

City of Lake Charles

Signature

Ordinance Number: 15739

326 Pujo Street
P.O. Box 1178
Lake Charles, LA
70602-1178

An ordinance amending the Code of Ordinances of the City of Lake Charles to adopt residency restrictions for sex offenders living within the corporate boundaries of the City of Lake Charles

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE CHARLES, LOUISIANA, in regular session convened, that:

SECTION 1: Chapter 13 of the Code of Ordinances of the City of Lake Charles, Louisiana is hereby amended and reenacted by adding Article VI to read as follows:

"Article VI. SEX OFFENDER REGISTRATION AND RESTRICTIONS

Sec. 13-122. Registration of Sex Offenders and Child Predators.

(A) All persons defined in Louisiana Revised Statute 15:542 shall be required to register and provide notification as a sex offender or child predator in accordance with the provisions of this chapter.

(B) All persons defined in Subsection A of this Article, who reside, work, or attend school within the boundaries of the City of Lake Charles, shall, within three (3) business days of establishing residence in the City of Lake Charles, or if a current resident, within three (3) business days after conviction or adjudication if not immediately incarcerated or taken into custody after conviction or adjudication, within three (3) business days after release from confinement, or within three (3) days after the effective date of this ordinance, whichever is sooner, register in person with the Lake Charles Police Department, and shall provide all of the information required under the provisions of La. R.S. 15:542(C), and shall also include a statement that adequately explains the factual basis of the crime.

(C) Knowingly providing false information to the Lake Charles Police Department shall constitute a failure to register pursuant to Sec 13-124 of this Code of Ordinances.

(D) The offender shall pay to the City of Lake Charles, through the Lake Charles Police Department, an initial registration fee of six hundred dollars (\$600.00), which is inclusive of the state mandated fee of \$60.00, to defray the costs of maintaining the record of the offender. The offender shall pay a renewal fee of two hundred dollars (\$200.00) on each anniversary thereafter. Failure by the offender to pay the fee within thirty days of initial registration, or renewals thereof, shall constitute a failure to register and subject the offender to the provisions of Sec 13-124 of this Code of Ordinances. The offender shall not be prevented from registering in accordance with this Chapter for failure to pay the annual registration fee.

Sec. 13-123. Notification.

Any person residing in the City of Lake Charles who is required to provide sex offender and/or child predator notification under the provisions of La. R.S. 15:542.1, shall, in addition to the requirements set forth therein, provide such notice to the Lake Charles Police Department, and shall include in said notice, which must be published in the official newspaper of the City, a statement that adequately explains the factual basis of the crime, the age and sex of the victim, the number of prior convictions for sex offenses, and the number of years served for the current conviction.

Sec. 13-124. Failure to Register

(A) A person who fails to register, periodically renew and update registration, provide proof of residence or notification of change of address or other registration information, or provide community notification as required by the provisions of this Chapter, and a person who knowingly provides false information to a law enforcement agency as provided herein

this Chapter, upon a first violation, be subject to a civil penalty of not more than one thousand dollars (\$1000.00), and upon subsequent violations, the offender shall be subject to a civil penalty not to exceed three thousand dollars (\$3000.00).

(B) An offender who registers, but fails to pay the annual registration fee, or renewals thereof, in accordance with the provisions of this Chapter shall be subject to a civil penalty of five hundred dollars (\$500.00) in addition to the registration fees owed.

Sec. 13-125. Duration of Registration and Notification Period

Any person required to register and provide notification pursuant to the provisions of this Chapter shall comply with such requirements for the time periods set forth in La. R.S. 15:544.

Sec. 13-126. Prohibitions for Convicted Sex Offenders

(A) All persons required to register under the provisions of this Chapter, where the victim was a minor child, shall be prohibited from:

(1) Going in, on, or within one thousand two hundred feet of the school property of any public or private elementary or secondary school, designated school bus stop, or the physical presence in any motor vehicle or other means of conveyance owned, leased, or contracted by such school to transport students to or from school or a school-related activity when persons under the age of eighteen years are present on the school property or in a school vehicle.

(2) Going in, on, or within one thousand two hundred feet of a day care center, group home, residential home, or child care facility, a family child day care home, playground, public or private youth center, public swimming pool, or free-standing video arcade facility, as defined herein, or as otherwise defined in applicable state law.

