

2018 Regular Session
HOUSE BILL NO. 131

ACT No. 61

BY REPRESENTATIVE STEFANSKI

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 215(C) and R.S. 14:66(A)(2) and
3 to enact Code of Criminal Procedure Article 215(A)(3), relative to theft of goods; to
4 provide relative to theft prevention programs; to prohibit the exclusion of
5 participants based upon certain factors; to provide relative to a fee; to provide
6 relative to certain requirements of the program; to provide definitions; and to provide
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Code of Criminal Procedure Article 215(C) is hereby amended and
10 reenacted and Code of Criminal Procedure Article 215(A)(3) is hereby enacted to read as
11 follows:

12 Art. 215. Detention and arrest of shoplifters

13 A.

14 * * *

15 (3)(a) A merchant or a specifically authorized employee or agent of a
16 merchant who has reasonable cause to believe that a person has committed a theft of
17 goods held for sale by the merchant, is not precluded from offering such person the
18 opportunity to complete a theft prevention program in lieu of reporting the suspected
19 theft to law enforcement. The provisions of this Subparagraph apply only to those
20 merchants who employ at least twenty-five persons.

21 (b)(i) A provider of a theft prevention program may charge a fee of not more
22 than five hundred dollars for participation in the program and may not exclude a

1 person otherwise eligible to participate in the program on the basis of the person's
2 race, national origin, religion, sex, or the ability to pay the fee.

3 (ii) A provider of a theft prevention program that charges a fee to participate
4 in the program may reduce or waive the fee based upon the inability of a participant
5 to pay.

6 (iii) A provider of a theft prevention program shall maintain records of the
7 criteria described in Item (b)(i) for a period of not less than three years without
8 including personal identifying information. This report shall be made available to
9 the district attorney upon request.

10 (iv) A provider of a theft prevention program shall provide to the district
11 attorney, upon request, its criteria for a person's participation in its theft prevention
12 program.

13 (v) A merchant or a specifically authorized employee or agent of a merchant
14 that offers a person the opportunity to complete a theft prevention program shall
15 provide a copy of the written offer to the district attorney upon request.

16 (vi) Nothing in this Subparagraph shall preclude a district attorney or court
17 from offering a theft prevention program in compliance with the provisions of this
18 Subparagraph.

19 (c) The participant shall not be required to sign an admission of guilt nor
20 sign any binding agreement in connection with participation in the theft prevention
21 program.

22 (d) Any person who successfully completes a theft prevention program
23 pursuant to this Subparagraph shall not be subject to any additional civil penalties
24 under any other provision of law.

25 * * *

26 C. As used in this Article, the following definitions apply:

27 (1) "~~reasonable~~ Reasonable under the circumstances" shall be construed in
28 such a manner so as to include the value of the merchandise in question, the location
29 of the store, the length of time taken for law enforcement personnel to respond, the

1 cooperation of the person detained, and any other relevant circumstances to be
2 considered with respect to the length of time a person is detained.

3 (2) "Theft prevention program" is a pre-arrest program designed to address
4 the underlying causes of theft, reduce the occurrences of theft, and promote
5 accountability and reconciliation between the person suspected of theft and the
6 merchant, and may be provided by the merchant or an independent third-party
7 provider.

8 Section 2. R.S. 14:66(A)(2) is hereby amended and reenacted to read as follows:

9 §66. Extortion

10 A. Extortion is the communication of threats to another with the intention
11 thereby to obtain anything of value or any acquittance, advantage, or immunity of
12 any description. Any one of the following kinds of threats shall be sufficient to
13 constitute extortion:

14 * * *

15 (2) A threat to accuse the individual threatened or any member of his family
16 or any other person held dear to him of any crime. An offer to participate in a theft
17 prevention program pursuant to Code of Criminal Procedure Article 215 shall not
18 constitute a violation of the provisions of this Paragraph.

19 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2018 Regular Session

ACT No. 115

HOUSE BILL NO. 41

BY REPRESENTATIVE IVEY

1 AN ACT

2 To enact R.S. 11:2261.1 and Code of Criminal Procedure Articles 573.3 and 575.1, relative
3 to the Firefighters' Retirement System; to provide for the fiduciary relationship
4 between the system and its investment advisors; to provide for contractual terms; to
5 provide relative to criminal and civil prescriptive periods; to require disclosure of
6 judicial and regulatory proceedings; and to provide for related matters.

7 Notice of intention to introduce this Act has been published
8 as provided by Article X, Section 29(C) of the Constitution
9 of Louisiana.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 11:2261.1 is hereby enacted to read as follows:

12 §2261.1. Investment consultants and money managers; fiduciary relationship;
13 contractual terms; prescription

14 A.(1) Each of the following shall be a fiduciary of the system and shall be
15 subject to R.S. 11:263:

16 (a) Any person who agrees by written contract to exercise any discretionary
17 authority or discretionary control with respect to the management of system funds
18 or assets, including money managers.

19 (b) Any person who agrees by written contract to render investment advice
20 or services for compensation, direct or indirect, with respect to system funds or
21 assets, including investment consultants.

1 (2) The written contract governing the relationship between any person
2 described in Paragraph (1) of this Subsection and this system shall contain a
3 provision whereby the person described in Paragraph (1) of this Subsection expressly
4 agrees to and acknowledges the following:

5 (a) The provisions of this Section are applicable to the person.

6 (b) The person shall act with the care, skill, prudence, and diligence under
7 the circumstances prevailing that a prudent institutional investor acting in a like
8 capacity and familiar with such matters would use in the conduct of an enterprise of
9 a like character and with like aims.

10 (c) The exclusive, original jurisdiction for any proceeding involving this
11 Section shall be the Nineteenth Judicial District Court of Louisiana and the person
12 consents to such personal and subject matter jurisdiction and that such proceeding
13 is not removable to any federal court without the express written consent of the board
14 of trustees of this system.

15 B. Notwithstanding any other provision of law to the contrary, any judicial
16 or regulatory proceeding or action initiated by this system pursuant to this Section
17 shall be a personal action subject to the liberative prescription of ten years.

18 C. Notwithstanding any other provision of law to the contrary, a civil lawsuit
19 filed by this system shall suspend the running of prescription for the institution of
20 criminal prosecution for the following criminal charges arising from the same facts
21 and circumstances upon which the civil lawsuit is based until the date that a final,
22 non-appealable judgment has been rendered in the civil lawsuit:

23 (1) A charge based on the misappropriation of any money or thing of value,
24 or any theft or fraud committed relative thereto, by any person described in
25 Paragraph (A)(1) of this Section who by virtue of his office, employment, or
26 fiduciary relationship with this system had been entrusted with or had control of such
27 money or thing of value.

28 (2) A charge of false accounting committed by a person or agent of a person
29 described in Paragraph (A)(1) of this Section.

2018 Regular Session
HOUSE BILL NO. 112
BY REPRESENTATIVE MACK

ACT No. 118

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 222(A), (E), and (G), relative to
3 blood and saliva testing; to provide relative to the required blood and saliva testing
4 of certain persons who expose a law enforcement officer to a serious infectious
5 disease; to require blood and saliva testing of certain persons who expose firefighters
6 and forensic laboratory employees to a serious infectious disease; to provide relative
7 to the definition of "law enforcement officer"; to provide relative to the definition of
8 "act"; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Code of Criminal Procedure Article 222(A), (E), and (G) are hereby
11 amended and reenacted to read as follows:

12 Art. 222. Blood and saliva testing; expedited, nonincriminating procedure

13 A. Any person who commits any act which exposes a law enforcement
14 officer to a serious infectious disease by any means resulting in contact with the
15 officer during the course and scope of an arrest or through the investigation and
16 handling of evidence related to the arrest for any offense shall be required to submit
17 within seventy-two hours of the exposure to a test designed to determine whether he
18 is infected with a sexually transmitted disease, acquired immune deficiency
19 syndrome (AIDS), the human immunodeficiency virus (HIV), HIV-1 antibodies, any
20 other probable causative agent of AIDS, viral hepatitis, or any other serious
21 infectious disease.

22 * * *

1 E. For purposes of this Article:

2 (1) "Act" means spitting, biting, or scratching; the throwing of blood or other
3 bodily substances by any means; and any other method of intentional or non-
4 intentional exposure to blood or other bodily substances.

5 ~~(1)~~(2) "Law enforcement officer" means a commissioned police officer,
6 sheriff, deputy sheriff, marshal, deputy marshal, correctional officer, constable,
7 wildlife enforcement agent, probation and parole officer, or any officer of the court.
8 "Law enforcement officer" includes a civilian employee of the Louisiana State Police
9 Crime Laboratory or any other forensic laboratory while engaged in the performance
10 of the employee's lawful duties. "Law enforcement officer" also includes any
11 licensed emergency medical services practitioner as defined by R.S. 40:1131 and any
12 firefighter regularly employed by a fire department of any municipality, parish, or
13 fire protection district of the state or any volunteer firefighter of the state.

14 ~~(2) "Act" is spitting, biting, or scratching, or the throwing of blood or other~~
15 ~~bodily substances by any means.~~

16 * * *

17 G. If the person tested under the provisions of this Article tests positive for
18 a sexually transmitted disease, AIDS, HIV, HIV-1 antibodies, any other probable
19 causative agent of AIDS, viral hepatitis, or any other serious infectious disease, the
20 court shall inform that person of available counseling, ~~health care~~ healthcare, and
21 support services.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2018 Regular Session
HOUSE BILL NO. 252
BY REPRESENTATIVE CONNICK

ACT No. 125

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 611(B) and to enact Code of
3 Criminal Procedure Article 611(D), relative to venue for the prosecution of certain
4 crimes; to provide for venue for the prosecution of crimes involving the death of a
5 human being and for the crimes of obstruction of justice and accessory after the fact;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 611(B) is hereby amended and
9 reenacted and Code of Criminal Procedure Article 611(D) is hereby enacted to read as
10 follows:

11 Art. 611. Venue; trial where offense committed

12 * * *

13 B. If the offender is charged with ~~the crime of first or second degree murder~~
14 any criminal homicide enumerated in R.S. 14:29 or any other crime involving the
15 death of a human being and it cannot be determined where the offense or the
16 elements of the offense occurred, the offense is deemed to have been committed in
17 the parish where the body of the victim was found.

18 * * *

19 D.(1) If the offender is charged with the crime of accessory after the fact, the
20 offense is deemed to have been committed either in the parish where the principal
21 felony was committed or in the parish where any act or element constituting the basis
22 for the accessory after the fact prosecution occurred.

1 (2) If the offender is charged with the crime of obstruction of justice, the
2 offense is deemed to have been committed either in the parish of the underlying
3 actual or potential present, past, or future criminal proceeding or investigation or in
4 the parish where any act or element constituting the basis for the obstruction of
5 justice prosecution occurred.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2018 Regular Session
HOUSE BILL NO. 293
BY REPRESENTATIVE HILFERTY

ACT No. 129

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

AN ACT

To amend and reenact Code of Criminal Procedure Article 230.1(C), relative to the maximum time for appearance before a judge for appointment of counsel; to provide for the release of a defendant under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 230.1(C) is hereby amended and reenacted to read as follows:

Art. 230.1. Maximum time for appearance before judge for the purpose of appointment of counsel; court discretion to fix bail at the appearance; extension of time limit for cause; effect of failure of appearance

* * *

C. If the arrested person is not brought before a judge in accordance with the provisions of Paragraph A of this Article, he shall be released ~~forthwith~~ on his own recognizance.

* * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2018 Regular Session
HOUSE BILL NO. 781
BY REPRESENTATIVE STAGNI

ACT No. 141

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 973(B), relative to expunged
3 criminal records; to authorize certain entities to request and receive expunged
4 criminal records; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 973(B) is hereby amended and
7 reenacted to read as follows:

8 Art. 973. Effect of expunged record of arrest or conviction

9 * * *

10 B. Upon written request therefor and on a confidential basis, the information
11 contained in an expunged record may be released to the following entities that shall
12 maintain the confidentiality of such record: the Office of Financial Institutions, the
13 Louisiana State Board of Medical Examiners, the Louisiana State Board of Nursing,
14 the Louisiana State Board of Dentistry, the Louisiana State Board of Examiners of
15 Psychologists, the Louisiana Board of Pharmacy, the Louisiana State Board of Social
16 Work Examiners, the Emergency Medical Services Certification Commission,
17 Louisiana Attorney Disciplinary Board, Office of Disciplinary Counsel, the
18 Louisiana Supreme Court Committee on Bar Admissions, the Louisiana Department
19 of Insurance, the Louisiana Licensed Professional Counselors Board of Examiners,
20 the Louisiana State Board of Chiropractic Examiners, or any person or entity

2018 Regular Session
HOUSE BILL NO. 184
BY REPRESENTATIVE LEGER

ACT No. 198

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 887(C), relative to operating a
3 vehicle while intoxicated; to provide relative to special costs assessed for convictions
4 of operating a vehicle while intoxicated; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 887(C) is hereby amended and
7 reenacted to read as follows:

8 Art. 887. Defendant's liability for costs; suspension of costs; no advance costs

9 * * *

10 C. In addition to the costs provided in Paragraph A of this Article, a person
11 convicted of a violation of R.S. 14:98, ~~R.S. 14:98.1~~ or 98.6, or of any municipal or
12 parochial ordinance defining the offense of operating a motor vehicle, aircraft,
13 watercraft, vessel, or other motorized means of conveyance under the influence of
14 alcohol or drugs, who was subjected to a blood, breath, or urine analysis for alcohol
15 or any controlled dangerous substance listed in R.S. 40:964, Schedule I, II, III, IV,
16 or V, shall be assessed an additional ~~seventy-five~~ one hundred twenty-five dollars
17 as special costs. Such costs shall be paid in the following manner: ~~twenty-five~~
18 seventy-five dollars to the governing authority owning the instrument used to
19 perform the analysis, and fifty dollars to the governing authority whose agency
20 performed the analysis. If the office of state police performed or participated in a
21 blood, breath, or urine analysis for which these costs are assessed, that portion of the
22 costs applicable to the office of state police shall be forwarded to the applied

2018 Regular Session

ACT No. 259

HOUSE BILL NO. 62

BY REPRESENTATIVE DWIGHT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

AN ACT

To amend and reenact Code of Criminal Procedure Article 701(B)(2) and (D)(1)(introductory paragraph) and to enact Code of Criminal Procedure Article 701(D)(3), relative to the period of time within which trial is required to commence; to provide relative to the right to a speedy trial; to provide relative to motions filed by the defendant for a speedy trial; to authorize the suspension or the dismissal of a defendant's motion for speedy trial and suspension of the time period for commencement of trial under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 701(B)(2) and (D)(1)(introductory paragraph) are hereby amended and reenacted and Code of Criminal Procedure Article 701(D)(3) is hereby enacted to read as follows:

Art. 701. Right to a speedy trial

* * *

B. The time period for filing a bill of information or indictment after arrest shall be as follows:

* * *

(2)(a) When the defendant is not continued in custody subsequent to arrest, an indictment or information shall be filed within ninety days of the arrest if the defendant is booked with a misdemeanor and one hundred fifty days of the arrest if the defendant is booked with a felony.

1 **(b)** Failure to institute prosecution as provided in Subparagraph (1) of this
 2 Paragraph shall result in release of the defendant if, after contradictory hearing with
 3 the district attorney, just cause for the failure is not shown. If just cause is shown,
 4 the court shall reconsider bail for the defendant. Failure to institute prosecution as
 5 provided in ~~Subparagraph (2)~~ this Paragraph shall result in the release of the bail
 6 obligation if, after contradictory hearing with the district attorney, just cause for the
 7 delay is not shown.

* * *

9 D.(1) A motion by the defendant for a speedy trial, in order to be valid, must
 10 be accompanied by an affidavit by defendant's counsel certifying that the defendant
 11 and his counsel are prepared to proceed to trial within the delays set forth in this
 12 Article. ~~After~~ Except as provided in Subparagraph (3) of this Paragraph, after the
 13 filing of a motion for a speedy trial by the defendant and his counsel, the time period
 14 for commencement of trial shall be as follows:

* * *

16 (3) After a motion for a speedy trial has been filed by the defendant, if the
 17 defendant files any subsequent motion which requires a contradictory hearing, the
 18 court may suspend, in accordance with Article 580, or dismiss upon a finding of bad
 19 faith the pending speedy trial motion. In addition, the period of time within which
 20 the trial is required to commence, as set forth by Article 578, may be suspended, in
 21 accordance with Article 580, from the time that the subsequent motion is filed by the
 22 defendant until the court rules upon such motion.

* * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2018 Regular Session
HOUSE BILL NO. 140
BY REPRESENTATIVE LEGER

ACT No. 267

1 AN ACT

2 To amend and reenact R.S. 15:571.21(B), 574.4.2(A)(2)(e) and (F), and 574.4.5(B) and
3 Code of Criminal Procedure Article 895.1(C), relative to probation and parole; to
4 provide relative to the supervision fees paid by offenders placed on probation or
5 parole; to provide relative to the fee assessed by the division of probation and parole
6 for collection of certain monetary assessments imposed as a condition of probation
7 or parole; to provide relative to the processing fee for each case file opened by a
8 probation and parole officer; to provide relative to the use of such fees; and to
9 provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 15:571.21(B), 574.4.2(A)(2)(e) and (F), and 574.4.5(B) are hereby
12 amended and reenacted to read as follows:

13 §571.21. Deposit of fees and assessments

14 * * *

15 B. For all monetary assessments imposed as a condition of probation or
16 parole except supervision fees, the division of probation and parole shall assess a
17 collection fee of ten percent of the funds due, which shall be added to the total
18 amount of funds due. The ten percent collection fee shall be appropriated to the
19 Department of Public Safety and Corrections to be reinvested in additional resources
20 for the division of probation and parole including salaries for probation and parole
21 officers.

22 * * *

1 §574.4.2. Decisions of committee on parole; nature, order, and conditions of parole;
2 rules of conduct; infectious disease testing

3 A.

4 * * *

5 (2) The committee may also require, either at the time of his release on
6 parole or at any time while he remains on parole, that he conform to any of the
7 following conditions of parole which are deemed appropriate to the circumstances
8 of the particular case:

9 * * *

10 (e) Pay supervision fees to the Department of Public Safety and Corrections
11 in an amount not to exceed sixty-three dollars based upon his ability to pay as
12 determined by the committee on parole. ~~Payments~~ Supervision fee payments are due
13 on the first day of each month and may be used to defray the cost of supervision
14 which includes salaries for probation and parole officers.

15 * * *

16 F. The collection of the supervision fee imposed pursuant to Subparagraph
17 ~~(A)(2)(e)~~ (A)(2)(e) of this Section shall be suspended upon the transfer of an
18 offender to another state for parole supervision in that state, pursuant to the interstate
19 compact for out-of-state parolee supervision as provided in R.S. 15:574.31 et seq.

20 * * *

21 §574.4.5. Probation and parole processing fee

22 * * *

23 B. All fees collected pursuant to this Section shall be remitted to the
24 treasurer's office on a monthly basis and may be used to defray the cost of
25 supervision which includes salaries for probation and parole officers.

26 * * *

27 Section 2. Code of Criminal Procedure Article 895.1(C) is hereby amended and
28 reenacted to read as follows:

29 Art. 895.1. Probation; restitution; judgment for restitution; fees

30 * * *

2018 Regular Session
HOUSE BILL NO. 699
BY REPRESENTATIVE STAGNI

ACT No. 335

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 812, relative to verdicts; to
3 provide relative to jury verdicts; to provide relative to the polling of the jury after a
4 verdict is returned; to provide relative to the requirements for conducting a written
5 poll of the jury; to provide for the placement of the polling slips under seal; to
6 remove the authority of the court to conduct an oral poll of the jury after a verdict is
7 rendered; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Code of Criminal Procedure Article 812 is hereby amended and reenacted
10 to read as follows:

11 Art. 812. Same; polling and disposition of jury

12 A. The court shall order the clerk to poll the jury if requested by the state or
13 the defendant. ~~It shall be within the discretion of the court whether such~~ The poll
14 shall be conducted ~~orally or~~ in writing by applying the procedures of ~~Paragraph (1)~~
15 ~~or Paragraph (2) of this Article, and shall be done in open court.~~

16 ~~(1) Oral polling of the jury shall consist of the clerk's calling each juror, one~~
17 ~~at a time, by name. He shall announce to each juror the verdict returned, and ask him~~
18 ~~"Is this your verdict?" Upon receiving the juror's answer to the question, the clerk~~
19 ~~shall record the answer.~~

20 ~~If, upon polling all of the jurors, the number of jurors required by law~~
21 ~~to find a verdict answer "Yes," the court shall order the clerk to record the~~
22 ~~verdict and the jury shall be discharged. If, upon polling all of the jurors, the~~
23 ~~jury may be remanded for further deliberation, or the court may declare a~~
24 ~~mistrial in accordance with Article 775.~~

1 ~~(2)~~B.(1) The procedure for the written polling of the jury shall require that
 2 the clerk hand to each juror a separate piece of paper containing the name of the juror
 3 and the words "Is this your verdict?" Each juror shall write on the slip of paper the
 4 words "Yes" or "No" along with his signature. The clerk shall collect the slips of
 5 paper, make them available for inspection by the court and counsel, and record the
 6 results.

