SEC. 15-985.02 Procedure for Verification:

Any person who currently resides in St. Tammany Parish, or who moves into St. Tammany Parish, and is required by the provisions of La. Rev. Stat. Ann. § 15:542.1H(2) or (3) to register for life with the sheriff of the parish of his/her residence and/or with the chief of police, shall be required to continuously have on his/her person, commencing upon registration with the St. Tammany Parish Sheriff, a location tracking electronic monitoring device for the purpose of providing an ongoing verification of the registrant's stated residence within this parish, the location of enrollment or worker status at an institution of post secondary education, the location where the registrant provides recreational instruction, and in order to insure that all required information is accurate and that all required notifications are current and are being provided within the designated areas.

SEC. 15-985.03 Fee for monitoring:

The Sheriff of St. Tammany Parish is hereby authorized to charge a fee for the cost of the electronic device and the costs associated with the monitoring thereof.

SEC. 15-985.04 Penalties:

(A) Any person who fails or refuses to wear a location tracking electronic monitoring device, when required to do so under the provisions of this ordinance, shall be guilty of a misdemeanor punishable by a fine of not less than five hundred dollars and imprisonment of not less than thirty days in the parish jail.

(B) Any person who tampers with a location tracking electronic monitoring device shall be guilty of a misdemeanor punishable by a fine of not less than five hundred dollars and imprisonment of not less than thirty days in the parish jail.

(C) When a person is required to comply with the provisions of this ordinance, it shall be unlawful for any person to assist that person in avoiding or circumventing any of the requirements of this ordinance. Any person who is found guilty of assisting a person in avoiding or circumventing the requirements of this ordinance shall be guilty of a misdemeanor punishable by a fine of not less than five hundred dollars and imprisonment of not less than thirty days in the parish jail.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinances are hereby declared to be severable.

DATE OF ENACTMENT: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY _____, SECONDED BY _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS:

NAYS:

ABSTAIN:

ABSENT:

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE _____ DAY OF _____, 2006 AND BECOMES ORDINANCE COUNCIL SERIES NO. _____.

STEVE STEFANCIK, COUNCIL CHAIRMAN

ATTEST:

DIANE HUESCHEN, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published introduction: _____, 2006

Published adoption: _____, 2006

Delivered to Parish President : _____, 2006 at _____

Returned to Council Clerk: _____, 2006 at _____