(3) Physically residing within one thousand two hundred feet of any public or private elementary or secondary school, day care center, group home, residential home, or child care facility, a family child day care home, playground, public or private youth center, public swimming pool, or free-standing video arcade facility, as defined herein, or as otherwise defined in applicable state law.

(4) Communicating, either in written or oral form, with the victim or a family member of the victim, unless the victim consents to such communication in writing.

B. For purposes of this section, the following definitions shall apply:

"Child" means a person who has not reached the age of thirteen years. The words "child" and children are used interchangeably in this section.

"Day care center" means any place or facility operated by any institution, society, agency, corporation, person or persons, or any other group for the purpose of providing care, supervision, and guidance of seven or more children, not including those related to the caregiver, unaccompanied by parent or guardian, on a regular basis for at least twelve and one-half hours in a continuous seven-day week. A day care center that remains open for more than twelve and one-half hours in a continuous seven-day week, and in which no individual child remains for more than twenty-four hours in one continuous stay shall be known as a full-time day care center.

"Family child day care home" means any place, facility, or home operated by any institution, society, agency, corporation, person or persons, or any other group for the primary purpose of providing care, supervision, and/or guidance of seven but not more than twelve children.

"Group day care home" means any place, facility, or home operated by any institution, society, agency, corporation, person or persons, or any other group for the primary purposes of providing care, supervision, and/or guidance of seven but not more than twelve children.

"Group home" means any place, facility, or home operated by any institution, society, agency, corporation, person or persons, or any other group which receives therein at least seven but not more than fifteen children who are not related to the operator and whose parents or guardians are not residents of the same facility for supervision, care, lodging, and maintenance, with or without transfer of custody.

"Residential home" means any place, facility, or home operated by any institution, society, agency, corporation, person or persons, or any other group to provide full-time care for more than fifteen children who are not related to the operators and whose parents or guardians are not residents of the same facility, with or without transfer of custody. A residential home as defined in this subsection includes facilities known as children's homes, halfway houses, residential treatment centers, training schools, and facilities for the mentally retarded, emotionally disturbed, socially maladjusted, or otherwise mentally or physically handicapped.

C. The restrictions and prohibitions set forth in this subsection shall not be applicable when said restrictions and/or prohibitions are waived or excepted under the provisions of La. R.S. 15:538.

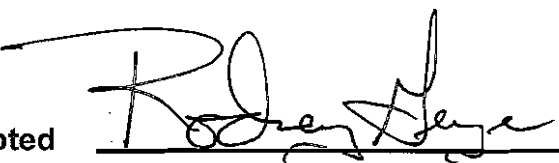
D. Any person who violates this subsection shall be guilty of a misdemeanor and subject to penalties of Sec. 1-8 of this Code of Ordinances."

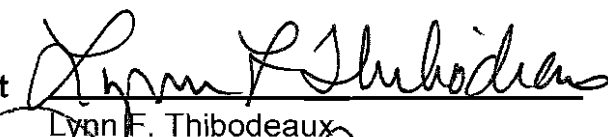
SECTION 2: This ordinance shall become effective and enforceable one hundred eighty (180) days after the date of execution of this ordinance by the Mayor.

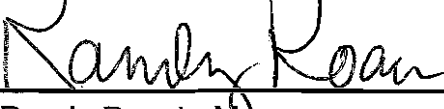
SECTION 3: All other paragraphs, subsections, subparagraphs, clauses, phrases, and words of this section, not specifically amended by this ordinance, are to remain the same.

At a meeting of the City Council on 1/19/2011, this Ordinance was adopted as amended by the following vote:

- For:** John Ieyoub, Mark Eckard, Dana Carl Jackson, Rodney Geyen, Marshall Simien and Stuart Weatherford
- Absent:** Luvertha August

Passed and Adopted  **Date** 1-19-11
 Rodney Geyen, President or Presiding Officer

Attest  **Date** 1-19-11
 Lynn F. Thibodeaux, Clerk of the Council

Approved by  **Date** 1/20/11
 Randy Roach, Mayor
 City of Lake Charles, Louisiana