7 (2) If a sufficient number of jurors as required by law to reach a verdict
 8 answer "yes" the clerk shall so inform the court. Upon verification of the results, the
 9 court shall order the clerk to record the verdict and order the jury discharged. If an
 10 insufficient number required to find a verdict answer "Yes," the court may remand
 11 the jury for further deliberation, or the court may declare a mistrial in accordance
 12 with Article 775. The polling slips may be placed under seal upon order of the court,
 13 which shall state the specific reasons for placing the polling slips under seal. If so
 14 ordered the polling slips shall not be released to the public without a subsequent
 15 order of the court authorizing their release. If the court orders the release of the
 16 polling slips, the names of the jurors shall be redacted.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 70

BY SENATOR MIZELL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AN ACT

To amend and reenact Code of Criminal Procedure Article 895(A)(13)(a) and to enact R.S. 15:574.4.2(I), relative to probation and parole; to provide that a warrantless search may be conducted of a probationer's residence under certain circumstances by certain probation or parole officers; to define "probation and parole officer"; to provide relative to legislative intent; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 895(A)(13)(a) is hereby amended and reenacted to read as follows:

Art. 895. Conditions of probation

A. When the court places a defendant on probation, it shall require the defendant to refrain from criminal conduct and to pay a supervision fee to defray the costs of probation supervision, and it may impose any specific conditions reasonably related to his rehabilitation, including any of the following. That the defendant shall:

* * *

(13)(a) Agree to searches of his person, his property, his place of residence, his vehicle, or his personal effects, or any or all of them, at any time, by the probation ~~officer~~ or the parole officer assigned to him or by any probation or parole officer who is subsequently assigned or directed by the Department of Public Safety and Corrections to supervise the person, whether the assignment or directive is temporary or permanent, with or without a warrant of arrest or with or without a search warrant, when the probation officer or the parole officer has reasonable suspicion to believe that the person who is on probation is engaged in or has been engaged in criminal activity.

* * *

1 Section 2. R.S. 15:574.4.2(I) is hereby enacted to read as follows:

2 §574.4.2. Decisions of committee on parole; nature, order, and conditions of parole;
3 rules of conduct; infectious disease testing

4 * * *

5 **I. For purposes of this Section, "probation and parole officer" means:**

6 **(1) The probation and parole officer originally assigned to the parolee.**

7 **(2) Any probation and parole officer who is subsequently assigned or**
8 **directed by the Department of Public Safety and Corrections to supervise the**
9 **parolee, whether the assignment to the parolee is temporary or permanent.**

10 Section 3. The provisions of this Act are intended to legislatively overrule the
11 Louisiana Supreme Court's decision in *State of Louisiana v. Brignac*, 17-448, (La. 10/18/17),
12 234 So.3d 46, to the extent that the court held that a warrantless search of a probationer's
13 residence violates the provisions of Code of Criminal Procedure Article 895(A)(13)(a) when
14 the search is not conducted by the probation officer assigned to the probationer by the
15 Department of Public Safety and Corrections.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 231

BY SENATOR MORRELL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

AN ACT

To amend and reenact R.S. 14:95.1.3(D) and 95.10(B) and the introductory paragraph of R.S. 46:2136.3(A), to enact R.S. 14:79(A)(4), 95.1.3(E), and 95.1.4, R.S. 46:2136.3(C), and Title XXXV of the Code of Criminal Procedure, to be comprised of Arts. 1000 through 1003, and to repeal R.S. 46:2137, relative to firearms; to provide penalties for the violation of a protective order; to provide penalties for fraudulent firearms purchases; to prohibit the illegal transfer of a firearm to a prohibited possessor; to require certain reporting; to create a firearm transfer program; to designate sheriffs as repository for firearms; to provide procedure for storage and return of firearms; to require the development of forms, policies, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:95.1.3(D) and 95.10(B) are hereby amended and reenacted and R.S. 14:79(A)(4), 95.1.3(E), and 95.1.4 are hereby enacted to read as follows:

§79. Violation of protective orders

A.(1)(a) * * *

(4) Violation of protective orders shall also include the possession of a firearm or carrying a concealed weapon in violation of R.S. 46:2136.3, the purchase or attempted purchase of a firearm, and the carrying of a concealed weapon in violation of R.S. 14:95.1, 95.1.3, or 95.10.

* * *

§95.1.3. Fraudulent firearm and ammunition purchase; **mandatory reporting**

* * *

D. Whoever violates the provisions of this **Subsection A of this** Section shall be fined not less than one thousand dollars or more than five thousand dollars, or imprisoned, with or without hard labor, for not ~~less than one year~~ or more than ~~five~~ **twenty** years, or both. ~~At least one year of the~~ **The** sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

1 Section 2. The introductory paragraph of R.S. 46:2136.3(A) is hereby amended and
2 reenacted and R.S. 46:2136.3(C) is hereby enacted to read as follows:

3 §2136.3. Prohibition on the possession of firearms by a person against whom a
4 protective order is issued

5 A. Any person against whom the court has issued a permanent injunction or
6 a protective order pursuant to a court-approved consent agreement or pursuant to the
7 provisions of R.S. 9:361 et seq., R.S. 9:372, R.S. 46:2136, 2151, or 2173, Children's
8 Code Article 1570, Code of Civil Procedure Article 3607.1, or Code of Criminal
9 Procedure Articles 30, 320, or 871.1 shall be prohibited from possessing a firearm
10 **or carrying a concealed weapon** for the duration of the injunction or protective
11 order if both of the following occur:

12 * * *

13 **C. Whoever violates the provisions of this Section shall be in violation of**
14 **and subject to the penalties set forth in R.S. 14:79.**

15 Section 3. Title XXXV of the Code of Criminal Procedure, comprised of Arts. 1000
16 through 1003, is hereby enacted to read as follows:

17 **TITLE XXXV. DOMESTIC VIOLENCE PREVENTION FIREARM**

18 **TRANSFER**

19 **Art. 1000. Definitions**

20 **As used in this Title:**

21 **(1) "Firearm" means any pistol, revolver, rifle, shotgun, machine gun,**
22 **submachine gun, black powder weapon, or assault rifle which is designed to fire**
23 **or is capable of firing fixed cartridge ammunition or from which a shot or**
24 **projectile is discharged by an explosive.**

25 **(2) "Sheriff" means the sheriff of the jurisdiction in which the order was**
26 **issued, unless the person resides outside of the jurisdiction in which the order**
27 **is issued. If the person resides outside of the jurisdiction in which the order is**
28 **issued, "sheriff" means the sheriff of the parish in which the person resides.**

29 **Art. 1001. Transfer of firearms**

30 **A.(1) When a person is convicted of any of the following, the judge shall**

1 order the transfer of all firearms and the suspension of a concealed handgun
2 permit of the person:

3 (a) A conviction of domestic abuse battery (R.S. 14:35.3).

4 (b) A second or subsequent conviction of battery of a dating partner
5 (R.S. 14:34.9).

6 (c) A conviction of battery of a dating partner that involves strangulation
7 (R.S. 14:34.9(K)).

8 (d) A conviction of battery of a dating partner when the offense involves
9 burning (R.S. 14:34.9(L)).

10 (e) A conviction of possession of a firearm or carrying a concealed
11 weapon by a person convicted of domestic abuse battery and certain offenses of
12 battery of a dating partner (R.S. 14:95.10).

13 (2) Upon issuance of an injunction or order under any of the following
14 circumstances, the judge shall order the transfer of all firearms and the
15 suspension of a concealed handgun permit of the person who is subject to the
16 injunction or order:

17 (a) The issuance of a permanent injunction or a protective order
18 pursuant to a court-approved consent agreement or pursuant to the provisions
19 of R.S. 9:361 et seq., R.S. 9:372, R.S. 46:2136, 2151, or 2173, Children's Code
20 Article 1570, Code of Civil Procedure Article 3607.1, or Articles 30, 320, or
21 871.1 of this Code.

22 (b) The issuance of a Uniform Abuse Prevention Order that includes
23 terms that prohibit the person from possessing a firearm or carrying a
24 concealed weapon.

25 B.(1) The order to transfer firearms and suspend a concealed handgun
26 permit shall be issued by the court at the time of conviction for any of the
27 offenses listed in Subparagraph (A)(1) of this Article or at the time the court
28 issues an injunction or order under any of the circumstances listed in
29 Subparagraph (A)(2) of this Article.

30 (2) In the order to transfer firearms and suspend a concealed handgun

1 permit the court shall inform the person subject to the order that he is
2 prohibited from possessing a firearm and carrying a concealed weapon
3 pursuant to the provisions of 18 U.S.C. 922(g)(8) and Louisiana law.

4 C. At the same time an order to prohibit a person from possessing a
5 firearm or carrying a concealed weapon is issued, the court shall also cause all
6 of the following to occur:

7 (1) Require the person to state in open court or complete an affidavit
8 stating the number of firearms in his possession and the location of all firearms
9 in his possession.

10 (2) Require the person to complete a firearm information form that
11 states the number of firearms in the person's possession, the serial number of
12 each firearm, and the location of each firearm.

13 (3) Transmit a copy of the order to transfer firearms and a copy of the
14 firearm information form to the sheriff of the parish or the sheriff of the parish
15 of the person's residence.

16 D.(1) The court shall, on the record and in open court, order the person
17 to transfer all firearms in his possession to the sheriff no later than forty-eight
18 hours, exclusive of legal holidays, after the order is issued and a copy of the
19 order and firearm information form required by Paragraph C of this Article is
20 sent to the sheriff. If the person is incarcerated at the time the order is issued,
21 he shall transfer his firearms no later than forty-eight hours after his release
22 from incarceration, exclusive of legal holidays. At the time of transfer, the
23 sheriff and the person shall complete a proof of transfer form. The proof of
24 transfer form shall not contain the quantity of firearms transferred or any
25 identifying information about any firearm transferred. The sheriff shall retain
26 a copy of the form and provide the person with a copy.

27 (2) Within five days of transferring his firearms, exclusive of legal
28 holidays, the person shall file the proof of transfer form with the clerk of court
29 of the parish in which the order was issued.

30 E.(1) If the person subject to the order to transfer firearms and suspend

1 a concealed handgun permit issued pursuant to Paragraph A of this Article does
2 not possess or own firearms, at the time the order is issued, the person shall
3 complete a declaration of nonpossession form which shall be filed in the court
4 record and a copy shall be provided to the sheriff.

5 (2) Within five days of the issuance of the order pursuant to Paragraph
6 A of this Article, exclusive of legal holidays, the person shall file the declaration
7 of nonpossession with the clerk of court of the parish in which the order was
8 issued.

9 F. The failure to provide the information required by this Title may be
10 punished by contempt of court. Information required to be provided in order
11 to comply with the provisions of this Title cannot be used as evidence against
12 that person in a future criminal proceeding, except as provided by the laws on
13 perjury or false swearing.

14 Art. 1002. Transfer or storage of transferred firearms

15 A.(1) The sheriff of each parish shall be responsible for oversight of
16 firearm transfers in his parish. For each firearm transferred pursuant to this
17 Title, the sheriff shall offer all of the following options to the transferor:

18 (a)(i) Allow a third party to receive and hold the transferred firearms.
19 The third party shall complete a firearms acknowledgment form that, at a
20 minimum, informs the third party of the relevant state and federal laws, lists
21 the consequences for noncompliance, and asks if the third party is able to
22 lawfully possess a firearm. No firearm shall be transferred to a third party
23 living in the same residence as the transferor at the time of transfer. The sheriff
24 shall prescribe the manner in which firearms are transferred to a third party.

25 (ii) If a firearm is transferred to a third party pursuant to the provisions
26 of this Subparagraph, the sheriff shall advise the third party that return of the
27 firearm to the person before the person is able to lawfully possess the firearms
28 pursuant to state or federal law may result in the third party being charged
29 with a crime.

30 (b) Store the transferred firearms in a storage facility with which the

1 sheriff has contracted for the storage of transferred firearms. The sheriff may
2 charge a reasonable fee for the storage of such firearms.

3 (c) Oversee the legal sale of the transferred firearms to a third party. The
4 sheriff may contract with a licensed firearms dealer for such purpose. The
5 sheriff may charge a reasonable fee to oversee the sale of firearms.

6 (2) The sheriff may also accept and store the transferred firearms. The
7 sheriff may charge a reasonable fee for the storage of such firearms.

8 B. The sheriff shall prepare a receipt for each firearm transferred and
9 provide a copy to the person transferring the firearms. The receipt shall include
10 the date the firearm was transferred, the firearm manufacturer, and firearm
11 serial number. The receipt shall be signed by the officer accepting the firearms
12 and the person transferring the firearms. The sheriff may require the receipt
13 to be presented before returning a transferred firearm.

14 C. The sheriff shall keep a record of all transferred firearms including
15 but not limited to the name of the person transferring the firearm, date of the
16 transfer, the manufacturer, model, serial number, and the manner in which the
17 firearm is stored.

18 D.(1) When the person is no longer prohibited from possessing a firearm
19 under state or federal law, the person whose firearms were transferred
20 pursuant to the provisions of this Title may file a motion with the court seeking
21 an order for the return of the transferred firearms.

22 (2) Upon reviewing the motion, if the court determines that the person
23 is no longer prohibited from possessing a firearm under state or federal law, the
24 court shall issue an order stating that the firearms transferred pursuant to the
25 provisions of this Title shall be returned to the person. The order shall include
26 the date on which the person is no longer prohibited from possessing a firearm
27 and a copy of the order shall be sent to the sheriff.

28 (3) No sheriff or third party to whom the firearms were transferred
29 pursuant to the provisions of this Title, shall return a transferred firearm prior
30 to receiving the order issued by the court pursuant to the provisions of this

1 Paragraph.

2 (4) After a firearm is returned pursuant to the provisions of this
3 Paragraph, the sheriff shall destroy the records pertaining to the returned
4 firearms and instruct the clerk of court of that parish to destroy the pertinent
5 records.

6 E. The sheriff shall exercise due care to preserve the quality and function
7 of all firearms transferred under the provisions of this Title. However, the
8 sheriff shall not be liable for damage to firearms except for cases of willful or
9 wanton misconduct or gross negligence. In addition, the sheriff shall not be
10 liable for damage caused by the third party to whom the firearms were
11 transferred pursuant to the provisions of this Title.

12 Art. 1003. Implementation

13 The sheriff, clerk of court, and district attorney of each parish shall
14 develop forms, policies, and procedures no later than January 1, 2019,
15 regarding the communication of convictions and orders issued between
16 agencies, procedures for the acceptance of transferred firearms, procedures for
17 the storage of transferred firearms, return of transferred firearms, the proof of
18 transfer form, the declaration of nonpossession form, and any other form,
19 policy, or procedure necessary to effectuate the provisions of this Title.

20 Section 4. R.S. 46:2137 is hereby repealed in its entirety.

21 Section 5. If any provision or item of this Act, or the application thereof, is held
22 invalid, such invalidity shall not affect other provisions, items, or applications of the Act
23 which can be given effect without the invalid provision, item, or application and to this end
24 the provisions of this Act are hereby declared severable.

25 Section 6. This Act shall become effective on October 1, 2018.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 69

BY SENATORS CLAITOR AND BARROW

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

AN ACT

To enact Code of Criminal Procedure Article 983(H), relative to expungement; to allow the in forma pauperis filing of a motion to expunge a criminal record in accordance with provisions relative to in forma pauperis filings in civil matters; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 983(H) is hereby enacted to read as follows:

Art. 983. Costs of expungement of a record; fees; collection; exemptions; disbursements

* * *

H. Notwithstanding any provision of law to the contrary, an applicant for the expungement of a record, other than as provided in Subsections F and G of this Section, may proceed in forma pauperis in accordance with the provisions of Code of Civil Procedure Article 5181 et seq.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 471

BY SENATOR RISER

1

AN ACT

2

To amend and reenact Code of Criminal Procedure Art. 404(H), relative to jury

3

commissions; to provide for the functions of the jury commission in the parish of

4

Caldwell; to transfer the functions of the jury commission to the clerk of court of

5

Caldwell Parish; and to provide for related matters.

6

Be it enacted by the Legislature of Louisiana:

7

Section 1. Code of Criminal Procedure Art. 404(H) is hereby amended and reenacted

8

to read as follows:

9

Art. 404. Appointment of jury commissions; term of office; oath; quorum;

10

performance of functions of jury commissions in certain parishes

11

* * *

12

H. In the parishes of Caldwell, Claiborne, DeSoto, Union, and Webster, the

13

function of the jury commission shall be performed by the clerks of court of

14

Caldwell Parish, Claiborne Parish, DeSoto Parish, Union Parish, and Webster

15

Parish or by a deputy clerk of court designated by the respective clerk in writing to

16

act in his stead in all matters affecting the jury commission. The clerk of court or his

17

designated deputy shall have the same powers, duties, and responsibilities, and shall

18

be governed by all applicable provisions of law pertaining to jury commissioners.

19

The clerks of court of Caldwell Parish, Claiborne Parish, DeSoto Parish, Union

20

Parish, and Webster Parish shall perform the duties and responsibilities otherwise

21

imposed upon him by law with respect to jury venires, shall coordinate the jury

22

venire process, and shall receive the compensation generally authorized for a jury

commissioner.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2018 Regular Session
HOUSE BILL NO. 440

ACT No. 431

BY REPRESENTATIVE HODGES AND SENATOR BARROW

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 903(B) and (C) and 903.2(A)(1)
3 and (B)(1), relative to the substance abuse probation program; to provide for
4 counseling and treatment for defendants with substance abuse disorders and mental
5 illness; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Articles 903(B) and (C) and 903.2(A)(1) and
8 (B)(1) are hereby amended and reenacted to read as follows:

9 Art. 903. Substance abuse probation program; authorization

10 * * *

11 B. The program shall provide ~~substance abuse~~ counseling and treatment for
12 defendants with substance abuse disorders, or defendants with co-occurring mental
13 illness and substance abuse disorders, who are sentenced to substance abuse
14 probation pursuant to the provisions of Article 903.2.

15 C. The department may enter into cooperative endeavors or contracts
16 with ~~the Louisiana Department of Health~~ local governmental entities or the
17 office of behavioral health, training facilities, and service providers to
18 provide for substance abuse treatment and counseling and mental health
19 treatment for defendants participating in the program.

20 * * *

1 Art. 903.2. Substance abuse probation; sentencing

2 A. Notwithstanding any other provision of law to the contrary, a court shall
3 suspend a sentence and order an eligible defendant to participate in a substance abuse
4 probation program provided by the department pursuant to Article 903 if the district
5 attorney agrees that the defendant should be sentenced to a substance abuse
6 probation and the court finds all of the following:

7 (1) The court has reason to believe that the defendant suffers from an
8 addiction to a controlled dangerous substance or any other mental health disorder.

9 * * *

10 B.(1) The court shall order the department to assign an authorized evaluator
11 to prepare a suitability report. The suitability report shall delineate the nature and
12 degree of the treatment necessary to address the defendant's drug or alcohol
13 dependency or addiction or mental health disorder, the reasonable availability of
14 such treatment, and the defendant's appropriateness for the program. The district
15 attorney and the defendant's attorney shall have an opportunity to provide relevant
16 information to the evaluator to be included in the report.

17 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 38

BY SENATORS BISHOP, BARROW AND CARTER AND REPRESENTATIVES BAGNERIS, CHAD BROWN, JIMMY HARRIS, JACKSON, MAGEE, MARINO, MUSCARELLO AND ZERINGUE

1 AN ACT

2 To enact Title V-A of the Code of Criminal Procedure, to be comprised of Articles 251
3 through 253, relative to eyewitness identifications; to provide procedures relative to
4 law enforcement investigative procedures relating to eyewitness identifications of
5 criminal suspects; to provide definitions; to provide relative to legislative intent; and
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Title V-A of the Code of Criminal Procedure, comprised of Articles 251
9 through 253, is hereby enacted to read as follows:

10 TITLE V-A. EYEWITNESS IDENTIFICATION PROCEDURES

11 Art. 251. Legislative intent

12 A. The legislature finds that police investigations are strengthened by the
13 use of best practices for investigative procedures, which increase the ability of
14 law enforcement to keep communities safe and apprehend those suspected of
15 criminal activity, reduce erroneous eyewitness identifications, and enhance the
16 reliability and objectivity of eyewitness identification.

17 B. The legislature further finds that policies and procedures to improve
18 the accuracy of eyewitness identifications, such as those recommended by the
19 Louisiana Sheriff's Executive Management Institute (LSEMI) and the Federal
20 Bureau of Investigation, would help to ensure that the integrity of Louisiana
21 criminal justice investigations is strengthened and enhanced so as to convict the
22 guilty and protect the innocent.

23 Art. 252. Definitions

24 For purposes of this Title:

25 (1) "Administrator" means the person conducting the photo or live
26 lineup.

1 (2) "Blind" means conducted in such a way that the administrator does
2 not know the identity of the suspect.

3 (3) "Blinded" means conducted in such a way that the administrator
4 may know who the suspect is, but does not know which lineup member is being
5 viewed by the eyewitness.

6 (4) "Criminal justice entity" means any government agency or subunit
7 thereof, or private agency that, through statutory authorization or a legal
8 formal agreement with a governmental unit or agency, has the power of
9 investigation, arrest, detention, prosecution, adjudication, treatment,
10 supervision, rehabilitation, or release of persons suspected, charged, or
11 convicted of a crime.

12 (5) "Eyewitness" means a person who observes another person at or near
13 the scene of an offense.

14 (6) "Filler" means either a person or a photograph of a person who is not
15 suspected of an offense but is included in an identification procedure.

16 (7) "Folder shuffle method" means a blinded procedure in which the
17 suspect photos and nonsuspect or filler photos are each placed in separate
18 folders for a total of six photographs and shuffled together along with four
19 blank folders and handed to the eyewitness one at a time so that the
20 administrator cannot see which photograph the eyewitness is viewing.

21 (8) "Live lineup" means an identification procedure in which a group of
22 persons, including the suspected perpetrator of an offense and other persons not
23 suspected of the offense, is displayed to an eyewitness for the purpose of
24 determining whether the eyewitness identifies the suspect as the perpetrator.

25 (9) "Photo lineup" means an identification procedure in which an array
26 of photographs, including a photograph of the suspected perpetrator of an
27 offense and additional photographs of other persons not suspected of the
28 offense, is displayed to an eyewitness either in hard copy form or via computer
29 or similar device for the purpose of determining whether the eyewitness
30 identifies the suspect as the perpetrator.

1 (10) "Suspect" means a person believed by law enforcement to be the
2 possible perpetrator of an offense.

