

2/21/01

SUPREME COURT OF LOUISIANA

No. 00-KH-0172

STATE EX REL. WILLIAM OLIVIERI

versus

STATE OF LOUISIANA

consolidated with

00-KP-1767

STATE OF LOUISIANA

versus

MARVIN HUTCHINSON

KIMBALL, J., concurring in part and dissenting in part.

I agree with the majority's finding that the statutory requirement that sex offenders register with local law enforcement agencies does not violate the ex post facto provisions of the Louisiana or United States Constitution through retroactive application. However, I respectfully dissent from the majority's conclusion that the notification requirements of La. Rev. Stats. §§ 15:542 and 15:574.4 and La. Code Crim. Proc. art 895 do not impose an additional penalty on offenders whose crimes were committed before those statutory provisions were enacted. In my view, the retroactive application of the sex offender notification requirements violate Louisiana and federal ex post facto principles.