3 Art. 253. Eyewitness identification procedures

4 A.(1) No later than January 30, 2019, any criminal justice entity
5 conducting eyewitness identifications shall either adopt the LSEMI model policy
6 or draft its own policy that minimally comports to key best practices as outlined
7 in this Article.

8 (2) Each criminal justice entity that administers eyewitness identification
9 procedures shall provide a copy of its written policies to the Louisiana
10 Commission on Law Enforcement and Administration of Criminal Justice no
11 later than March 1, 2019.

12 B. For any criminal justice entity that elects to draft its own policy on
13 eyewitness identification procedures, these policies shall:

14 (1) Be based on all of the following:

15 (a) Credible field, academic, or laboratory research on eyewitness
16 memory.

17 (b) Relevant policies, guidelines, and best practices designed to reduce
18 erroneous eyewitness identifications and to enhance the reliability and
19 objectivity of eyewitness identifications.

20 (c) Other relevant information as appropriate.

21 (2) Include the following information regarding evidence-based
22 practices:

23 (a) Procedures for selecting photograph and live lineup filler
24 photographs or participants to ensure that the photographs or participants:

25 (i) Are consistent in appearance with the description of the alleged
26 perpetrator.

27 (ii) Do not make the suspect noticeably stand out.

28 (b) Instructions given to a witness before conducting a photograph or live
29 lineup identification procedure shall include a statement that the person who
30 committed the offense may or may not be present in the procedure.

1 (c) Procedures for documenting and preserving the results of a
2 photograph or live lineup identification procedure, including the documentation
3 of witness statements, regardless of the outcome of the procedure.

4 (d) Procedures for administering a photograph or live lineup
5 identification procedure to an illiterate person or a person with limited English
6 language proficiency.

7 (e) For a live lineup identification procedure, if practicable, procedures
8 for assigning an administrator who is unaware of which member of the live
9 lineup is the suspect in the case or alternative procedures designed to prevent
10 opportunities to influence the witness.

11 (f) For a photograph identification procedure, procedures for assigning
12 an administrator who is capable of administering a photograph array in a blind
13 manner or in a blinded manner consistent with other proven or supported best
14 practices designed to prevent opportunities to influence the witness.

15 (g) Any other procedures or best practices supported by credible
16 research or commonly accepted as a means to reduce erroneous eyewitness
17 identifications and to enhance the objectivity and reliability of eyewitness
18 identifications.

19 (3) Provide that a witness who makes an identification based on a
20 photograph or live lineup identification procedure be asked immediately after
21 the procedure to state, in the witness's own words, how confident the witness is
22 in making the identification. A law enforcement agency shall document in
23 accordance with Subsubparagraph (2)(c) of this Paragraph any statement made
24 under this Subparagraph.

25 C. Not later than December thirty-first of each odd-numbered year, the
26 institute shall review the model policy and training materials adopted under this
27 article and shall modify the policy and materials as appropriate while
28 maintaining the requirements outlined in Paragraph B of this Article.

29 D. Not later than December thirty-first of each even-numbered year,
30 each law enforcement agency shall review its policy adopted under this Article

1 and shall modify that policy as appropriate while maintaining the requirements
2 outlined in Paragraph B of this Article.

3 E. Failure to conduct a photograph or live lineup identification
4 procedure in substantial compliance with the model policy or any other policy
5 adopted under this Article shall not bar the admission of eyewitness
6 identification testimony.

7 F. A video record of identification procedures shall be made or, if a video
8 record is not practicable, an audio record shall be made. If neither a video nor
9 audio record are practicable, the reasons shall be documented in writing, and
10 the lineup administrator shall make a full and complete written record of the
11 lineup in accordance with Subsubparagraph (B)(2)(c) of this Article.

12 G. The written eyewitness identification procedures of a criminal justice
13 entity shall be made available, in writing, to the public upon request.

14 H. Evidence of failure to comply with any of the provisions of this
15 Article:

16 (1) May be considered by the district court in adjudicating motions to
17 suppress an eyewitness identification.

18 (2) May be admissible in support of any claim of eyewitness
19 misidentification, as long as the evidence is otherwise admissible.

20 Section 2. This Act shall become effective upon signature by the governor or, if not
21 signed by the governor, upon expiration of the time for bills to become law without signature
22 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
23 vetoed by the governor and subsequently approved by the legislature, this Act shall become
24 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

AN ACT

To amend and reenact Code of Criminal Procedure Art. 312(G), relative to bail; to provide relative to the right to bail after conviction of an offense that is both a sex offense and a crime of violence; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Art. 312(G) is hereby amended and reenacted to read as follows:

Art. 312. Right to bail before and after conviction

* * *

G.(1) After conviction of a capital offense, a defendant shall not be allowed bail.

(2)(a) After conviction of any crime punishable by imprisonment for twenty-five years or more that is both a sex offense and a crime of violence, there shall be a rebuttable presumption that the release of the person convicted will pose a danger to another person or the community and that there is a substantial risk that the person convicted might flee.

(b) For purposes of this Paragraph:

(i) "Sex offense" means any offense that requires registration and notification pursuant to R.S. 15:540 et seq.

(ii) "Crime of violence" means any offense defined or enumerated as a crime of violence in R.S. 14:2(B).

* * *

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 493

2018 Regular Session

HOUSE BILL NO. 365

BY REPRESENTATIVE JORDAN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

AN ACT

To amend and reenact Code of Criminal Procedure Article 782(A), relative to jury trials in felony cases; to provide relative to jury concurrence; to provide for contingent effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 782(A) is hereby amended and reenacted to read as follows:

Art. 782. Number of jurors composing jury; number which must concur; waiver

A. ~~Cases~~ A case in which punishment may be capital shall be tried by a jury of twelve jurors, all of whom must concur to render a verdict. ~~Cases~~ A case for an offense committed prior to January 1, 2019, in which punishment is necessarily confinement at hard labor shall be tried by a jury composed of twelve jurors, ten of whom must concur to render a verdict. A case for an offense committed on or after January 1, 2019, in which the punishment is necessarily confinement at hard labor shall be tried before a jury of twelve persons, all of whom must concur to render a verdict. ~~Cases~~ A case in which the punishment may be confinement at hard labor shall be tried by a jury composed of six jurors, all of whom must concur to render a verdict.

* * *

Section 2. This Act shall take effect and become operative on January 1, 2019, if and when the proposed amendment of Article I, Section 17(A) of the Constitution of Louisiana

1 contained in the Act which originated as House Bill No. 354 of this 2018 Regular Session
2 of the Legislature or the Act which originated as Senate Bill No. 243 of this 2018 Regular
3 Session of the Legislature is adopted at a statewide election and becomes effective.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2018 Regular Session
HOUSE BILL NO. 537
BY REPRESENTATIVE MARINO

ACT No. 508

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

AN ACT

To amend and reenact R.S. 15:574.6.1(A) and Code of Criminal Procedure Articles 893(B)(1)(introductory paragraph) and (b)(iii) and (iv) and (G) and 895.6(A) and to enact Code of Criminal Procedure Article 893(B)(1)(b)(v), (vi), and (vii), relative to participation in specialty court programs; to authorize probation for persons convicted of certain offenses to allow for participation in a specialty court program upon approval by the district attorney and under certain circumstances; to provide relative to the circumstances under which the sentence of a fourth conviction for a noncapital felony may be suspended; to provide relative to the duration of probation when a defendant is placed in a specialty court program; to prohibit specialty court program participants from earning compliance credits toward a term of probation or parole; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 893(B)(1)(introductory paragraph) and (b)(iii) and (iv) and (G) and 895.6(A) are hereby amended and reenacted and Code of Criminal Procedure Article 893(B)(1)(b)(v), (vi), and (vii) are hereby enacted to read as follows:

Art. 893. Suspension and deferral of sentence and probation in felony cases

* * *

B.(1) Notwithstanding any other provision of law to the contrary, when it appears that the best interest of the public and of the defendant will be served, the court, after a fourth conviction of a noncapital felony or after a third or fourth conviction of operating a vehicle while intoxicated pursuant to R.S. 14:98, may

1 suspend, in whole or in part, the imposition or execution of the sentence when the
2 defendant was not offered such alternatives prior to his fourth conviction of
3 operating a vehicle while intoxicated and the following conditions exist:

4 * * *

5 (b) The court orders the defendant to do any of the following:

6 * * *

7 (iii) Enter and complete a mental health court program established pursuant
8 to R.S. 13:5351 et seq.

9 (iv) Enter and complete a Veterans Court program established pursuant to
10 R.S. 13:5361 et seq.

11 (v) Enter and complete a reentry court program established pursuant to R.S.
12 13:5401.

13 ~~(iii)~~(vi) Reside for a minimum period of one year in a facility which
14 conforms to the Judicial Agency Referral Residential Facility Regulatory Act, R.S.
15 40:2851 et seq.

16 ~~(iv)~~(vii) Enter and complete the Swift and Certain Probation Pilot Program
17 established pursuant to R.S. 13:5371 et seq.

18 * * *

19 G. If the court, with the consent of the district attorney, orders a defendant;
20 ~~upon a third conviction or fourth felony conviction,~~ to enter and complete a program
21 provided by the drug division of the district court pursuant to R.S. 13:5301, an
22 established driving while intoxicated court or sobriety court program, a mental health
23 court program established pursuant to R.S. 13:5351 et seq., a Veterans Court
24 program established pursuant to R.S. 13:5361 et seq., a reentry court established
25 pursuant to R.S. 13:5401, or the Swift and Certain Probation Pilot Program
26 established pursuant to R.S. 13:5371, the court may place the defendant on probation
27 for a period of not more than eight years if the court determines that successful
28 completion of the program may require that period of probation to exceed the three-
29 year limit. The court may not extend the duration of the probation period solely due

1 to unpaid fees and fines. The period of probation as initially fixed or as extended
2 shall not exceed eight years.

3 * * *

4 Art. 895.6. Compliance credits; probation

5 A.(1) ~~Every~~ Except as provided in Subparagraph (2) of this Paragraph, every
6 defendant on felony probation pursuant to Article 893 for an offense other than a
7 crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S.
8 15:541 shall earn a diminution of probation term, to be known as "earned compliance
9 credits", by good behavior. The amount of diminution of probation term allowed
10 under this Article shall be at the rate of thirty days for every full calendar month on
11 probation.

12 (2) A defendant who is ordered by the court to enter and complete a specialty
13 court program is not eligible to receive earned compliance credits pursuant to the
14 provisions of this Article. For purposes of this Article, "specialty court program"
15 includes any of the following: a program provided by the drug division of the
16 district court pursuant to R.S. 13:5301, an established driving while intoxicated court
17 or sobriety court program, a mental health court program established pursuant to R.S.
18 13:5351 et seq., a Veterans Court program established pursuant to R.S. 13:5361 et
19 seq., a reentry court established pursuant to R.S. 13:5401, or the Swift and Certain
20 Probation Pilot Program established pursuant to R.S. 13:5371.

21 * * *

22 Section 2. R.S. 15:574.6.1(A) is hereby amended and reenacted to read as follows:
23 §574.6.1. Compliance credits; parole

24 A.(1) ~~Every~~ Except as provided in Paragraph (2) of this Subsection, every
25 offender on parole for an offense other than a crime of violence as defined by R.S.
26 14:2(B) or a sex offense as defined by R.S. 15:541 shall earn a diminution of parole
27 term, to be known as "earned compliance credits", by good behavior on parole. The
28 amount of diminution of parole term allowed under this Section shall be at the rate
29 of thirty days for every full calendar month on parole.

SENATE BILL NO. 411

BY SENATOR WHITE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AN ACT

To amend and reenact Code of Criminal Procedure Art. 655(A), the introductory paragraph of R.S. 13:753(A), the introductory paragraph of (B), (B)(1), and (C), R.S. 14:95.1(A) and (C), and R.S. 28:57(A), and to enact R.S. 13:753(F) and R.S. 28:57(J), relative to persons found not guilty by reason of insanity; to provide relative to insanity proceedings; to provide relative to the discharge or release on probation of a defendant found not guilty by reason of insanity; to require the unanimous recommendation of a three-member panel before the court can release the defendant from a mental institution; to prohibit persons found not guilty by reason of insanity from possessing firearms or carrying a concealed weapon; to provide relative to the procedure by which the person's firearm rights may be restored under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Art. 655(A) is hereby amended and reenacted to read as follows:

Art. 655. Application for discharge or release on probation; review panel

A.(1) When the superintendent of a mental institution is of the opinion that a person committed pursuant to Article 654 can be discharged or can be released on probation, without danger to others or to himself, he shall recommend the discharge or release of the person in a report to a review panel comprised of the person's treating physician, the clinical director of the facility to which the person is committed, and a physician, **medical psychologist**, or psychologist who served on the sanity commission which recommended commitment of the person. If any member of the panel is unable to serve, a physician, **medical psychologist**, or a psychologist engaged in the practice of clinical or counseling psychology with at

1 least three years' experience in the field of mental health shall be appointed by the
 2 remaining members.

3 (2) The panel shall review all reports received promptly. After review, the
 4 panel shall make a recommendation to the court by which the person was committed
 5 as to the person's mental condition and whether he can be discharged, conditionally
 6 or unconditionally, or placed on probation, without being a danger to others or
 7 himself. If the review panel recommends to the court that the person be discharged,
 8 conditionally or unconditionally, or placed on probation, the court shall conduct a
 9 contradictory hearing following notice to the district attorney.

10 (3) A recommendation that the person be discharged or released on
 11 probation shall require a unanimous vote of the panel.

12 (4) The panel shall render specific findings of fact in support of its
 13 recommendation.

14 * * *

15 Section 2. The introductory paragraph of R.S. 13:753(A), the introductory paragraph
 16 of (B), (B)(1), and (C) are hereby amended and reenacted and R.S. 13:753(F) is hereby
 17 enacted to read as follows:

18 §753. Reporting of information to Louisiana Supreme Court for NICS database;
 19 possession of a firearm

20 A. ~~Effective January 1, 2014, each~~ **Each** district clerk of court shall report to
 21 the Louisiana Supreme Court for reporting to the National Instant Criminal
 22 Background Check System database the name and other identifying information of
 23 any adult who is prohibited from possessing a firearm pursuant to the laws of this
 24 state or 18 U.S.C. 922(d)(4) and (g)(4), (8), and (9), by reason of a conviction or
 25 adjudication in a court of that district for any of the following:

26 * * *

27 B. ~~Effective January 1, 2017, each~~ **Each** city and parish clerk of court shall
 28 report to the Louisiana Supreme Court for reporting to the National Instant Criminal
 29 Background Check System database the name and other identifying information of
 30 any adult who is prohibited from possessing a firearm pursuant to the laws of this

1 state or 18 U.S.C. 922(d)(4), (g)(4), (8), and (9), by reason of a conviction or
2 adjudication in a court of that district for any of the following:

3 (1) A conviction for a violation of domestic abuse battery (R.S. 14:35.3)
4 ~~which~~ that is a misdemeanor.

5 * * *

6 C. The report reports required by Subsections A and B of this Section
7 shall be submitted to the Louisiana Supreme Court, in the manner and form as
8 directed by the supreme court, within ten business days of the date of conviction,
9 adjudication, or order of involuntary commitment.

10 * * *

11 F. A person who has been adjudicated as a mental defective or
12 committed to a mental institution and is therefore, pursuant to federal law,
13 prohibited from receiving or possessing a firearm or ammunition or, pursuant
14 to state law, is ineligible to possess a firearm or obtain a concealed handgun
15 permit, may petition the court for restoration of firearm rights pursuant to R.S.
16 28:57.

17 Section 3. R.S. 14:95.1(A) and (C) are hereby amended and reenacted to read as
18 follows:

19 §95.1. Possession of firearm or carrying concealed weapon by a person convicted of
20 certain felonies

21 A. It is unlawful for any person who has been convicted of, or has been
22 found not guilty by reason of insanity for, a crime of violence as defined in R.S.
23 14:2(B) which is a felony or simple burglary, burglary of a pharmacy, burglary of an
24 inhabited dwelling, unauthorized entry of an inhabited dwelling, felony illegal use
25 of weapons or dangerous instrumentalities, manufacture or possession of a delayed
26 action incendiary device, manufacture or possession of a bomb, or possession of a
27 firearm while in the possession of or during the sale or distribution of a controlled
28 dangerous substance, or any violation of the Uniform Controlled Dangerous
29 Substances Law which is a felony, or any crime which is defined as a sex offense in
30 R.S. 15:541, or any crime defined as an attempt to commit one of the above-

1 enumerated offenses under the laws of this state, or who has been convicted under
 2 the laws of any other state or of the United States or of any foreign government or
 3 country of a crime which, if committed in this state, would be one of the above-
 4 enumerated crimes, to possess a firearm or carry a concealed weapon.

5 * * *

6 C. The provisions of this Section prohibiting the possession of firearms and
 7 carrying concealed weapons by persons who have been convicted of, or who have
 8 been found not guilty by reason of insanity for, certain felonies shall not apply to
 9 any person who has not been convicted of, or who has not been found not guilty
 10 by reason of insanity for, any felony for a period of ten years from the date of
 11 completion of sentence, probation, parole, or suspension of sentence, or discharge
 12 from a mental institution by a court of competent jurisdiction.

13 * * *

14 Section 4. R.S. 28:57(A) is hereby amended and reenacted and R.S. 28:57(J) is
 15 hereby enacted to read as follows:

16 §57. Petition for restoration of right to possess a firearm and to apply for permit for
 17 concealed handgun; procedures

18 A. (1) Except as provided in Paragraph (2) of this Subsection, a person
 19 who is prohibited from possessing a firearm or is ineligible to be issued a concealed
 20 handgun permit pursuant to the provisions of 18 U.S.C. 922(d)(4) and (g)(4) or of
 21 R.S. 40:1379.3(C)(13) because of an adjudication or commitment that occurred
 22 under the laws of this state may, upon release from involuntary commitment, file a
 23 civil petition seeking a judgment ordering the removal of that prohibition.

24 (2) A person found not guilty by reason of insanity of any felony may file
 25 a civil petition seeking a judgment ordering the removal of the prohibition
 26 described in Paragraph (1) of this Subsection provided that at least ten years
 27 have passed since the person was discharged from probation or custody, or
 28 discharged from a mental institution, by a court of competent jurisdiction.

29 * * *

30 J. This provisions of this Section shall not apply to:

1 (1) A person on conditional release or conditional discharge pursuant
2 to Code of Criminal Procedure Article 657.1 or 658.

3 (2) A person who has been convicted or found not guilty by reason of
4 insanity of any felony enumerated in R.S. 14:95.1 in the ten years prior to the
5 filing of a petition under this Section.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 400

BY SENATOR HEWITT AND REPRESENTATIVE EDMONDS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AN ACT

To amend and reenact R.S. 3:2(C), R.S. 9:154.3, R.S. 15:572.8(H)(1) and the introductory paragraph of (2), and 921, R.S. 17:3138.4, R.S. 22:1071(D)(3)(b) and (c), and 1476(A)(2), R.S. 23:1170(A), 1172(A), 1172.1(C), 1172.2(D), 1178(D), 1291.1(C)(1) and (E), 1310.3(E), 1310.13, and 1514(D)(5), R.S. 24:653(N)(3), R.S. 30:2004(11), 2014(B), (D)(4)(a) and the introductory paragraph of (b), 2015(A), (B), the introductory paragraph of (C), the introductory paragraph of (D), and (E), 2035(B)(1), 2054(B)(8), 2109(A) and (C), 2192(B)(4), 2195(B), (C), and (E), 2195.2(A)(4), 2195.4(C)(1) and (2), 2195.5, 2205(A)(1), and 2552(A), (B), and (C), R.S. 32:202, 402.3(I), and 412(C)(2), R.S. 39:82(A), 91(B), 100.136, and 352, R.S. 40:1135.10, R.S. 46:1301(A)(1), R.S. 47:318(D), 463.48(D), 463.60(F), 463.148(E), 463.167(E), 6351(G), and 7019.2(B)(1), R.S. 49:259(D), 308.3(B)(7) and (D), and 308.5(B)(3) and (4), R.S. 51:2315, R.S. 56:10(B)(1)(b), 70.3, 70.4(A), 253(C)(2)(a), 278(A), 279(A), (C), (D)(1) and (3), 494(E)(5) and (F), 644(B), the introductory paragraph of (C), (D), and (E), Code of Criminal Procedure Article 895.1(F)(2), the introductory paragraph of (3), (b), and (e), Section 4(B) of Act No. 421 of the 2013 Regular Session of the Legislature, as amended by Section 4(B) of Act No. 822 of the 2014 Regular Session of the Legislature, the introductory paragraph of Section 7(A) and (B) of Act 41 of the 2006 First Extraordinary Session of the Legislature, to enact R.S. 30:2015(C)(8), and to repeal R.S. 11:544, R.S. 15:185.5, 572.8(N) and (S), R.S. 17:354, 3138.2, and 3138.3, and Subpart A-2 of Part IX-A of Chapter 26 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3397.11, R.S. 27:392(C)(4), R.S. 30:2000.12 and 2551, R.S. 33:2740.18, R.S. 39:87.5, Subpart H of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.11, Subpart N of Part II-A of Chapter 1

1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S.
2 39:100.51, Subpart Q-1 of Part II-A of Chapter 1 of Subtitle I of Title 39 of the
3 Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.122, Subpart Q-2 of
4 Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of
5 1950, comprised of R.S. 39:100.123, Subpart S of Part II-A of Chapter 1 of Subtitle
6 I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S.
7 39:100.146, R.S. 39:1357, R.S. 40:16.2 and 1402, R.S. 46:290.1, 977.13, 2731,
8 2742(D), and 2901, R.S. 47:120.39 and 841.2, R.S. 49:214.6.7(D) and (E), R.S.
9 51:2211 through 2216, R.S. 56:14, 302.3(B)(5)(c), 305(H) and 633, Section 9 of Act
10 No. 138 of the 2005 Regular Session of the Legislature as amended by Section 7 of
11 Act 642 of the 2006 Regular Session of the Legislature, Sections (3)(D) and (6) of
12 Act No. 41 of the 2006 First Extraordinary Session of the Legislature, Section 7 of
13 Act No. 420 of the 2013 Regular Session of the Legislature, Section (4)(B)(1) of Act
14 No. 421 of the 2013 Regular Session of the Legislature, as amended by Section
15 (4)(B)(1) of Act No. 822 of the 2014 Regular Session of the Legislature, and Section
16 (4)(B)(2) of Act No. 421 of the 2013 Regular Session of the Legislature, relative to
17 certain funds in the state treasury; to provide for meeting dates of the Dedicated Fund
18 Review Subcommittee of the Joint Legislative Committee on the Budget; to provide
19 for the review of certain funds in the state treasury by the subcommittee; to provide
20 for the powers, duties, functions, and responsibilities of the subcommittee, including
21 the recommendation for the reclassification, elimination, and expenditure of certain
22 funds in the treasury; to provide for the reclassification of funds in the treasury; to
23 provide for the elimination of certain treasury funds and the creation of certain
24 treasury accounts; to provide relative to monies deposited and credited into certain
25 agency accounts in the state treasury; to provide for the classification and
26 consideration of certain monies as fees and self-generated revenues; to provide that
27 such fees and self-generated revenues shall be available for appropriation as
28 recognized by the Revenue Estimating Conference; to provide for the retention of
29 monies in certain agency accounts for future appropriation; to provide relative to
30 monies deposited and credited to certain accounts in the state treasury; to provide for

1 an effective date; and to provide for related matters.

2 Be it enacted by the Legislature of Louisiana:

3 Section 1. The conversion of certain dedicated funds to special agency accounts in
4 the state treasury contained herein, shall cause the special agency accounts to be classified
5 as fees and self-generated revenues to be used only for the purposes of identifying the means
6 of finance in the executive budget. The conversion of certain dedicated funds to special
7 agency accounts shall not change the purpose for which the monies were dedicated unless
8 the use of the monies is specifically amended herein. Unless specifically provided for in the
9 statute establishing the agency account, all funds transferred to agency accounts shall not
10 revert to the state general fund at the end of the fiscal year. The revenues in the accounts
11 shall remain in the account. All monies in the accounts shall require an appropriation to be
12 withdrawn from the account. No funds shall be transferred in or out of an account without
13 an annual appropriation or favorable action of the Joint Legislative Committee on the Budget
14 through a budget adjustment for the statutory purpose of those revenues.

15 Section 2. R.S. 3:2(C) is hereby amended and reenacted to read as follows:

16 §2. Creation, powers, and duties of Department of Agriculture and Forestry and the
17 commissioner of agriculture and forestry

18 * * *

19 C. All funds derived from the sale of timber on state lands under this Section
20 shall be deposited in the state treasury. Monies derived from the sale of timber on
21 state lands in the custody of the Louisiana Department of Health shall be deposited
22 into the ~~Louisiana Department of Health's Facility Support Fund as provided in R.S.~~
23 ~~40:16.2~~ **state general fund**. The legislature shall annually appropriate to the
24 Department of Agriculture and Forestry the costs incurred by that department under
25 the provisions of this Section.

26 * * *

27 Section 3. R.S. 9:154.3 is hereby amended and reenacted to read as follows:

28 §154.3. Crescent City Connection amnesty program; ~~Crescent City Amnesty Refund~~
29 ~~Fund~~; disposition

30 A. Notwithstanding the provisions of R.S. 9:154 or any other provision of law

1 to the contrary, the provisions of this Section shall apply to monies collected as a
2 result of the amnesty program provided for in R.S. 47:7019.1 for those persons who
3 failed to pay a toll to cross the Crescent City Connection Bridge, prior to January 1,
4 2013 Crescent City Amnesty Refund Fund is hereby abolished and any monies
5 remaining in the fund shall be transferred for the use of the Department of
6 Transportation and Development.

7 B. Notwithstanding the provisions of R.S. 48:1161.2(D)(c), and prior to
8 appropriation of any monies to the New Orleans Regional Planning Commission, on
9 July 1, 2014, one hundred twenty-eight thousand six hundred eighty-one dollars of
10 monies on deposit in the Crescent City Transition Fund shall be deemed abandoned
11 funds for the purposes of treatment as unclaimed property in accordance with the
12 provisions of this Section.

13 C. Funds that are deemed abandoned funds pursuant to this Section shall be
14 immediately transferred from the Crescent City Transition Fund by the state treasurer
15 in his capacity as administrator of the Uniform Unclaimed Property Act. The state
16 treasurer shall deposit these funds into the Crescent City Amnesty Refund Fund as
17 provided in this Section, and shall provide for the return of such funds to their
18 owners in accordance with the Uniform Unclaimed Property Act during the term set
19 forth in R.S. 47:7019.2. The state treasurer shall further provide for the payment of
20 all unexpended and unencumbered funds remaining in the Crescent City Amnesty
21 Refund Fund as of July 1, 2015, in accordance with the provisions of this Section.

22 D.(1) There is hereby created the Crescent City Amnesty Refund Fund as a
23 special fund in the state treasury, hereinafter referred to as the "fund". The source of
24 monies for the fund shall be the monies transferred from the Crescent City Transition
25 Fund as provided for in this Section.

26 (2) After compliance with the requirements of Article VII, Section 9(B) of
27 the Constitution of Louisiana, relative to the Bond Security and Redemption Fund,
28 an amount equal to that deposited into the state treasury from the foregoing sources
29 shall be deposited in and credited to the fund. The monies in the fund shall be
30 invested by the treasurer in the same manner as the state general fund, and interest

1 earnings shall be deposited into the fund:

2 (3) ~~All unexpended and unencumbered monies remaining in the fund on July~~
3 ~~1, 2015, shall be appropriated as follows:~~

4 (a) ~~An amount not to exceed thirty percent of the monies in the fund shall be~~
5 ~~appropriated to the Department of Transportation and Development for operational~~
6 ~~and maintenance costs for the New Orleans ferries, formerly operated by its Crescent~~
7 ~~City Connection Division.~~

8 (b) ~~The balance of the monies in the fund as of July 1, 2015, shall be~~
9 ~~appropriated to the New Orleans Regional Planning Commission for lighting of the~~
10 ~~eastbank and westbank approaches to the Crescent City Connection Bridge,~~
11 ~~including General DeGaulle and the Westbank Expressway approach through ground~~
12 ~~level, improvements to ingress and egress points, lighting, maintenance, grass~~
13 ~~cutting, and landscaping of the Westbank Expressway and its connecting arteries.~~

14 (4) ~~The state treasurer shall be relieved of all liability which may arise with~~
15 ~~respect to such distribution of funds:~~

16 E. ~~All data associated with monies deposited into the Crescent City~~
17 ~~Transition Fund that was collected by the Department of Transportation and~~
18 ~~Development pursuant to R.S. 47:7013.1 shall be transferred by such department to~~
19 ~~the state treasurer pursuant to this Section and shall be provided by such department~~
20 ~~to the Unclaimed Property Division in an electronic format as designated by such~~
21 ~~division:~~

22 F. ~~For the purposes of this Section, holder requirements under R.S. 9:159~~
23 ~~shall be deemed waived:~~

24 G. ~~The state treasurer in his capacity as administrator of the Uniform~~
25 ~~Unclaimed Property Act may establish policies and procedures as necessary to~~
26 ~~implement the provisions of this Section:~~

27 H. ~~All books, papers, and records transferred to the state treasurer pursuant~~
28 ~~to this Section shall be retained for a period of no less than five years following such~~
29 ~~transfer:~~

30 I. ~~The provisions of this Section shall supersede and control to the extent of~~

1 ~~conflict with any other provision of law.~~

2 Section 4. R.S. 15:572.8(H)(1), the introductory paragraph of (2), and 921 are hereby
3 amended and reenacted to read as follows:

4 §572.8. Compensation for wrongful conviction and imprisonment; petition process;
5 compensation; proof; assignment of powers and duties

6 * * *

7 H.(1) After a contradictory hearing with the attorney general, the court shall
8 render a decision as soon as practical. If, from its findings of fact, the court
9 determines that the petitioner is entitled to compensation because he is found to be
10 factually innocent of the crime of which he was convicted, it shall determine the
11 compensation due in accordance with the provisions of this Section, and it shall order
12 payment to the petitioner from the ~~Innocence Compensation Fund which shall be~~
13 ~~created specifically for the administration of awards under this Section~~ **state general**
14 **fund.**

15 (2) Compensation shall be calculated at a rate of twenty-five thousand dollars
16 per year incarcerated not to exceed a maximum total amount of two hundred fifty
17 thousand dollars for the physical harm and injury suffered by the petitioner to be paid
18 at a rate of twenty-five thousand dollars annually. As compensation for the loss of
19 life opportunities resulting from the time spent incarcerated, the court shall also
20 review requests for payment and order payment, not to exceed eighty thousand
21 dollars, which the court finds reasonable and appropriate from the ~~Innocence~~
22 ~~Compensation Fund~~ **state general fund** to:

23 * * *

24 §921. Youthful Offender Management ~~Fund~~ **Account**; creation

25 A. All probation and parole supervision fees received by the Department of
26 Public Safety and Corrections pursuant to Children's Code Articles 781.1 and 901.1
27 and any amounts appropriated by the legislature to the Youthful Offender
28 Management ~~Fund~~ **Account** shall be deposited immediately upon receipt into the
29 state treasury.

30 B. After compliance with the requirements of Article VII, Section 9(B) of the

1 Constitution of Louisiana, relative to the Bond Security and Redemption Fund, and
 2 prior to monies being placed in the state general fund, an amount equal to that
 3 deposited as required by Subsection A of this Section shall be credited to the special
 4 ~~fund~~ **agency account** hereby created in the state treasury to be known as the
 5 "Youthful Offender Management Fund **Account**". The monies in this ~~fund~~ **account**
 6 shall be used solely as provided by Subsection C of this Section and only in the
 7 amounts appropriated by the legislature. All unexpended and unencumbered monies
 8 in this ~~fund~~ **account** at the end of the fiscal year shall remain in such ~~fund~~ **account**.
 9 ~~All monies in this fund shall be invested by the state treasurer in the same manner~~
 10 ~~as monies in the state general fund, with interest earned on the investment of these~~
 11 ~~monies credited to this fund following compliance with the requirements of Article~~
 12 ~~VII, Section 9(B), relative to the Bond Security and Redemption Fund. **Funding**~~
 13 ~~**deposited into the account shall be considered fees and self-generated revenues**~~
 14 ~~**and shall be available for annual appropriations by the legislature.**~~

15 C. The monies in the Youthful Offender Management Fund **Account** shall
 16 be used solely by the department to supplement appropriated funds for salaries and
 17 other category expenditures within the office of juvenile justice deemed necessary
 18 by the secretary of the department, and to defray cost of collection and disbursement
 19 of monetary assessments imposed as a condition of probation and parole, including
 20 reasonable attorney fees.

21 Section 5. R.S. 17:3138.4 is hereby amended and reenacted to read as follows:

22 §3138.4. Workforce and Innovation for a Stronger Economy Fund **Strategic**
 23 **Planning Council**

24 A. ~~The "Workforce and Innovation for a Stronger Economy Fund",~~
 25 ~~hereinafter referred to in this Section as the "fund", is hereby created within the state~~
 26 ~~treasury as a special fund for the purpose of funding degree and certificate~~
 27 ~~production and research priorities in high demand fields through programs offered~~
 28 ~~by Louisiana's public postsecondary education institutions to meet the state's future~~
 29 ~~workforce and innovation needs.~~

30 B. Monies in the fund shall be invested in the same manner as monies in the

1 ~~general fund. Interest earned on investment of monies in the fund shall be credited~~
 2 ~~to the fund. Unexpended and unencumbered monies in the fund at the end of the~~
 3 ~~fiscal year shall remain in the fund.~~

4 ~~C. Subject to an annual appropriation by the legislature, each fiscal year the~~
 5 ~~sum of forty million dollars shall be deposited into the fund. Monies in the fund~~
 6 ~~shall be appropriated and administered as provided in this Section.~~

7 ~~D.(1) Monies in the fund shall be appropriated to the Board of Regents to be~~
 8 ~~distributed to and used by postsecondary education institutions in accordance with~~
 9 ~~a statewide workforce demand and gap analysis to be developed as provided for in~~
 10 ~~this Section.~~

11 ~~(2) The funds distributed pursuant to this Section shall be used by the~~
 12 ~~institution towards degree and certificate production pursuant to the workforce~~
 13 ~~demand and gap analysis and research priorities according to implementation plans.~~

14 ~~(3) Any funds distributed to any institution that remain unexpended or~~
 15 ~~unobligated at the end of the fiscal year shall be available for use in the subsequent~~
 16 ~~fiscal year by an institution pursuant to their implementation plan.~~

17 ~~(4)(a) Funding shall be distributed by the Board of Regents only upon receipt~~
 18 ~~of certification by the postsecondary education management board on behalf of the~~
 19 ~~receiving public postsecondary education institution that a match of no less than~~
 20 ~~twenty percent of the amount of funding to be distributed has been guaranteed by a~~
 21 ~~private entity. Match certification shall be reported to the Joint Legislative~~
 22 ~~Committee on the Budget within thirty days of the receipt. The certification shall~~
 23 ~~detail the type of private match to be provided, which may include: cash; in-kind~~
 24 ~~donations of technology, personnel, construction materials, facility modification, or~~
 25 ~~tangible property; internships; scholarships; sponsorship of staff or faculty; or faculty~~
 26 ~~endowment. The Workforce and Innovation for a Stronger Economy Fund Strategic~~
 27 ~~Planning (WISE) Council may authorize a match for an institution in types other~~
 28 ~~than those provided for in this Paragraph, upon request of the system president.~~

29 ~~(b) In any fiscal year that the total appropriated funds from the sum of the~~
 30 ~~state general fund and dedicated funds for higher education are below the~~

1 appropriated funding in the prior fiscal year, the WISE Council may at its discretion,
2 delay or waive requirements as set forth in Subparagraph (a) of this Paragraph.

3 E:(1) A Workforce and Innovation for a Stronger Economy ~~Fund~~ Strategic
4 Planning Council, to be referred to as the "WISE Council", shall be established as
5 an independent subcommittee of the Board of Regents and shall be comprised of the
6 president-chancellor of Louisiana State University, the president of the Southern
7 University System, the president of the University of Louisiana System, the president
8 of the Louisiana Community and Technical College System, the commissioner of
9 higher education, the secretary of the Department of Economic Development, the
10 executive director of the Louisiana Workforce Commission, and the chairman of the
11 Workforce Investment Council, or their successors.

12 ~~(2)(a) The WISE Council shall develop a method for the distribution of~~
13 ~~monies in the fund in alignment with the statewide workforce demand and gap~~
14 ~~analysis and research priorities as provided in this Section. The methodology for the~~
15 ~~distribution shall be reevaluated no more than once every three years unless a~~
16 ~~majority of the WISE Council vote to reevaluate the methodology more often.~~

17 ~~(b) The methodology of distribution shall be as follows:~~

18 ~~(i) Eighty percent of funds distributed shall be based on degree and certificate~~
19 ~~production in fields required for four- or five-star jobs, as defined by the Louisiana~~
20 ~~Workforce Commission's Louisiana Star Jobs program or its successors and~~
21 ~~weighted by cost and a prioritization of high demand degree and certificate~~
22 ~~production based on data provided by the Department of Economic Development~~
23 ~~and the Louisiana Workforce Commission.~~

24 ~~(ii) Twenty percent of funds distributed shall be based on federally funded~~
25 ~~research expenditures as defined by the National Science Foundation.~~

26 ~~(iii) The WISE Council shall have the authority to adjust the percentage of~~
27 ~~the distributions by no more than ten percent relative to the distribution of funds~~
28 ~~between degree certification production in Item (i) of this Subparagraph and~~
29 ~~federally funded research expenditures in Item (ii) of this Subparagraph. However,~~
30 ~~in no event shall the distribution based on federally funded research expenditures be~~

1 ~~reduced below twenty percent:~~

2 ~~(3)~~ The WISE Council shall prepare a statewide workforce demand and gap
3 analysis which shall include:

4 (a) Statewide and regional degree and certificate production and research
5 priorities based on an analysis of credential completion at all Louisiana
6 postsecondary education institutions and workforce demand.

7 (b) A prioritization of high-demand degree and certificate production based
8 on data provided by the Department of Economic Development and the Louisiana
9 Workforce Commission.

10 ~~(4)~~(3) The WISE Council and the Board of Regents shall review and approve
11 the statewide workforce demand and gap analysis and research priorities.

12 ~~(5)~~(4) The WISE Council shall review and approve implementation plans
13 submitted by institutions. The implementation plans shall include at a minimum a
14 plan for expenditure of monies and outcomes expected.

15 ~~(6)~~(5) The system presidents shall report annually to the WISE Council on
16 progress towards degree and certificate and research priorities in accordance with the
17 implementation plans.

18 **F.B.** The statewide workforce demand and gap analysis, including any
19 revisions to the analysis, ~~distribution of funds~~, and implementation plans shall be
20 posted on the Board of Regents' website.

21 **G.C.** The WISE Council may create policies and procedures for its own
22 management but shall meet no less than two times per year.

23 **H.D.** The Board of Regents, on behalf of postsecondary education, shall
24 provide annual reporting to the Senate Committee on Education, **the** Senate
25 Committee on Finance, the House Committee on Education, and the House
26 Committee on Appropriations. Such reports shall include the statewide workforce
27 demand and gap analysis, including any revisions to the analysis, ~~distribution of~~
28 ~~funds~~, and implementation plans.

29 ~~I. The Board of Regents shall promulgate rules developed jointly and~~
30 ~~collaboratively by the commissioner of higher education and the system presidents~~

1 for the administration of the fund. Prior to final adoption, the rules shall be approved
2 by the ~~WISE Council.~~

3 J. ~~The fund is in addition to, and separate from, any monies appropriated or~~
4 ~~allocated to any postsecondary education management board. Allocations from this~~
5 ~~fund shall not be included in the Board of Regents' funding formula calculation, nor~~
6 ~~shall it supplant any state general fund allocations provided to institutions. The~~
7 ~~availability of the fund shall not in any way substitute, limit, or otherwise affect the~~
8 ~~allocation of any funds otherwise available to those institutions under state or federal~~
9 ~~laws.~~

10 ~~K.E.~~ All actions of the WISE Council and the implementation of this Section
11 shall be subject to the approval of the Board of Regents.

12 Section 6. R.S. 22:1071(D)(3)(b) and (c) and 1476(A)(2) are hereby amended and
13 reenacted to read as follows:

14 §1071. Enforcement provisions

15 * * *

16 D.

17 * * *

18 (3)

19 * * *

20 (b) After compliance with the requirements of Article VII, Section 9(B) of
21 the Constitution of Louisiana relative to the Bond Security and Redemption Fund,
22 and prior to monies being placed in the state general fund, an amount equal to that
23 deposited as required by Subparagraph (a) of this Paragraph shall be credited to a
24 special fund **agency account to be retained for future appropriation as provided**
25 **in this Section** hereby created in the state treasury to be known as the Administrative
26 Fund **Account** of the Department of Insurance. The monies in this fund **account**
27 shall be used solely as provided by Subparagraph (c) of this Paragraph and only in
28 the amounts appropriated by the legislature. All unexpended and unencumbered
29 monies in this fund **account** at the end of the fiscal year shall remain in such fund.
30 ~~The monies in this fund shall be invested by the state treasurer in the same manner~~

1 as monies in the state general fund and interest earned on the investment of these
2 monies shall be credited to this fund account. Funding deposited into the account
3 shall be considered fees and self-generated revenues and shall be available for
4 annual appropriations by the legislature.

5 (c) The monies in the Administrative Fund Account of the Department of
6 Insurance shall be used solely for the expenses in connection with the administration
7 and enforcement of the provisions of this Subpart.

8 * * *

9 §1476. Assessments against insurers; dedications

10 A.

11 * * *

12 (2) An In every year, an amount equal to ~~two and one-fourth hundredths of~~
13 ~~one percent of the gross direct premiums received in this state, in the preceding year;~~
14 ~~two and thirty-seven hundredths of one percent of the direct gross premiums received~~
15 ~~in this state, in the year 2001; and two and one-half hundredths of one percent of the~~
16 ~~direct gross premiums received in the state, in the year 2003 and every year~~
17 ~~thereafter~~ by insurers doing business in this state and subject to this Subpart, less
18 returned premiums shall be deposited by the commissioner of insurance with the
19 state treasurer to be credited to a special fund agency account, created in the state
20 treasury entitled the Municipal Fire and Police Civil Service Operating Fund
21 Account, hereinafter to be known as the "fund account". Subject to an annual
22 appropriation by the legislature pursuant to the provisions of R.S. 33:2480 and 2540,
23 monies in the fund account shall be used solely to support the operations of the
24 office of state examiner, Municipal Fire and Police Civil Service. Monies in the fund
25 account shall be invested by the treasurer in the same manner as monies in the state
26 general fund and interest earned on investment of these monies shall be credited to
27 the state general fund. All unexpended and unencumbered monies in the fund
28 account at the end of the fiscal year shall ~~revert to the state general fund~~ remain in
29 the account. Funding deposited into the account shall be considered fees and
30 self-generated revenues and shall be available for annual appropriations by the

1 legislature.

2 * * *

3 Section 7. R.S. 23:1170(A), 1172(A), 1172.1(C), 1172.2(D), 1178(D), 1291.1(C)(1)
4 and (E), 1310.3(E), 1310.13, and 1514(D)(5) are hereby amended and reenacted to read as
5 follows:

6 §1170. Penalty for failure to secure workers' compensation insurance; assessment
7 and collection

8 A. In addition to any other penalty prescribed by law, any employer who fails
9 to secure compensation required by R.S. 23:1168 shall be liable for a civil penalty,
10 to be assessed by the workers' compensation judge, of not more than two hundred
11 fifty dollars per employee for a first offense, and liable for a civil penalty of not more
12 than five hundred dollars per employee for a second or subsequent offense; however,
13 the maximum civil penalty for a first offense shall not exceed ten thousand dollars
14 for all related series of violations. All civil penalties collected shall be deposited in
15 the Office of Workers' Compensation Administrative ~~Fund~~ Account established in
16 R.S. 23:1291.1(E).

17 * * *

18 §1172. Criminal penalties

19 A. Any employer who willfully fails to provide security for compensation
20 required by R.S. 23:1168 shall be subject to a fine of up to two hundred fifty dollars
21 per day that the employer willfully failed to provide security for compensation or
22 imprisonment with or without hard labor for not more than one year, or both such
23 fine and imprisonment. All fines collected shall be deposited in the Office of
24 Workers' Compensation Administrative ~~Fund~~ Account established in R.S.
25 23:1291.1(E) .

26 * * *

27 §1172.1. Willful misrepresentation by employer; aid or abet; criminal penalties;
28 civil immunity

29 * * *

30 C. Whoever violates any provision of this Section shall be imprisoned, with

1 or without hard labor, for not less than one year nor more than ten years, or fined up
 2 to two hundred fifty dollars per day that the employer willfully failed to provide
 3 security for compensation, or both. All fines collected shall be deposited in the
 4 Office of Workers' Compensation Administrative ~~Fund~~ Account established in R.S.
 5 23:1291.1(E).

* * *

7 §1172.2. Unlawful practices

* * *

9 D. Whoever violates any provision of this Section shall be imprisoned, with
 10 or without hard labor, for not less than one year nor more than ten years, or fined up
 11 to two hundred fifty dollars per day that such person's violation of any provision of
 12 this Section resulted in failure to properly provide security for compensation, or
 13 both. All fines collected shall be deposited in the Office of Workers' Compensation
 14 Administrative ~~Fund~~ Account established in R.S. 23:1291.1(E).

* * *

16 §1178. Cost containment meeting; incentive discount

* * *

18 D. Any eligible employer who has been given notice of a cost containment
 19 meeting, and fails to attend shall be fined an amount ~~equalling~~ equaling two percent
 20 of the Louisiana workers' compensation premium for the succeeding policy year.
 21 The fine shall be payable to the executive director of the commission and shall be
 22 remitted to the state treasurer for deposit in the Office of Workers' Compensation
 23 Administrative ~~Fund~~ Account.

* * *

25 §1291.1. Annual reports; assessment; collection

* * *

27 C.(1) The director of the office of workers' compensation administration
 28 shall provide by regulation for the collection of the amounts assessed against each
 29 insurer and employer. Collection of funds under the provisions of this Subsection
 30 shall be accomplished by the office of workers' compensation administration, the

1 amount collected to be determined by the director. Such amounts shall be paid into
2 the Office of Workers' Compensation Administrative ~~Fund~~ Account within thirty
3 days from the date that notice is served upon such insurer or employer.

4 * * *

5 E. There is hereby created and established in the state treasury a special ~~fund~~
6 agency account, which shall be designated as the "Office of Worker's Compensation
7 Administrative ~~Fund~~ Account". The ~~fund~~ account shall be maintained as a separate
8 account in the treasury for the sole purpose of funding the administrative expenses
9 of the office of worker's compensation administration of the Louisiana Workforce
10 Commission as set forth in R.S. 23:1291 et seq. Funds shall be withdrawn therefrom
11 only pursuant to legislative appropriation and shall be subject to budgetary control
12 as provided by law. All remaining and unencumbered balances at the end of any
13 fiscal year shall remain to the credit of the ~~fund~~ account and shall be used solely for
14 the purpose stated in this Section. Funding deposited into the account shall be
15 considered fees and self-generated revenues and shall be available for annual
16 appropriations by the legislature.

17 * * *

18 §1310.3. Initiation of claims; voluntary mediation; procedure

19 * * *

20 E. If any party fails to appear at a mediation conference ordered by the judge
21 or requested by the parties after proper notice, the workers' compensation judge upon
22 request of a party may fine the delinquent party an amount not to exceed five
23 hundred dollars, which shall be payable to the Office of Workers' Compensation
24 Administrative ~~Fund~~ Account. In addition, the workers' compensation judge may
25 assess against the party failing to attend costs and reasonable attorney fees incurred
26 by any other party in connection with the conference. The penalties provided for in
27 this Subsection shall be assessed by the workers' compensation judge only after a
28 contradictory hearing which shall be held prior to the hearing on the merits of the
29 dispute.

30 * * *

1 §1310.13. Expenses of director; penalties imposed by Act; payment into special
2 state treasury fund

3 All penalties imposed by the Worker's Compensation Act, except those
4 specifically payable to claimants, or as otherwise specifically provided by law, shall
5 be deposited into the Office of Worker's Compensation Administrative ~~Fund~~
6 **Account** and used in those amounts appropriated by the legislature as provided for
7 in R.S. 23:1291.1(E).

8 * * *

9 §1514. Worker training fund; purpose; training programs; eligibility criteria;
10 program administration

11 * * *

12 D.

13 * * *

14 (5) The administrator may annually set aside an amount up to ten percent of
15 the amount appropriated to the fund by the state legislature for preemployment
16 training in any year in which the legislature appropriates funds for training equal to
17 or exceeding those funds appropriated in the previous year to the Rapid Response
18 Fund created by R.S. 51:2361 or to the Louisiana Economic Development Fund
19 created by R.S. 51:2315 **to be used exclusively for the Louisiana FastStart**
20 **Program**. All preemployment training shall require an employer matching
21 contribution of not more than fifty percent, and job placement outcomes at wage
22 rates commensurate with training, as determined by the administrator pursuant to
23 duly promulgated rules and regulations.

24 * * *

25 Section 8. R.S. 24:653(N)(3) is hereby amended and reenacted to read as follows:

26 §653. Duties and functions

27 * * *

28 N.

29 * * *

30 (3) No later than September 1, 2017, and every ~~two years~~ **year** thereafter, the

1 committee shall provide for the dedicated fund review subcommittee.

2 * * *

3 Section 9. R.S. 30:2004(11), 2014(B), (D)(4)(a) and the introductory paragraph of
4 (b), 2015(A), (B), the introductory paragraph of (C), the introductory paragraph of (D), and
5 (E), 2035(B)(1), 2054(B)(8), 2109(A) and (C), 2192(B)(4), 2195(B), (C), and (E),
6 2195.2(A)(4), 2195.4(C)(1) and (2), 2195.5, 2205(A)(1), and 2552(A), (B), and (C) are
7 hereby amended and reenacted and R.S. 30:2015(C)(8) is hereby enacted to read as follows:

8 §2004. Definitions

9 The following terms as used in this Subtitle, unless the context otherwise
10 requires or unless redefined by a particular Chapter hereof, shall have the following
11 meanings:

12 * * *

13 (11) "Response ~~fund~~ **account**" means the Environmental Trust ~~Fund~~ **Account**
14 created in R.S. 30:2015.

15 * * *

16 §2014. Permits, licenses, registrations, variances, and fees

17 * * *

18 B. In order to provide for adequate permitting, monitoring, investigation,
19 administration, and other activities required for the maintenance of a healthful and
20 safe environment, an initial fee and an annual monitoring and maintenance fee shall
21 be charged for all permits, licenses, registrations, or variances authorized by this
22 Subtitle. These fees shall be determined, except as otherwise provided in this Subtitle
23 relative to maximum amounts of fees, using a formula developed by rules to be
24 based upon a cost equal to the cost of the annual maintenance, permitting,
25 monitoring, investigation, administration, and other activities required therewith,
26 including any effects the volume of emissions or effluents may have on such
27 activities. Any such formula or fees shall be adopted by the department by rule in
28 accordance with the Administrative Procedure Act, R.S. 49:950 et seq. Funds
29 generated from these fees shall be deposited in the Environmental Trust ~~Fund~~
30 **Account** as provided in R.S. 30:2015.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

* * *

D.

* * *

(4)(a) In accordance with the provisions of Article VII, Section 2.1 of the Constitution of Louisiana, and notwithstanding any other provision of law, the Department of Environmental Quality may modify any fee that is in effect on June 30, 2002, is authorized by this Title, and is required to be deposited into the Environmental Trust ~~Fund~~ **Account**. Such a modification may increase the rate in effect on June 30, 2002, over the two-year fiscal period beginning July 1, 2002, as follows: the department may increase any such fee by a maximum of twenty percent, effective on or after July 1, 2002, and by a maximum of ten percent above the rate in effect on June 30, 2003, effective on or after July 1, 2003. Within ninety days of the promulgation and adoption of any regulation necessary to implement the fees herein, the Department of Environmental Quality shall submit a written report to the Joint Legislative Committee on the Budget for its approval which details the proposed use for the fee increase, efforts to decrease the processing time for permits, efforts to increase the number of inspections conducted at regulated facilities, enforcement activities, and efforts to increase the collection of fines imposed by the Department of Environmental Quality.

(b) Notwithstanding any other provision of law to the contrary, the Department of Environmental Quality may increase the following fees from the amounts in effect on March 14, 2015, as authorized by this Title or any rule or regulation promulgated pursuant thereto, and is required to be deposited into the Environmental Trust ~~Fund~~ **Account** as follows:

* * *

§2015. Environmental Trust ~~Fund~~ **Account**

A. In order to fulfill the constitutional mandate of Article IX of the Louisiana Constitution to protect, conserve, and replenish the natural resources of the state, the legislature hereby declares that sufficient funds shall be available to the Department of Environmental Quality to fulfill that mandate. It is the intent of this Section to

1 insure that all funds generated by the department are used to fulfill and carry out its
 2 powers, duties, and functions as provided by law.

3 B. There is hereby established a ~~fund~~ **an agency account** in the state treasury
 4 to be known as the "Environmental Trust ~~Fund~~ **Account**", hereafter referred to as the
 5 "~~trust fund~~ **account**", into which the state treasurer shall each fiscal year deposit the
 6 revenues received from those sources provided for by Subsection C of this Section
 7 and other sources as provided for by law after those revenues have been deposited
 8 in the Bond Security and Redemption Fund. Out of the funds remaining in the Bond
 9 Security and Redemption Fund after a sufficient amount is allocated from that fund
 10 to pay all obligations secured by the full faith and credit of the state that become due
 11 and payable within each fiscal year, the treasurer, prior to placing such funds in the
 12 state general fund, shall pay into the trust ~~fund~~ **account** an amount equal to the
 13 revenue generated from collection from those sources provided for by Subsection C
 14 of this Section and other sources as provided for by law. No expenditures shall be
 15 made from the trust ~~fund~~ **account** unless first appropriated by the legislature. ~~The~~
 16 ~~monies in the trust fund shall be invested by the state treasurer in the same manner~~
 17 ~~as monies in the state general fund. All interest earned on money from the fund and~~
 18 ~~invested by the state treasurer shall be credited to the Environmental Trust Fund.~~ **All**
 19 **unexpended and unencumbered monies in the account at the end of the fiscal**
 20 **year shall remain in the account and be available for expenditure in the next**
 21 **fiscal year. Funding deposited into the account shall be considered fees and self-**
 22 **generated revenues and shall be available for annual appropriations by the**
 23 **legislature.**

24 C. The Environmental Trust ~~Fund~~ **Account** shall consist of all revenues
 25 generated from the following sources:

26 * * *

27 **(8) All remaining and unencumbered balances of the Environmental**
 28 **Trust Fund.**

29 D. The monies in the Environmental Trust ~~Fund~~ **Account** shall be used for
 30 the following purposes:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

* * *

E. In any cases where monies from the trust ~~fund~~ **account** are expended, the attorney general shall institute a civil action to recover from the responsible persons all such monies expended from the trust ~~fund~~ **account**. If the secretary requests that the attorney general institute a civil action to recover monies expended from the trust ~~fund~~ **account** and the attorney general declines to institute such action or does not respond within sixty days of such request and agree to institute a civil action, an attorney from the department may, with the concurrence of the attorney general, institute a civil action to recover monies expended from the trust ~~fund~~ **account**. Any monies so recovered shall be paid into the trust ~~fund~~ **account**.

* * *

§2035. Environmental Emergency Response Training Program

* * *

B.(1) The chief of each eligible agency including any municipality or parish may apply to the department for allocation of funds from the Environmental Trust ~~Fund~~ **Account** to provide or secure the training authorized by this Section.

* * *

§2054. Air quality control; secretary of environmental quality; powers and duties

* * *

B. The secretary shall have the following powers and duties:

* * *

(8) To establish and implement a program for the control and abatement of motor vehicle emissions in accordance with R.S. 30:2060 and other applicable state and federal laws, particularly the Clean Air Act as amended, but not to exceed the requirements provided in such act unless specifically authorized. Such program shall be applicable only in parishes and municipalities as necessary to comply with the requirements of the federal Clean Air Act or regulations promulgated by the United States Environmental Protection Agency. If such program includes the periodic inspection of motor vehicles, the frequency of performing such inspections shall be as allowed by federal law or regulations or by agreements with federal agencies.

1 During each calendar year, the secretary may exempt vehicles of that model year and
 2 vehicles from prior model years from on-board diagnostic (OBD II) testing. The fees
 3 due the department for this program pursuant to R.S. 32:1306(C)(3) shall be
 4 deposited into the Environmental Trust Fund Account. ~~The inspection and~~
 5 ~~maintenance of motor vehicles as required by this Paragraph shall begin on January~~
 6 ~~1, 2000.~~

7 * * *

8 §2109. Nuclear power facilities; emergency planning; findings

9 A. The legislature finds and declares that it is necessary that the secretary of
 10 environmental quality be empowered upon a declaration of a state of disaster
 11 emergency, as provided for in Subsection C of this Section, and which is related to
 12 a source of radiation, to enter into contracts and agreements necessary to perform
 13 duties assigned under any radiological response plan and to expend funds from the
 14 Environmental Trust Fund Account for such purposes, according to the provisions
 15 of R.S. 30:2015.

16 * * *

17 C. Upon a declaration of a state of disaster emergency pursuant to and in
 18 accordance with ~~R.S. 29:705 or R.S. 29:706~~ Chapter 6 of Title 29 of the Louisiana
 19 Revised Statutes of 1950 related to a source of radiation, the secretary of the
 20 Department of Environmental Quality is authorized to enter into any contracts or
 21 agreements necessary to perform any duty or function required of the secretary in
 22 any radiological response plan. The secretary is authorized to expend funds from the
 23 Environmental Trust Fund Account in the performance of such duties in accordance
 24 with the provisions of R.S. 30:2015.

25 * * *

26 §2192. Treatment, storage, and disposal facilities

27 * * *

28 B. The regulations at a minimum shall require:

29 * * *

30 (4) A surety bond in favor of the state, a certificate of public liability

1 insurance, payments into the Environmental Trust ~~Fund~~ Account, other financial
 2 assurance, or any combination thereof, sufficient to assure financial responsibility
 3 for damages resulting from accidents or negligence, when corrective action is
 4 required or as specified in the permit, and to assure closure and post-closure care,
 5 said assurance to be consistent with the degree and duration of risks associated with
 6 the treatment, storage, or disposal of the type of hazardous waste handled.

7 * * *

8 §2195. Motor Fuels Underground Storage Tank Trust Fund

9 * * *

10 B. There is hereby established a special custodial trust fund in the state
 11 treasury to be known as the Motor Fuel Underground Storage Tank Trust Fund,
 12 hereafter referred to as the "Tank Trust Fund", into which the state treasurer shall,
 13 each fiscal year, deposit the revenues received from the collection of the fees as
 14 established in R.S. 30:2195.3(A)(1)(a) and (B). The secretary is authorized pursuant
 15 to Article VII, Section 9(A) of the Constitution of Louisiana and R.S. 30:2031 to
 16 enter into an agreement with a private legal entity to receive and administer the Tank
 17 Trust Fund for the purpose of providing financial responsibility for underground
 18 motor fuel storage tanks. On an annual basis, all owners of registered tanks shall
 19 remit to the department a tank registration fee of sixty dollars for each tank. The
 20 revenue from the tank registration fees shall be deposited directly into the
 21 Environmental Trust ~~Fund~~ Account as provided by R.S. 30:2015 and utilized for
 22 underground storage tank activities only, and any deviation from the aforesaid shall
 23 be documented and reported to the House Committee on Natural Resources and
 24 Environment and the Senate Committee on Environmental Quality. Revenues
 25 received from annual maintenance and monitoring fees, other than those established
 26 in R.S. 30:2195.3(B), shall be deposited into the Environmental Trust ~~Fund~~ Account.
 27 The department shall promulgate rules and regulations for the implementation of this
 28 Section in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

29 C. Monies so deposited in the Environmental Trust ~~Fund~~ Account shall be
 30 used to defray the cost to the state of administering the underground storage tank

1 program and the cost of investigation, testing, containment, control, and cleanup of
 2 releases from underground storage tanks containing regulated substances. Only
 3 monies recovered pursuant to R.S. 30:2195.2(A)(2) and deposited in the Tank Trust
 4 Fund may be used for the loans authorized by R.S. 30:2195.12(E). These monies
 5 shall also be used to provide money or services as the state share of matching funds
 6 for federal grants involving underground storage tanks. At the end of each fiscal
 7 year, all monies that were deposited into the Environmental Trust Fund Account
 8 from the fees established in R.S. 30:2195.3(A)(1)(a) and (B) which remain unspent,
 9 including all accrued interest, shall be transferred to the Tank Trust Fund.

10 * * *

11 E. Annually, the department shall prepare a report for the House Committee
 12 on Natural Resources and Environment and the Senate Committee on Environmental
 13 Quality of all disbursements of monies from the Tank Trust Fund and the
 14 Environmental Trust Fund Account. The report shall include all loans made from the
 15 Tank Trust Fund, the number of sites actively seeking reimbursement from the Tank
 16 Trust Fund as of June thirtieth of each year, the number of sites deemed eligible for
 17 the Tank Trust Fund during the previous fiscal year, and the number of sites that
 18 have been granted "No Further Action", and the department has received the last
 19 application for reimbursement during the previous fiscal year. Regarding
 20 disbursements from the Tank Trust Fund as provided by R.S. 30:2195.2, the report
 21 shall include a list of all reimbursements, all pending reimbursements, the date the
 22 application was made for reimbursement, and the date reimbursement was made by
 23 the department. The report shall be delivered to the respective legislative committees
 24 no later than March first of each year.

25 * * *

26 §2195.2. Uses of the Tank Trust Fund

27 A. The department shall administer the Tank Trust Fund and shall make
 28 disbursements from the fund for all necessary and appropriate expenditures. Pursuant
 29 to the authorization in R.S. 30:2195, the secretary of the Department of
 30 Environmental Quality shall use the Tank Trust Fund as follows:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

* * *

(4) The Environmental Trust ~~Fund~~ Account may be used to reimburse or pay for any costs associated with the review of applications for reimbursement from the trust, legal fees associated with the collection of costs from parties who are not eligible participants, audits of the Tank Trust Fund and bulk operators, and accounting and reporting of the uses of the trust. The Environmental Trust ~~Fund~~ Account will also reimburse the Department of Environmental Quality for costs associated with administering the underground storage tank program in accordance with R.S. 30:2195(C) up to the amount appropriated pursuant to R.S. 30:2195(B).

* * *

§2195.4. Procedures for disbursements from the Tank Trust Fund

* * *

C.(1) For any month during which the collection of fees assessed pursuant to R.S. 30:2195.3 is suspended, the treasurer shall transfer an amount equal to twenty percent of the average monthly fee amount collected according to the schedule specified in R.S. 30:2195.3(A)(1) from the trust into the Environmental Trust ~~Fund~~ Account for use as provided by R.S. ~~30:2195.3(A)(9)~~ 30:2015.

(2) If the secretary determines that the funds deposited on a monthly basis into the Environmental Trust ~~Fund~~ Account pursuant to R.S. 30:2195(B) are insufficient relative to the legislatively approved fiscal appropriation for the department during a given year, the secretary may order the treasurer to transfer from the Tank Trust Fund to the Environmental Trust ~~Fund~~ Account only that amount necessary to reach the authorized ceiling.

§2195.5. Audits

An annual independent audit of the Tank Trust Fund shall be conducted. Such funds as are necessary to perform the audit shall be authorized from the Tank Trust Fund. The secretary shall authorize funding from the Environmental Trust ~~Fund~~ Account, R.S. 30:2015, for the purpose of auditing bulk operators regarding the remittance of motor fuel delivery fees.

* * *

1 §2205. Hazardous Waste Site Cleanup Fund

2 A.(1) All sums recovered through judgments, settlements, assessments of
 3 civil or criminal penalties, funds recovered by suit or settlement from potentially
 4 responsible parties for active or abandoned site remediation or cleanup, or otherwise
 5 under this Subtitle, or other applicable law, each fiscal year for violation of this
 6 Subtitle, shall be paid into the state treasury and shall be credited to the Bond
 7 Security and Redemption Fund. After a sufficient amount is allocated from that fund
 8 to pay all obligations secured by the full faith and credit of the state which become
 9 due and payable within any fiscal year, the treasurer, prior to placing such remaining
 10 funds in the state general fund, shall pay into a special fund, which is hereby created
 11 in the state treasury and designated as the "Hazardous Waste Site Cleanup Fund", all
 12 of those funds generated by the hazardous waste tax under the provisions of Chapter
 13 7-A of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950 and the sums
 14 recovered through all judgments, settlements, assessments of civil or criminal
 15 penalties, fees and oversight costs received from potentially responsible parties for
 16 the department's work in overseeing of assessment and remediation at inactive or
 17 abandoned sites, funds recovered by suit or settlement from potentially responsible
 18 parties for active or abandoned site remediation or cleanup, or otherwise, for
 19 violation of this Subtitle, except as provided in R.S. 30:2025 and 2198; however, the
 20 balance in the fund shall not exceed six million dollars at any time and upon the
 21 accumulation of six million dollars in the fund, the treasurer shall pay all remaining
 22 sums provided for in this Subsection into the Environmental Trust Fund Account,
 23 R.S. 30:2015.

24 * * *

25 §2552. ~~Brownfields Cleanup Revolving Loan Fund Program; authority~~ Authority

26 to make loans and grants; incur debt; tax exemption

27 A. Any political subdivision, public trust, quasi governmental organization,
 28 or eligible nonprofit or private entity, ~~except as provided in R.S. 30:2551(C)~~ other
 29 than a responsible person, is hereby authorized to make loans from and incur debt
 30 payable to the department in accordance with the provisions of this Section. The

1 making of a loan ~~from the Brownfields Cleanup Revolving Loan Fund~~ and the
2 issuance of debt evidencing such loan by any political subdivision, eligible nonprofit
3 organization, or eligible private entity shall be approved by the State Bond
4 Commission. This Section shall not be deemed to be the exclusive authority under
5 which a political subdivision, eligible nonprofit organization, or eligible private
6 entity may borrow money from or incur indebtedness to the department. ~~The~~
7 ~~department shall aggressively pursue leveraging of all funds to the maximum amount~~
8 ~~allowable by law.~~

9 B. All bonds, notes, or other evidence of indebtedness of any political
10 subdivision, public trust, quasi governmental organization, or eligible nonprofit or
11 private entity issued to represent a loan from the department ~~or the fund~~ shall be
12 authorized and issued pursuant to a resolution of the governing authority of such
13 entity, which resolution shall prescribe the form and details thereof, including the
14 terms, security for, manner of execution, repayment schedule, and redemption
15 features thereof, and such resolution may provide that an officer of such entity may
16 execute in connection with such obligation any related contract, including but not
17 limited to a credit enhancement device, indenture of trust, loan agreement, pledge
18 agreement, or other agreement or contract needed to accomplish the purposes for
19 which ~~said~~ **the** evidence of indebtedness is given, in substantially the form attached
20 to said resolution, but which final executed credit enhancement device, indenture of
21 trust, loan agreement, pledge, or other contract or agreement may contain such
22 changes, additions, and deletions as shall in the sole opinion of the executing officer
23 be appropriate under the circumstances. Any such resolution shall include a
24 statement as to the maximum principal amount of any such obligation, the maximum
25 interest rate to be incurred or borne by ~~said~~ **the** obligation or guaranteed by ~~said~~ **the**
26 obligation, the maximum redemption premium, if any, and the maximum term in
27 years for such obligation, guarantee, or pledge.

28 C. Notwithstanding any other provision of law to the contrary, a political
29 subdivision, public trust, quasi governmental organization, or eligible nonprofit
30 entity, upon entering into a loan ~~in accordance with the fund as provided in R.S.~~

1 Department of Transportation and Development and used solely for bicycle and
2 pedestrian safety.

3 * * *

4 §402.3. Motorcycle Safety, Awareness, and Operator Training Program; ~~fund~~
5 account

6 * * *

7 I. The Motorcycle Safety, Awareness, and Operator Training Program ~~Fund~~
8 Account, provided for in R.S. 32:412(C)(2) shall continue to fund the operator
9 training, instructor training, and motorcycle safety and awareness programs under
10 the operation of the Department of Public Safety and Corrections.

11 * * *

12 §412. Amount of fees; credit or refund; duration of license; veteran designation;
13 disabled veteran designation; university logo; "I'm a Cajun"
14 designation; needs accommodation designation; disbursement of
15 funds; renewal by mail or electronic commerce of Class "D" or "E"
16 drivers' licenses; disposition of certain fees; exception

17 * * *

18 C.

19 * * *

20 (2) Notwithstanding any provisions of law to the contrary and subject to the
21 exceptions contained in Article VII, Section 9(A) of the Constitution of Louisiana,
22 the amount of seven dollars and fifty cents from the fee for a motorcycle or motor
23 scooter endorsement to a basic license, or the amount of three dollars from the fee
24 if the motorcycle endorsement for any person is to a license that is valid for only less
25 than six years shall be credited to the Bond Security and Redemption Fund. After a
26 sufficient amount is allocated from that fund to pay all obligations secured by the full
27 faith and credit of the state which become due and payable within any fiscal years,
28 the treasurer shall pay an amount equal to the fees paid into the Bond Security and
29 Redemption Fund pursuant to this Paragraph into a special ~~fund~~ agency account
30 which is hereby created in the state treasury and designated as the "Motorcycle

1 Safety, Awareness, and Operator Training Program ~~Fund~~ **Account**", hereinafter **to**
 2 **be** referred to as the "~~fund~~ **account**". The monies credited to the ~~fund~~ **account** shall
 3 be used solely for operator training, instructor training, and motorcycle safety and
 4 awareness programs. Any unexpended and unencumbered monies remaining to the
 5 credit of the ~~fund~~ **account** on June thirtieth of each year, after all appropriations of
 6 the preceding fiscal year have been made, shall revert to the state general fund. The
 7 monies in the ~~fund~~ **account** shall be expended solely from year to year as
 8 appropriated by the legislature for the purposes of motorcycle safety and awareness
 9 and operator training. Any amounts earned through investment of the monies in the
 10 ~~fund~~ **account** shall revert to the state general fund. **Funding deposited into the**
 11 **account shall be considered fees and self-generated revenues and shall be**
 12 **available for annual appropriations by the legislature.**

13 * * *

14 Section 11. R.S. 39:82(A) and 352 are hereby amended and reenacted to read as
 15 follows:

16 §82. Remission of cash balances to the state treasurer; authorized withdrawals of
 17 state monies after the close of the fiscal year; reports

18 A. All cash balances occurring from appropriations made by legislative act
 19 or by the Interim Emergency Board regardless of date of passage to any state agency
 20 for which no bona fide liability exists on the last day of each fiscal year shall be
 21 remitted to the state treasurer by the fifteenth day following the last day of the fiscal
 22 year. Any appropriations including those made by the Interim Emergency Board of
 23 the preceding fiscal year remaining at the end of the fiscal year against which bona
 24 fide liabilities existed as of the last day of the fiscal year may be withdrawn from the
 25 state treasury during the forty-five day period after the last day of the fiscal year only
 26 as such liabilities come due for payment. ~~Prior to placing monies associated with~~
 27 ~~such unexpended appropriations into the state general fund, the state treasurer shall~~
 28 ~~transfer all cash balances identified and reported by the commissioner of~~
 29 ~~administration as being from unexpended and unencumbered state general fund~~
 30 ~~(direct) and Overcollections Fund appropriations for professional, personal, and~~

1 consulting service contracts not approved by the Joint Legislative Committee on the
 2 Budget as provided in R.S. 39:1590 and remaining at the end of each fiscal year for
 3 deposit in and credit to the Higher Education Financing Fund as are necessary to
 4 satisfy the requirements of R.S. 39:100.146, and then shall make deposits to the
 5 Payments Towards the UAL Fund as are necessary to satisfy the requirements of
 6 R.S. 39:100.11.

7 * * *

8 §352. Cancellation of unexpended portions of appropriations; exceptions

9 Whenever any specific appropriation is made to meet any item of expenditure
 10 which occurs annually by provision of law or for contingent expense, and any
 11 portion of it remains unexpended at the end of the year for which the specific
 12 appropriation was made, after all legal claims against it for the year have been paid,
 13 the commissioner of administration shall cancel any balance of the appropriation,
 14 and each succeeding year he shall open a new account for the appropriation which
 15 may be made for that particular year, without carrying forward any unexpended
 16 balance of appropriation made for any previous year. This provision shall not apply
 17 to appropriations made to pay the debt of the state, principal and interest. ~~Prior to~~
 18 ~~placing monies associated with such unexpended appropriations into the state general~~
 19 ~~fund, the state treasurer shall transfer all cash balances identified and reported by the~~
 20 ~~commissioner of administration as being from unexpended and unencumbered state~~
 21 ~~general fund (direct) and Overcollections Fund appropriations for professional,~~
 22 ~~personal, and consulting service contracts not approved by the Joint Legislative~~
 23 ~~Committee on the Budget as provided in R.S. 39:1590 remaining at the end of each~~
 24 ~~fiscal year for deposit in and credit to the Higher Education Financing Fund as is~~
 25 ~~necessary to satisfy the requirements of R.S. 39:100.146 and then shall make~~
 26 ~~deposits to the Payments Towards the UAL Fund as are necessary to satisfy the~~
 27 ~~requirements of R.S. 39:100.11.~~

28 * * *

29 Section 12. R.S. 39:91(B) and 100.136 are hereby amended and reenacted to read
 30 as follows:

1 §91. Deepwater Horizon Economic Damages Collection Fund

2 * * *

3 B. All economic damages proceeds from the DWH litigation in excess of the
4 first two hundred million dollars deposited in the Fiscal Year 2015-2016 Deficit
5 Elimination Fund shall be deposited by the treasurer as follows:

6 (1) Forty-five percent of each such receipt of economic damages proceeds to
7 the Budget Stabilization Fund until that fund reaches the amount statutorily
8 mandated by R.S. 39:94.

9 (2) Forty-five percent of each such receipt of economic damages proceeds
10 to the Medicaid Trust Fund for the Elderly provided for in R.S. 46:2691 until an
11 amount not to exceed seven hundred million dollars has been deposited into such
12 fund.

13 (3) ~~Ten percent~~ **The balance** of each such receipt of economic damages
14 proceeds to the ~~Health Trust Fund provided for in R.S. 46:2731 until an amount not~~
15 ~~to exceed thirty million dollars has been deposited into such fund~~ **state general**
16 **fund.**

17 * * *

18 §100.136. ~~Specialized Educational Institutions Support~~ **Unfunded Accrued**
19 **Liability** Fund

20 A. There is hereby established in the state treasury a special fund to be known
21 as the "Unfunded Accrued Liability and ~~Specialized Educational Institutions Support~~
22 Fund", hereinafter referred to as "fund". ~~The fund shall be composed of two~~
23 ~~accounts: the UAL Account and the Specialized Educational Institutions Account.~~
24 The source of monies for the fund shall be those state revenues deposited into the
25 fund pursuant to the requirements of R.S. 47:6351. Monies in the fund shall be
26 invested in the same manner as those in the state general fund. Monies remaining in
27 the fund at the end of the fiscal year shall ~~be deposited into the UAL Account~~
28 **remain in the fund.**

29 B. Monies in the fund shall be available for appropriation exclusively for ~~(±)~~
30 payments against the unfunded accrued liability of the public retirement systems

1 which are in addition to any payments required for the annual amortization of the
 2 unfunded accrued liability of the public retirement systems, as required by Article
 3 X, Section 29(E)(2)(c) of the Constitution of Louisiana; however, any such payments
 4 to the public retirement systems shall not be used, directly or indirectly, to fund
 5 cost-of-living increases for such systems and (2) the support of operations of the
 6 Louisiana Cancer Research Center of L.S.U. Health Sciences Center in New
 7 Orleans/Tulane Health Sciences Center, the Feist-Weiller Cancer Center of LSU
 8 Health Sciences Center - Shreveport, the Pennington Biomedical Research Center,
 9 the Louisiana State University Agricultural Center, and the Southern University
 10 Agricultural Research and Extension Center. Monies appropriated from the fund
 11 shall not be used in any fiscal year to displace, replace, or supplant state general fund
 12 support for these agencies.

13 C.(1) ~~Appropriations from the Specialized Educational Institutions Account~~
 14 ~~in any fiscal year shall be allocated as provided in this Paragraph; however, in the~~
 15 ~~event that the amount available for appropriation in any fiscal year is insufficient to~~
 16 ~~provide for such allocations, the amounts allocated shall be reduced proportionately.~~

17 (a) ~~Five Million Dollars for the Louisiana Cancer Research Center of L.S.U.~~
 18 ~~Health Sciences Center in New Orleans/Tulane Health Sciences Center.~~

19 (b) ~~Five Million Dollars for the Feist-Weiller Cancer Center of LSU Health~~
 20 ~~Sciences Center - Shreveport.~~

21 (c) ~~Ten Million Dollars for the Louisiana State University Agricultural~~
 22 ~~Center.~~

23 (d) ~~Five Million Dollars for the Pennington Biomedical Research Center.~~

24 (e) ~~Five Million Dollars for the Southern University Agricultural Research~~
 25 ~~and Extension Center.~~

26 (2) Appropriations from the UAL Account shall be exclusively for additional
 27 payments against the unfunded accrued liability of the public retirement systems as
 28 provided in Subsection B of this Section.

29 Section 13. R.S. 40:1135.10 is hereby amended and reenacted to read as follows:

30 §1135.10. Emergency medical technician fund **account**

1 A. There is hereby established a special ~~fund~~ **account** in the state treasury to
 2 be known as the Emergency Medical Technician ~~Fund~~ **Account**, hereafter referred
 3 to as "~~fund~~ **account**", which shall consist of monies generated by the fees collected
 4 from the purchase of prestige license plates for certified emergency medical
 5 technicians as provided in R.S. 47:463.47. In addition, the legislature may make
 6 annual appropriations to the ~~fund~~ **account** for the purposes set forth in this Section.

7 B. All monies collected pursuant to R.S. 47:463.47 shall be deposited in the
 8 Bond Security and Redemption Fund as required by Article VII, Section 9(B) of the
 9 Constitution of Louisiana and thereafter shall be credited to ~~the fund~~ **a special**
 10 **agency account. Funding deposited into the account shall be considered fees**
 11 **and self-generated revenues and shall be available for annual appropriations by**
 12 **the legislature.**

13 C. The monies in the ~~fund~~ **account** shall be appropriated to the Louisiana
 14 Department of Health solely for purchasing equipment for the testing of applicants
 15 for certification as an emergency medical technician and to cover other testing-
 16 related costs. All unexpended and unencumbered monies remaining in the ~~fund~~
 17 **account** at the close of each fiscal year shall remain in the ~~fund~~ **account**. ~~Monies in~~
 18 ~~the fund shall be invested by the state treasurer in the same manner as monies in the~~
 19 ~~state general fund. All interest earned from the investment of monies in the fund~~
 20 ~~shall be deposited and remain to the credit of the fund.~~

21 Section 14. R.S. 46:1301(A)(1) is hereby amended and reenacted to read as follows:

22 §1301. Services to autistic persons; center of excellence for autism spectrum
 23 disorder; responsibility

24 A. The Louisiana Department of Health shall be responsible for providing
 25 services to autistic persons, with the exception of those delineated by Part I of
 26 Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950 and provided for by
 27 the Department of Education or the local school board or otherwise mandated by law
 28 to be provided by the Department of Education or the local school board. The
 29 Louisiana Department of Health shall be responsible for:

30 (1) The establishment of a center of excellence for autism spectrum disorder

1 within the office for citizens with developmental disabilities. This center may be
 2 operated by the office through formal agreements with the Department of Education
 3 and other appropriate public and private agencies including but not limited to
 4 Louisiana State University Health Sciences Center-New Orleans, Louisiana State
 5 University Health Sciences Center-Shreveport, and St. Mary's Residential Training
 6 School in Alexandria, or others. ~~Upon the creation of a special fund by the~~
 7 ~~legislature, the center is empowered to receive by gift, grant, donation, or otherwise~~
 8 ~~any sum of money, property, aid, or assistance from any person, firm, or corporation.~~
 9 This center should be the core of activities providing services to autistic citizens
 10 including but not limited to early diagnosis and intervention and individualized
 11 programs involving school, home, and community throughout the life span of autistic
 12 citizens. The center shall give assistance to private and public agencies providing
 13 services to autistic citizens and their families. The center shall become a resource
 14 and training facility for educators and others charged with educating autistic citizens.
 15 The center, as well as any facilities constructed as a part of the center upon the
 16 appropriation of funds, shall be located in Caddo Parish.

17 * * *

18 Section 15. R.S. 47:318(D), 463.48(D), 463.60(F), 463.148(E), 463.167(E), 6351(G),
 19 and 7019.2(B)(1) are hereby amended and reenacted to read as follows:

20 §318. Disposition of collections

21 * * *

22 D. After satisfying the requirements of Subsection B of this Section, the
 23 remaining portion of the amount determined pursuant to Subsection A of this Section
 24 shall be deposited in the Louisiana Economic Development Fund created by R.S.
 25 51:2315 **dedicated exclusively to the Louisiana FastStart Program.**

26 * * *

27 §463.48. Special prestige license plates; emergency medical technicians

28 * * *

29 D. The department shall collect the fee for the special license plates and
 30 forward twenty-four dollars to the state treasurer for deposit into the Emergency

1 Medical Technician ~~Fund~~ **Account** created by the provisions of R.S. ~~40:1236.5~~
2 **40:1135.10**. The remaining portion of the fee shall be retained by the department to
3 offset administrative costs.

4 * * *

5 §463.60. Special prestige license plates; "Animal Friendly" prestige license plate;
6 animal population control; ~~Pet Overpopulation Fund~~

7 * * *

8 F. Any veterinarian licensed in this state, veterinary hospital, or organization
9 qualified as a tax-exempt organization under Section 501(c)(3) of the Internal
10 Revenue Code of 1954, as amended, may apply for grants from the **state general**
11 fund, on an application approved by the Pet Overpopulation Advisory Council.
12 Grants shall be distributed solely for purposes of providing low-cost pet sterilizations
13 by licensed veterinarians.

14 * * *

15 §463.148. Special prestige license plate; "Share the Road"

16 * * *

17 E. The monies received from the additional twenty-five-dollar fee shall be
18 deposited into the Louisiana Bicycle and Pedestrian Safety ~~Fund~~ **Account**, R.S.
19 32:202, for use by the Department of Transportation and Development for the sole
20 purpose of promoting bicycle and pedestrian safety.

21 * * *

22 §463.167. Special prestige license plates; "Hunters for the Hungry Louisiana"

23 * * *

24 E. The annual royalty fee collected by the department shall be forwarded to
25 the Wildlife and Fisheries Conservation Fund special account known as the "Hunters
26 for the Hungry **Escrow** Account". No more than ten percent of the monies in the
27 **escrow** account shall be used for administrative costs. The balance shall be used
28 solely by Hunters for the Hungry Louisiana to pay for the processing and distribution
29 of meats, when such meats shall be used by a nonprofit entity or charitable
30 organization in food or meal distribution at no cost to an individual pursuant to R.S.

1 56:644.

2 * * *

3 §6351. Rebates; contracts for certain state sales and use tax rebates

4 * * *

5 G. Disposition of collections resulting from new taxable sales.

6 The state sales tax revenues generated as a result of the activities of
7 purchasing companies pursuant to this Section which are deposited into the state
8 general fund shall thereafter be disbursed during each fiscal year in the following
9 order of priority:

10 (1) The payment of rebates to procurement processing companies by the
11 secretary of the Department of Revenue in accordance with the provisions of a
12 contract, which payments shall be made from current sales tax collections pursuant
13 to Paragraph (D)(1) of this Section.

14 (2) Retention by the department of amounts necessary to provide for the
15 expenses of the department pursuant to the provisions of Subsection F of this
16 Section.

17 ~~(3) Of the monies remaining after satisfaction of the requirements of~~
18 ~~Paragraphs (1) and (2) of this Subsection as determined by the secretary pursuant to~~
19 ~~Subsection H of this Section, the state treasurer is hereby authorized and directed to~~
20 ~~transfer the amount of thirty million dollars, or as much thereof as is available, from~~
21 ~~the state general fund to the Unfunded Accrued Liability and Specialized~~
22 ~~Educational Institutions Support Fund-Specialized Educational Institutions Account,~~
23 ~~which is established pursuant to R.S. 39:100.136. Each fiscal year, the transfer shall~~
24 ~~occur as soon as is practicable, upon notification by the secretary of the Department~~
25 ~~of Revenue that revenues sufficient to provide for this distribution have been~~
26 ~~deposited into the treasury.~~

27 ~~(4)~~ Of the monies remaining after satisfaction of the requirements of
28 Paragraphs (1) ~~through (3)~~ **and (2)** of this Subsection as determined by the secretary
29 pursuant to Subsection H of this Section, the state treasurer is hereby authorized and
30 directed to transfer from the state general fund to the Unfunded Accrued Liability

1 ~~and Specialized Educational Institutions Support Fund-UAL Account~~ **Fund** an
2 amount equal to ten percent of the total remaining state sales tax revenues collected
3 in and attributable to that fiscal year as a result of the activities of purchasing
4 companies. The transfer shall occur no later than August tenth of each year.

5 * * *

6 §7019.2. Collection of tolls, fees, and charges on Crescent City Connection Bridge;
7 amnesty program; refunds

8 * * *

9 B.(1) The state treasurer, as administrator of the Uniform Unclaimed Property
10 Act, shall establish a program to refund monies collected during the amnesty period
11 for a toll violation from any person who satisfies one of the circumstances provided
12 in Subsection A of this Section and who contacts the state treasurer for a refund and
13 provides the state treasurer with sufficient proof of the payment made that satisfied
14 the circumstances of Subsection A of this Section. ~~Any refund payment shall be~~
15 ~~made by the treasurer from the Crescent City Amnesty Refund Fund as provided in~~
16 ~~R.S. 9:154.3.~~

17 * * *

18 Section 16. R.S. 49:259(D), 308.3(B)(7) and (D), and 308.5(B)(3) and (4) are hereby
19 amended and reenacted to read as follows:

20 §259. Department of Justice Legal Support Fund

21 * * *

22 D. Notwithstanding the provisions of Subsection A of this Section, no
23 proceeds shall be deposited into the fund from court-awarded judgments and
24 settlements involving the Department of Natural Resources as specified in R.S.
25 30:136.3(B)(1), nor any judgments, settlements, or recoveries which are designated
26 for credit to the Hazardous Waste Site Cleanup Fund, the Environmental Trust ~~Fund~~
27 **Account**, or any other funds administered by the Department of Environmental
28 Quality under the Environmental Quality Act. Notwithstanding the provisions of
29 Subsection A of this Section, no proceeds shall be deposited into the fund from
30 court-awarded judgments and settlements involving the Department of

1 Transportation and Development. Notwithstanding the provisions of Subsection A
2 of this Section, no proceeds shall be deposited into the fund from judgments,
3 settlements, or recoveries arising from the DWH litigation, including but not limited
4 to litigation expenses, assessment costs, court costs or attorney fees.

5 * * *

6 §308.3. Special funds and dedication of money

7 * * *

8 B. This Section shall not apply to or affect the laws which dedicate or
9 otherwise provide for the use of the following money or the laws which provide for
10 the following special funds in the state treasury:

11 * * *

12 (7) The Hazardous Waste Site Cleanup Fund created and maintained pursuant
13 to R.S. 30:2205 and the Environmental Trust Fund Account created and maintained
14 pursuant to R.S. 30:2015.

15 * * *

16 D. This Section shall not apply to the Motorcycle Safety, Awareness, and
17 Operator Training Program Fund Account as provided in R.S. 32:412(C)(2), the
18 Proprietary School Student Protection Fund as provided for in R.S. 17:3141.16.

19 * * *

20 §308.5. Legislative review and recommendation on special funds and dedication of
21 money

22 * * *

23 B.

24 * * *

25 (3)(a) No later than October 1, 2017, and every ~~two years~~ year thereafter, the
26 division of administration shall submit a plan of special funds and dedications to the
27 Joint Legislative Committee on the Budget that specifies at least fifty percent of the
28 special dedicated funds in law as of the date of the submission of the plan. The Joint
29 Legislative Committee on the Budget shall review the plan and may add special
30 funds to the plan submitted by the division of administration prior to approval by the

1 committee.

2 (b) The Joint Legislative Committee on the Budget shall ensure that after two
3 consecutive plans have been approved, all special funds established by law on the
4 date of the submission of the second consecutive plan will have been approved in a
5 plan at least once in the previous ~~four~~ two years.

6 (4) Once the plan for review of special funds is approved by the Joint
7 Legislative Committee on the Budget, the Dedicated Fund Review Subcommittee of
8 the Joint Legislative Committee on the Budget, hereinafter referred to as "the
9 subcommittee", shall conduct a review of the special funds and dedications specified
10 in each such plan, resulting in a recommendation for each specified fund in the plan.
11 ~~The subcommittee shall meet only on a day in which the Joint Legislative Committee~~
12 ~~on the Budget is scheduled to convene.~~

13 * * *

14 Section 17. R.S. 51:2315 is hereby amended and reenacted to read as follows:

15 §2315. Louisiana Economic Development Fund

16 A. There is hereby established within the state treasury a fund to be known
17 as the "Louisiana Economic Development Fund". All monies received by the
18 corporation shall be deposited to the account of the Louisiana Economic
19 Development Fund. Monies received by the corporation pursuant to R.S.
20 47:318(A) shall be used solely for the Louisiana FastStart Program.

21 ~~B.(1) The legislature may appropriate monies for the benefit of the programs~~
22 ~~administered by the corporation to the Louisiana Economic Development Fund. The~~
23 ~~monies in such fund shall be used to accomplish the purposes of this Chapter.~~

24 ~~(2) All monies received or appropriated to such fund shall remain in the fund~~
25 ~~and shall not be returned to the state general fund at the end of any fiscal year.~~

26 C.(1) The monies in the Louisiana Economic Development Fund shall be
27 invested by the treasurer in the same manner as monies in the state general fund.

28 (2) All interest earned on monies from ~~such~~ the fund so invested by the state
29 treasurer shall be deposited in the Louisiana Economic Development Fund.

30 * * *

1 Section 18. R.S. 56:10(B)(1)(b), 70.3, 70.4(A), 253(C)(2)(a), 278(A), 279(A), (C),
2 (D)(1) and (3), 494(E)(5) and (F), 644(B), the introductory paragraph of (C), (D), and (E)
3 are hereby amended and reenacted to read as follows:

4 * * *

5 §10. Annual report to governor; estimate of proposed expenditures; particular funds;
6 limitations on purposes for use of monies in particular funds;
7 warrants; vouchers; surplus funds

8 * * *

9 B.(1) Subject to the exception contained in Article VII, Section 9(A) of the
10 Constitution of Louisiana, all funds collected by the commission from every source
11 shall be paid into the state treasury and shall be credited to the Bond Security and
12 Redemption Fund. Out of the funds remaining in the Bond Security and Redemption
13 Fund after a sufficient amount is allocated from that fund to pay all obligations
14 secured by the full faith and credit of the state which become due and payable within
15 any fiscal year, the treasurer shall, prior to placing such remaining funds in the state
16 general fund, conform to the following:

17 * * *

18 (b)(~~i~~) Pay annually into a special fund created in the state treasury and
19 designated as the "Shrimp Marketing and Promotion Fund", an amount equal to the
20 fees collected pursuant to R.S. 56:305(G) and paid into the treasury by the
21 commission. All expenditures and allocation of monies from this fund shall be
22 administered by the Louisiana Shrimp Task Force to be used for the development of
23 markets for shrimp and creation of marketing strategies for the development and
24 market expansion for shrimp harvested from Louisiana waters. The task force may
25 contract with the Louisiana Seafood Promotion and Marketing Board to promote the
26 Louisiana shrimp industry.

27 ~~(ii) Pay annually into the Conservation Fund, into a special account entitled~~
28 ~~the "Shrimp Trade Petition Account", an amount equal to the fees collected pursuant~~
29 ~~to R.S. 56:305(H). Subject to annual appropriation by the legislature, the monies in~~
30 ~~the fund shall be used exclusively for the purposes of promotion and protection of~~

1 domestic wild-caught shrimp. For purposes of this Item, promotion and protection
 2 of domestic wild-caught shrimp shall include expenses related to the petition filed
 3 by the Southern Shrimp Alliance in December 2003 for the imposition of
 4 antidumping duties pursuant to Section 731 of the Tariff Act of 1930, as amended.
 5 All expenditures and allocation of funds from this account shall be administered by
 6 the Louisiana Shrimp Task Force. The monies in this account shall be invested by
 7 the state treasurer in the same manner as monies in the state general fund and all
 8 returns on such investment shall be deposited to the account. All unexpended and
 9 unencumbered monies remaining in this account at the end of the fiscal year shall
 10 remain in the account.

11 * * *

12 §70.3. Louisiana Help Our Wildlife Fund; ~~creation; composition of fund;~~ uses of
 13 fund

14 ~~A. The Louisiana Help Our Wildlife Fund, hereinafter referred to as "the~~
 15 ~~fund", is hereby created within the Louisiana Wildlife and Fisheries Conservation~~
 16 ~~Fund is hereby abolished~~ in the state treasury. **Any monies in the fund shall be**
 17 **transferred to the Conservation Fund.**

18 ~~B. The fund shall be composed of:~~

19 ~~(1) Monies from appropriations by the legislature.~~

20 ~~(2) All monies paid as a cost levied on class violations as provided in~~
 21 ~~Subsection C of this Section.~~

22 ~~(3) Any federal monies made available to the state for enforcement of anti-~~
 23 ~~poaching laws.~~

24 ~~C.(1) In addition to any other costs otherwise imposed by law, and not~~
 25 ~~withstanding any provision of law to the contrary, a cost of five dollars for any class~~
 26 ~~violation as provided in R.S. 56:31 through 37.1 is hereby levied in each criminal~~
 27 ~~action which results in conviction or guilty plea. The recipient of such costs shall~~
 28 ~~remit them upon collection to the state treasurer.~~

29 ~~(2) Notwithstanding any other provision of law to the contrary, in addition~~
 30 ~~to any fine imposed under R.S. 30:2531 and 2531.1 or fine imposed pursuant to any~~

1 parish or municipal ordinance prohibiting littering, an additional fine of five dollars
2 is hereby imposed for each violation of said statutes or ordinances which results in
3 a conviction, guilty plea, or plea of nolo contendere. The recipient of such fines shall,
4 notwithstanding any other law to the contrary, remit them to the state treasurer upon
5 collection.

6 ~~D.(1) After complying with the requirements of Article VII, Section 9 (B)~~
7 ~~of the Constitution of Louisiana relative to the Bond Security and Redemption Fund,~~
8 ~~the treasurer each fiscal year, prior to placing the remaining funds in the state general~~
9 ~~fund, shall pay the same amount of funds as was paid into the state treasury pursuant~~
10 ~~to Subsections B and C of this Section into a special fund hereby created within the~~
11 ~~Louisiana Wildlife and Fisheries Conservation Fund in the state treasury and known~~
12 ~~as the Louisiana Help Our Wildlife Fund.~~

13 ~~(2) The monies in the Louisiana Help Our Wildlife Fund shall be used solely~~
14 ~~for the purposes set forth in this Subpart and only in the amounts appropriated each~~
15 ~~year by the legislature.~~

16 ~~(3) All unexpended and unencumbered monies in the fund at the end of the~~
17 ~~fiscal year shall remain in the fund.~~

18 ~~(4) The monies in the fund shall be invested by the treasurer in the same~~
19 ~~manner as monies in the Louisiana Wildlife and Fisheries Conservation Fund. All~~
20 ~~interest earned on monies invested by the treasurer shall be deposited in the~~
21 ~~Louisiana Help Our Wildlife Fund.~~

22 ~~E. The Louisiana Help Our Wildlife Fund may be used solely for the~~
23 ~~following purposes:~~

24 ~~(1) Rewards for information leading to the arrest and conviction of poachers~~
25 ~~and litterers.~~

26 ~~(2) A promotional and educational campaign to inform the general public on:~~

27 ~~(a) The harm and danger of poaching and littering.~~

28 ~~(b) The reward for information which leads to the arrest and conviction of~~
29 ~~poachers and litterers.~~

30 ~~(3) Toll free telephone numbers.~~

1 tag fee for each raw alligator skin to be shipped, used for taxidermy, or tanned shall
 2 be no more than four dollars per alligator or raw alligator skin; however, the alligator
 3 shipping label fee and the alligator hide tag fee shall each be reduced in any fiscal
 4 year by rule or regulation of the commission in an equal amount equivalent to any
 5 amount of additional revenues received into the Louisiana Alligator Resource ~~Fund~~
 6 Account from the state general fund or sources other than alligator-related fees
 7 established pursuant to this Title. Revenues received by the state pursuant to this
 8 Paragraph shall be distributed as provided in R.S. 56:266 and 279.

9 * * *

10 §278. Louisiana Alligator Advisory Council

11 A. The Louisiana Alligator Advisory Council is hereby created in the
 12 Department of Wildlife and Fisheries. The Louisiana Alligator Advisory Council
 13 shall be responsible for reviewing and approving recommended marketing, research,
 14 and educational programs to be funded from the Louisiana Alligator Resource ~~Fund~~
 15 Account to ensure that any monies from the ~~funds~~ account are expended for the
 16 specific goals of the council.

17 * * *

18 §279. Louisiana Alligator Resource ~~Fund~~ Account

19 A. Recognizing that the Louisiana alligator industry is a vital aspect of
 20 Louisiana's economic base and that in recent years worldwide markets and prices
 21 have expanded at a tremendous rate; and recognizing the rapid expansion of
 22 Louisiana alligator farming industry statewide; and recognizing the uniqueness of
 23 the state's alligator farming industry, one state agency, the Department of Wildlife
 24 and Fisheries, has provided the impetus for inception and development of the total
 25 alligator conservation program; and recognizing the many beneficial influences that
 26 Louisiana's alligator program has had on crocodylian conservation worldwide; and
 27 recognizing world trends questioning the consumptive utilization of wildlife species,
 28 and recognizing that those trends, by adversely affecting economic conditions, could
 29 have a severe impact on the alligator industry; and recognizing that raw and finished
 30 alligator skins and products are largely consumed outside the United States; and

1 recognizing the need to educate the public concerning alligator hunting as a sound
 2 wildlife management practice; and recognizing the urgent need to support the
 3 alligator industry with a comprehensive research and development program; and
 4 recognizing the need to staff and fund the Department of Wildlife and Fisheries with
 5 adequate personnel in order to service this industry's needs, the Legislature of
 6 Louisiana does hereby establish the Louisiana Alligator Resource ~~Fund~~ Account
 7 within the Louisiana Wildlife and Fisheries Conservation Fund. The Alligator
 8 Resource ~~Fund~~ Account is intended to help defray the cost of alligator programs
 9 within the office of wildlife of the Department of Wildlife and Fisheries.

10 * * *

11 C.(1) Except as otherwise provided by law, all revenues received by the state
 12 from the sale of licenses as provided in R.S. 56:251(A)(2), from tag fees imposed on
 13 alligator hunters, alligator farmers, alligator shipping label fees on the sale of
 14 alligators, all revenues derived from the sale of alligators, alligator skins, or alligator
 15 eggs harvested from department-administered lands, all fees derived from alligator
 16 lottery harvest programs on department-administered lands and public waters, and
 17 all revenues derived from any other alligator-related fees and from the severance tax
 18 on alligator skins provided for in R.S. 56:256 shall be credited by the state treasurer
 19 to a special ~~fund~~ account designated as the "Louisiana Alligator Resource ~~Fund~~
 20 Account" after those revenues have been deposited in the Bond Security and
 21 Redemption Fund. Out of the funds remaining in the Bond Security and Redemption
 22 Fund after a sufficient amount is allocated from that fund to pay all obligations
 23 secured by the full faith and credit of the state that become due and payable within
 24 each fiscal year, the treasurer shall classify and consider as fees and self-generated
 25 revenues available for appropriation as recognized by the Revenue Estimating
 26 Conference, and, prior to placing such funds in the state general fund, shall pay into
 27 the Louisiana Alligator Resource ~~Fund~~ Account, a special agency account to be
 28 retained for future appropriation as provided in this Subpart, an amount equal
 29 to the revenues generated from collection from those sources provided for in this
 30 Section and other sources as provided by law.

1 §644. Fishing and hunting license checkoff; donation for Hunters for the Hungry

2 * * *

3 B. There is hereby created within the Conservation Fund a special account
4 known as the "Hunters for the Hungry Escrow Account". The escrow account is
5 created to receive deposits of donations for the benefit of Hunters for the Hungry
6 made when an individual purchases a fishing and hunting license. Subject to the
7 exception contained in Article VII, Section 9(A) of the Constitution of Louisiana, all
8 funds collected from the donations made under the provisions of this Section shall
9 be paid into the state treasury and shall be credited to the Bond Security and
10 Redemption Fund. Out of the funds remaining in the Bond Security and Redemption
11 Fund after a sufficient amount is allocated from that fund to pay all obligations
12 secured by the full faith and credit of the state which become due and payable within
13 any fiscal year, the treasurer shall, prior to placing such remaining funds in the state
14 general fund, pay into the Hunters for the Hungry Escrow Account an amount equal
15 to the amount of funds collected under the provisions of this Section. The account
16 shall be administered by the treasurer who shall every three months remit the balance
17 of the monies in the escrow account to Hunters for the Hungry. The monies in the
18 escrow account shall be used solely as provided by Subsection C of this Section. All
19 unexpended and unencumbered monies in this escrow account at the end of the fiscal
20 year shall remain in the ~~fund~~ escrow account. The monies in the ~~fund~~ escrow
21 account shall be invested by the state treasurer in the same manner as monies in the
22 state general fund.

23 C. No more than twenty-five percent of the monies in the escrow account
24 shall be used for administrative costs. The balance shall be used solely by Hunters
25 for the Hungry to pay for the following:

26 * * *

27 D. All monies used pursuant to the Hunters for the Hungry Escrow Account
28 shall be subject to audit by the legislative auditor.

29 E. At the end of each calendar year, Hunters for the Hungry shall submit to
30 the House Natural Resources and Environment Committee and the Senate

1 Committee on Natural Resources a report that at a minimum contains a detailed
 2 explanation of the revenues and expenditures of the escrow account, as well as a
 3 description of the organization's activities related to the escrow account. The
 4 committee may summon any person employed by or associated with Hunters for the
 5 Hungry to provide testimony with respect to the report.

* * *

7 Section 19. Code of Criminal Procedure Article 895.1(F)(2), the introductory
 8 paragraph of (3), (b), and (e), are hereby amended and reenacted to read as follows:

9 Art. 895.1. Probation; restitution; judgment for restitution; fees

* * *

11 F. When the court places the defendant on supervised probation, it shall order
 12 as a condition of probation the payment of a monthly fee of eleven dollars. The
 13 monthly fee established in this Paragraph shall be in addition to the fee established
 14 in Paragraph C of this Article and shall be collected by the Department of Public
 15 Safety and Corrections and shall be transmitted, deposited, appropriated, and used
 16 in accordance with the following provisions:

* * *

18 (2) After compliance with the requirements of Article VII, Section 9(B) of
 19 the Constitution of Louisiana relative to the Bond Security and Redemption Fund,
 20 and prior to monies being placed in the state general fund, **the treasurer shall**
 21 **classify and consider as fees and self-generated revenues available for**
 22 **appropriation as recognized by the Revenue Estimating Conference**, an amount
 23 equal to that deposited as required by Subparagraph (1) of this Paragraph shall be
 24 credited to a special fund **agency account to be retained for future appropriation**
 25 **as provided in this Article** which is hereby created in the state treasury to be known
 26 as the "Sex Offender Registry Technology Fund **Account**". The monies in this fund
 27 **account** shall be used solely as provided in Subparagraph (3) of this Paragraph and
 28 only in the amounts appropriated by the legislature.

29 (3) The monies in the Sex Offender Registry Technology Fund **Account** shall
 30 be appropriated as follows:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

* * *

(b) For Fiscal Year 2010-2011 and each year thereafter, an amount equal to fifteen percent of the total residual monies available for appropriation from the ~~fund~~ account shall be appropriated to the Department of Public Safety and Corrections, office of adult services, division of probation and parole.

* * *

(e) After providing for the allocations in Subsubparagraphs (a), (b), (c), and (d) of this Subparagraph, the remainder of the residual monies in the Sex Offender Registry Technology ~~Fund~~ Account shall, pursuant to an appropriation to the office of the attorney general, be distributed to the sheriff of each parish, based on the population of convicted sex offenders, sexually violent predators, and child predators who are residing in the parish and who are active sex offender registrants or active child predator registrants in the respective parishes according to the State Sex Offender and Child Predator Registry. These funds shall be used to cover the costs associated with sex offender registration and compliance. Population data necessary to implement the provisions of this Subparagraph shall be as compiled and certified by the undersecretary of the Department of Public Safety and Corrections on the first day of June of each year. No later than thirty days after the Revenue Estimating Conference recognizes the prior year ~~fund~~ account balance, the office of the attorney general shall make these distributions, which are based on the data certified by the undersecretary of the Department of Public Safety and Corrections, to the recipient sheriffs who are actively registering offenders pursuant to this Paragraph.

Section 20. Section 4(B) of Act No. 421 of the 2013 Regular Session of the Legislature, as amended by Section 4(B) of Act No. 822 of the 2014 Regular Session of the Legislature is hereby amended and reenacted to read as follows:

Section 4.(A)

* * *

(B)(1) After satisfaction of the requirements of Subsection A of this Section, all remaining monies collected pursuant to this Act shall be paid into the state treasury. After compliance with the requirements of Article VII, Section 9(B) of the

1 Constitution of Louisiana relative to the Bond Security and Redemption Fund ~~and~~
 2 ~~prior to any monies being placed into the state general fund or any other fund,~~ an
 3 amount equal to the remaining collections shall be credited by the state treasurer as
 4 follows: to the state general fund.

5 (a) ~~For Fiscal Year 2013-2014, the monies shall be credited to a special fund~~
 6 ~~hereby created in the state treasury to be known as the 2013 Amnesty Collections~~
 7 ~~Fund, hereinafter referred to as "fund". The monies in the fund shall be available for~~
 8 ~~appropriation for any public purpose.~~

9 (b) ~~For Fiscal Year 2014-2015:~~

10 (i) ~~One hundred million dollars of such monies shall be credited to the fund~~
 11 ~~and shall be available for appropriation for any public purpose.~~

12 (ii) ~~Of the monies in excess of one hundred million dollars, four million~~
 13 ~~dollars shall be appropriated to the Department of Economic Development to be~~
 14 ~~allocated to the Louisiana Regional Leadership Council to be used for purposes of~~
 15 ~~regional economic development and workforce development.~~

16 (iii) ~~Any remaining monies after the allocations in Items (i) and (ii) of this~~
 17 ~~Subparagraph shall be credited to the fund and shall be available for appropriation~~
 18 ~~for any public purpose.~~

19 Section 21. The introductory paragraph of Section 7(A) and (B) of Act 41 of the
 20 2006 First Extraordinary Session of the Legislature is hereby amended and reenacted to read
 21 as follows:

22 * * *

23 Section 7. Local Debt Service Assistance Program

24 (A) ~~Monies in the fund~~ shall be distributed through a loan program to or on
 25 behalf of those affected political subdivisions designated by and in such amounts as
 26 determined by OCD and approved by the commissioner of administration using
 27 criteria to be developed by OCD, without the necessity for compliance with the
 28 Administrative Procedure Act. Such criteria shall be submitted to the Joint
 29 Legislative Committee on the Budget for its review and approval prior to
 30 implementation of the program. Such criteria may include:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

* * *

(B) The distribution of monies ~~in the fund~~ for the payment of debt service due and payable on qualified bonds, notes, certificates of indebtedness, or other written obligations for the repayment of borrowed money of an affected political subdivision shall be approved by the State Bond Commission and the Joint Legislative Committee on the Budget and shall be made with the expectation of payment thereof to the state pursuant to (1) loans evidenced by notes issued by the affected public entities pursuant to R.S. 39:1430; (2) any other evidence of indebtedness pursuant to statutory authority; or (3) cooperative endeavor agreements.

* * *

Section 22. R.S. 11:544, R.S. 15:185.5, 572.8(N) and (S), R.S. 17:354, 3138.2, and 3138.3, and Subpart A-2 of Part IX-A of Chapter 26 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3397.11, R.S. 27:392(C)(4), R.S. 30:2000.12 and 2551, R.S. 33:2740.18, R.S. 39:87.5, Subpart H of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.11, Subpart N of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.51, Subpart Q-1 of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.122, Subpart Q-2 of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.123, Subpart S of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.146, R.S. 39:1357, R.S. 40:16.2 and 1402, R.S. 46:290.1, 977.13, 2731, 2742(D), and 2901, R.S. 47:120.39 and 841.2, R.S. 49:214.6.7(D) and (E), R.S. 56:14, 302.3(B)(5)(c), 305(H) and 633, Section 9 of Act No. 138 of the 2005 Regular Session of the Legislature as amended by Section 7 of Act No. 642 of the 2006 Regular Session of the Legislature, Sections (3)(D) and (6) of Act No. 41 of the 2006 First Extraordinary Session of the Legislature, Section 7 of Act No. 420 of the 2013 Regular Session of the Legislature, Section (4)(B)(1) of Act No. 421 of the 2013 Regular Session of the Legislature, as amended by Section (4)(B)(1) of Act No. 822 of the 2014 Regular Session of the Legislature, and Section (4)(B)(2) of Act No. 421 of the 2013 Regular Session of the Legislature are hereby repealed in their entirety.

1 Section 23. R.S. 51:2211 through R.S. 51:2216 are hereby repealed in their entirety.

2 Section 24. The state treasurer is hereby authorized and directed to transfer any
3 unencumbered balances remaining in the funds repealed and abolished in Sections 1 through
4 14 of this Act to the state general fund after satisfying the appropriations for Fiscal Year
5 2019-2020.

6 Section 25. The provisions of this Section and Section 11 of this Act shall become
7 effective on July 1, 2018; if vetoed by the governor and subsequently approved by the
8 legislature, this Section and Section 11 of this Act shall become effective on July 1, 2018.
9 The provisions of Section 23 of this Act shall become effective on January 1, 2019; if vetoed
10 by the governor and subsequently approved by the legislature, Section 23 of this Act shall
11 become effective on July 1, 2018. Sections 1 through 10, 12 through 22, and 24 of this Act
12 shall become effective on July 1, 2020.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 389

BY SENATORS CLAITOR AND THOMPSON AND REPRESENTATIVE MARINO

1 AN ACT

2 To amend and reenact Section 3 of Act No. 260 of the 2017 Regular Session of the
3 Legislature, R.S. 15:574.6.1(B) and the introductory paragraph of 574.9(H)(1)(a),
4 Code of Criminal Procedure Article 894.4 as amended by Act No. 260 of the 2017
5 Regular Session of the Legislature, and Code of Criminal Procedure Articles 875.1,
6 893(A)(1)(a), 895.6(A) and (B), 899.2(B)(1), and 900(A)(5) and the introductory
7 paragraph of (6)(b) and (iv) and (d)(v) and to enact Code of Criminal Procedure
8 Articles 893(H) and 900(A)(6)(b)(v), relative to felony probation; to provide relative
9 to payment of restitution to the victim of a crime; to delay the effective date of Act
10 No. 260 of the 2017 Regular Session of the Legislature which provided relative to
11 the payment of fines, fees, costs, restitution, and other monetary obligations related
12 to an offender's conviction; to provide relative to earned compliance credits; to
13 provide a procedure by which the court determines whether a defendant has earned
14 compliance credits toward his probation period and whether his probation term may
15 be terminated early; to prohibit the extension or revocation of probation based solely
16 upon a defendant's inability to pay; to provide relative to administrative sanctions for
17 certain violations of probation; to remove the prohibition of incarceration under
18 certain circumstances; and to provide for related matters.

19 Be it enacted by the Legislature of Louisiana:

20 Section 1. Code of Criminal Procedure Article 894.4 as amended by Act No. 260 of
21 the 2017 Regular Session of the Legislature, and Code of Criminal Procedure Article 875.1
22 are hereby amended and reenacted to read as follows:

23 Art. 875.1. Determination of substantial financial hardship to the defendant

24 A. The purpose of imposing financial obligations on an offender who is
25 convicted of a criminal offense is to hold the offender accountable for his action, to
26 compensate victims for any actual pecuniary loss or costs incurred in connection

1 with a criminal prosecution, to defray the cost of court operations, and to provide
2 services to offenders and victims. These financial obligations should not create a
3 barrier to the offender's successful rehabilitation and reentry into society. Financial
4 obligations in excess of what an offender can reasonably pay undermine the primary
5 purpose of the justice system which is to deter criminal behavior and encourage
6 compliance with the law. Financial obligations that cause undue hardship on the
7 offender should be waived, modified, or forgiven. Creating a payment plan for the
8 offender that is based upon the ability to pay, results in financial obligations that the
9 offender is able to comply with and often results in more money collected. Offenders
10 who are consistent in their payments and in good faith try to fulfill their financial
11 obligations should be rewarded for their efforts.

12 B. For purposes of this Article, "financial obligations" shall include any fine,
13 fee, cost, restitution, or other monetary obligation authorized by this Code or by the
14 Louisiana Revised Statutes of 1950 and imposed upon the defendant as part of a
15 criminal sentence, incarceration, or as a condition of the defendant's release on
16 probation or parole.

17 C.(1) Notwithstanding any provision of law to the contrary, prior to ordering
18 the imposition or enforcement of any financial obligations as defined by this Article,
19 the court shall determine whether payment in full of the aggregate amount of all the
20 financial obligations to be imposed upon the defendant would cause substantial
21 financial hardship to the defendant or his dependents.

22 (2) The defendant may not waive the judicial determination of a substantial
23 financial hardship required by the provisions of this Paragraph.

24 D.(1) If the court determines that payment in full of the aggregate amount
25 of all financial obligations imposed upon the defendant would cause substantial
26 financial hardship to the defendant or his dependents, the court shall do either of the
27 following:

28 (a) Waive all or any portion of the financial obligations.

29 (b) Order a payment plan that requires the defendant to make a monthly
30 payment to fulfill the financial obligations.

1 (2)(a) The amount of each monthly payment for the payment plan ordered
2 pursuant to the provisions of Subsubparagraph (1)(b) of this Paragraph shall be equal
3 to the defendant's average gross daily income for an eight-hour work day.

4 (b) If the court has ordered restitution, half of the defendant's monthly
5 payment shall be distributed toward the defendant's restitution obligation.

6 (c) During any periods of unemployment, homelessness, or other
7 circumstances in which the defendant is unable to make the monthly payment, the
8 court or the defendant's probation and parole officer is authorized to impose a
9 payment alternative, including but not limited to any of the following: substance
10 abuse treatment, education, job training, or community service.

11 (3) If, after the initial determination of the defendant's ability to fulfill his
12 financial obligations, the defendant's circumstances and ability to pay his financial
13 obligations change, the defendant or his attorney may file a motion with the court to
14 reevaluate the defendant's circumstances and determine, in the same manner as the
15 initial determination, whether under the defendant's current circumstances payment
16 in full of the aggregate amount of all the financial obligations imposed upon the
17 defendant would cause substantial financial hardship to the defendant or his
18 dependents. Upon such motion, if the court determines that the defendant's current
19 circumstances would cause substantial financial hardship to the defendant or his
20 dependents, the court may either waive or modify the defendant's financial
21 obligation, or recalculate the amount of the monthly payment made by the defendant
22 under the payment plan set forth in Subsubparagraph (1)(b) of this Paragraph.

23 E. If a defendant is ordered to make monthly payments under a payment plan
24 established pursuant to the provisions of Subsubparagraph (D)(1)(b) of this Article,
25 the defendant's outstanding financial obligations resulting from his criminal
26 conviction are forgiven and considered paid-in-full if the defendant makes consistent
27 monthly payments for either twelve consecutive months or consistent monthly
28 payments for half of the defendant's term of supervision, whichever is longer.

29 **F. If, at the termination or end of the defendant's term of supervision,**
30 **any restitution ordered by the court remains outstanding, the balance of the**

1 relating to the defendant's performance relative to "earned compliance
 2 credits", and may contain a recommendation as to early termination.

3 (3) After a review of the compliance report, if it is the recommendation
 4 of the division of probation and parole that the defendant is in compliance with
 5 the conditions of probation, in accordance with the compliance report, the court
 6 shall grant "earned compliance credit" for the time, absent a showing of cause
 7 for a denial.

8 (4) The court may terminate probation at any time as "satisfactorily
 9 completed" upon the final determination that the defendant is in compliance
 10 with the terms and conditions of probation.

11 (5) If the court determines that the defendant has failed to successfully
 12 complete the terms and conditions of probation, the court may extend the
 13 probation for a period not to exceed two years, for the purpose of allowing the
 14 defendant additional time to complete the terms of probation, additional
 15 conditions, the extension of probation, or the revocation of probation.

16 (6) Absent extenuating circumstances, the court shall, within ten days of
 17 receipt of the compliance report, make an initial determination as to the issues
 18 presented and shall transmit the decision to the probation officer. The court
 19 shall disseminate the decision to the defendant, the division of probation and
 20 parole, and the prosecuting agency within ten days of receipt. The parties shall
 21 have ten days from receipt of the initial determination of the court to seek an
 22 expedited contradictory hearing for the purpose of challenging the court's
 23 determination. If no challenge is made within ten days, the court's initial
 24 determination shall become final and shall constitute a valid order of the court.

25 * * *

26 Art. 895.6. Compliance credits; probation

27 A. Every defendant on felony probation pursuant to Article 893 for an
 28 offense other than a crime of violence as defined in R.S. 14:2(B) or a sex offense as
 29 defined in R.S. 15:541 shall be eligible to earn a diminution of probation term, to be
 30 known as "earned compliance credits", by good behavior, in accordance with the

1 **procedure provided in Article 893.** The amount of diminution of probation term
2 allowed under this Article shall be at the rate of thirty days for every full calendar
3 month on probation.

4 B.**(1)** If the defendant's probation and parole officer has reasonable cause to
5 believe that a defendant on felony probation has not been compliant with the
6 conditions of his probation in a given calendar month, he may rescind thirty days of
7 earned compliance credits as an administrative sanction pursuant to Article 899.2.
8 Credits may be rescinded only for a month in which the defendant is found not to be
9 in compliance.

10 **(2) Notwithstanding any other provision of law to the contrary, the**
11 **provisions of Article 899.2(A)(3) requiring consent of the defendant shall not**
12 **apply to the rescinding of earned compliance credits as an administrative**
13 **sanction under Article 899.2.**

14 * * *

15 Art. 899.2. Administrative sanctions for technical violations; offenses other than
16 crimes of violence or sex offenses

17 * * *

18 B. The department shall promulgate rules to implement the provisions of this
19 Article to establish the following:

20 (1)~~(a)~~ A system of structured, administrative sanctions which shall be
21 imposed for technical violations of probation and which shall take into consideration
22 the following factors:

23 ~~(i)~~**(a)** The severity of the violation behavior.

24 ~~(ii)~~**(b)** The prior violation history.

25 ~~(iii)~~**(c)** The severity of the underlying criminal conviction.

26 ~~(iv)~~**(d)** The criminal history of the probationer.

27 ~~(v)~~**(e)** Any special circumstances, characteristics, or resources of the
28 probationer.

29 ~~(vi)~~**(f)** Protection of the community.

30 ~~(vii)~~**(g)** Deterrence.

1 ~~(viii)~~**(h)** The availability of appropriate local sanctions, including but not
 2 limited to jail, treatment, community service work, house arrest, electronic
 3 surveillance, restitution centers, work release centers, day reporting centers, or other
 4 local sanctions.

5 ~~(b)~~ Incarceration shall not be used for the lowest-tier violations including the
 6 first positive drug test and the first or second violation for the following:

7 ~~(i)~~ Association with known felons or persons involved in criminal activity.

8 ~~(ii)~~ Changing residence without permission.

9 ~~(iii)~~ Failure to initially report as required. However, incarceration may be
 10 used if the court, after a contradictory hearing, finds that the probationer wilfully
 11 failed to report as required and instructed for the purpose of permanently avoiding
 12 probation supervision.

13 ~~(iv)~~ Failure to pay restitution for up to three months.

14 ~~(v)~~ Failure to report as instructed. However, incarceration may be used if the
 15 court, after a contradictory hearing, finds that the probationer wilfully failed to report
 16 as required and instructed for the purpose of permanently avoiding probation
 17 supervision.

18 ~~(vi)~~ Traveling without permission.

19 ~~(vii)~~ Occasion of unemployment and failure to seek employment within
 20 ninety days.

21 ~~(c)~~ Incarceration shall not be used for first or second violations of alcohol
 22 use or admission, except for defendants convicted of operating a vehicle while
 23 intoxicated pursuant to R.S. 14:98; defendants convicted of domestic abuse battery
 24 pursuant to R.S. 14:35.3 committed by one family member or household member
 25 against another; defendants convicted of battery by one dating partner as defined by
 26 R.S. 46:2151 against another; or defendants convicted of violation of a protective
 27 order, pursuant to R.S. 14:79, issued against the defendant to protect a family
 28 member or household member as defined by R.S. 14:35.3, or a dating partner as
 29 defined by R.S. 46:2151.

30 * * *

1 Art. 900. Violation hearing; sanctions

2 * * *

3 A. After an arrest pursuant to Article 899, the court shall cause a defendant
4 who continues to be held in custody to be brought before it within thirty days for a
5 hearing. If a summons is issued pursuant to Article 899, or if the defendant has been
6 admitted to bail, the court shall set the matter for a violation hearing within a
7 reasonable time. The hearing may be informal or summary. The defendant may
8 choose, with the court's consent, to appear at the violation hearing and stipulate the
9 revocation by simultaneous audio-visual transmission in accordance with the
10 provisions of Article 562. If the court decides that the defendant has violated, or was
11 about to violate, a condition of his probation it may:

12 * * *

13 (5)(a) Order that the probation be revoked. In the event of revocation the
14 defendant shall serve the sentence suspended, with or without credit for the time
15 served on probation at the discretion of the court. If the imposition of sentence was
16 suspended, the defendant shall serve the sentence imposed by the court at the
17 revocation hearing.

18 ~~(b) Notwithstanding the provisions of Subsubparagraph (a) of this~~
19 ~~Subparagraph, in the event of revocation for a defendant placed on probation for the~~
20 ~~conviction of an offense other than a crime of violence as defined in R.S. 14:2(B) or~~
21 ~~a sex offense as defined in R.S. 15:541, the defendant shall serve the sentence~~
22 ~~suspended with credit for time served on probation.~~

23 (6)(a) * * *

24 (b) Notwithstanding the provisions of Subparagraph ~~(A)~~(5) of this ~~Article~~
25 **Paragraph**, any defendant who has been placed on probation by the court for the
26 conviction of an offense other than a crime of violence as defined in R.S. 14:2(B) or
27 of a sex offense as defined by R.S. 15:541, and who has ~~had his probation revoked~~
28 ~~under the provisions of this Article for~~ **been determined by the court to have**
29 **committed** a technical violation of his probation ~~as determined by the court~~, shall
30 be required to serve, without diminution of sentence, as follows:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

* * *

(iv) For a fourth or subsequent violation, the court may order that the probation be revoked, in accordance with Subparagraph (5) of this Paragraph.

(v) For custodial substance abuse treatment programs, not more than ninety days.

* * *

(d) A "technical violation", as used in this Paragraph, means any violation except it shall not include any of the following:

* * *

(v) Absconding from the jurisdiction of the court ~~by leaving the state without the prior approval of the court or the probation and parole officer.~~

* * *

Section 3. R.S. 15:574.6.1(B) and the introductory paragraph of 574.9(H)(1)(a) are hereby amended and reenacted to read as follows:

§574.6.1. Compliance credits; parole

* * *

B.(1) If the probation and parole officer has reasonable cause to believe that an offender on parole has not been compliant with the conditions of his parole in a given calendar month, he may rescind thirty days of earned compliance credits as an administrative sanction under R.S. 15:574.7. Credits may be rescinded only for a month in which the offender is found not to be in compliance.

(2) Notwithstanding any other provision of law to the contrary, the provisions of R.S. 15:574.7(B)(1)(c) requiring consent of the parolee shall not apply to the rescinding of earned compliance credits as an administrative sanction under R.S. 15:574.7.

* * *

§574.9. Revocation of parole for violation of condition; committee panels; return to custody hearing; duration of reimprisonment and reparole after revocation; credit for time served; revocation for a technical violation

* * *

1 H.(1)(a) Any offender who has been released on parole and ~~whose parole~~
 2 ~~supervision is being revoked pursuant to the provisions of this Subsection for~~ **who**
 3 **has been determined to have committed** a technical violation of the conditions of
 4 parole as determined by the committee on parole, shall be required to serve the
 5 following sentences:

* * *

7 Section 4. Section 3 of Act No. 260 of the 2017 Regular Session of the Legislature
 8 is hereby amended and reenacted to read as follows:

9 Section 3. The provisions of this Act shall become effective on August 1,
 10 ~~2018~~ **2019**.

11 Section 5. The provisions of Sections 2, 3, and 4 of this Act and this Section shall
 12 become effective on August 1, 2018.

13 Section 6. The provisions of Section 1 of this Act shall become effective on August
 14 1, 2019.

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2018 Regular Session
HOUSE BILL NO. 196
BY REPRESENTATIVE MARINO

ACT No. 678

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 978(D), relative to expungement
3 of records of arrest and conviction of a felony offense; to provide relative to the limit
4 on the number of expungements a person may receive in a specified period of time;
5 to remove the limitation for persons whose conviction was set aside and prosecution
6 dismissed; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 978(D) is hereby amended and
9 reenacted to read as follows:

10 Art. 978. Motion to expunge record of arrest and conviction of a felony offense

11 * * *

12 D. Expungement of a record of arrest and conviction of a felony offense
13 shall occur only once with respect to any person during a fifteen-year period. The
14 limitation provided in this Paragraph shall not apply to a person who is seeking the

2018 Regular Session
HOUSE BILL NO. 223
BY REPRESENTATIVE MARINO

ACT No. 680

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 814(A) and (B), relative to
3 responsive verdicts; to provide relative to responsive verdicts with regard to the
4 crimes of theft, criminal damage to property, and the attempt to commit these
5 offenses; to amend responsive verdicts to reflect existing penalty grades for the
6 crimes of theft, simple criminal damage to property, and unauthorized use of a
7 movable; to provide relative to responsive verdicts for violations of the Uniform
8 Controlled Dangerous Substances Law; to provide relative to responsive verdicts for
9 violations of the Uniform Controlled Dangerous Substances Law that are based upon
10 the weight of the substance; to add responsive verdicts to the crimes of attempted
11 first degree murder and attempted second degree murder; and to provide for related
12 matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. Code of Criminal Procedure Article 814(A) and (B) are hereby amended
15 and reenacted to read as follows:

16 Art. 814. Responsive verdicts; in particular

17 A. The only responsive verdicts which may be rendered when the indictment
18 charges the following offenses are:

19 1. First Degree Murder:

20 Guilty.

21 Guilty of second degree murder.

22 Guilty of manslaughter.

23 Not guilty.

- 1 2. Attempted First Degree Murder:
- 2 Guilty.
- 3 Guilty of attempted second degree murder.
- 4 Guilty of attempted manslaughter.
- 5 Guilty of aggravated battery.
- 6 Guilty of aggravated assault with a firearm.
- 7 Not guilty.
- 8 3. Second Degree Murder:
- 9 Guilty.
- 10 Guilty of manslaughter.
- 11 Guilty of negligent homicide.
- 12 Not guilty.
- 13 4. Attempted Second Degree Murder:
- 14 Guilty.
- 15 Guilty of attempted manslaughter.
- 16 Guilty of aggravated battery.
- 17 Guilty of aggravated assault with a firearm.
- 18 Not guilty.
- 19 5. Manslaughter:
- 20 Guilty.
- 21 Guilty of negligent homicide.
- 22 Not guilty.
- 23 6. Attempted Manslaughter:
- 24 Guilty.
- 25 Guilty of aggravated battery.
- 26 Not guilty.
- 27 7. Negligent Homicide:
- 28 Guilty.
- 29 Not guilty.
- 30 ~~7.1.8.~~ 8. Vehicular homicide:

- 1 Guilty.
- 2 Guilty of negligent homicide.
- 3 Not guilty.
- 4 ~~7.2.9.~~ Vehicular negligent injuring:
- 5 Guilty.
- 6 Guilty of negligent injuring.
- 7 Guilty of operating a vehicle while intoxicated.
- 8 Not guilty.
- 9 ~~7.3.10.~~ First degree vehicular negligent injuring:
- 10 Guilty.
- 11 Guilty of vehicular negligent injuring.
- 12 Guilty of negligent injuring.
- 13 Guilty of operating a vehicle while intoxicated.
- 14 Not guilty.
- 15 ~~8.11. Aggravated Rape or First Degree Rape~~ degree rape (formerly titled
- 16 aggravated rape):
- 17 Guilty.
- 18 Guilty of attempted ~~aggravated or~~ first degree rape.
- 19 Guilty of ~~forcible or~~ second degree rape.
- 20 Guilty of attempted ~~forcible or~~ second degree rape.
- 21 Guilty of sexual battery.
- 22 Guilty of ~~simple or~~ third degree rape.
- 23 Guilty of attempted ~~simple or~~ third degree rape.
- 24 Guilty of oral sexual battery.
- 25 Not guilty.
- 26 ~~8.1.12. Aggravated or first~~ First degree rape (formerly titled aggravated rape)
- 27 of a child under the age of thirteen:
- 28 Guilty.
- 29 Guilty of attempted ~~aggravated or~~ first degree rape.
- 30 Guilty of ~~forcible or~~ second degree rape.

1 Guilty of attempted ~~forcible~~ or second degree rape.

2 Guilty of ~~simple~~ or third degree rape.

3 Guilty of attempted ~~simple~~ or third degree rape.

4 Guilty of sexual battery.

5 Guilty of molestation of a juvenile or a person with a physical or mental
6 disability.

7 Guilty of attempted molestation of a juvenile or a person with a physical or
8 mental disability.

9 Guilty of indecent behavior with a juvenile.

10 Guilty of attempted indecent behavior with a juvenile.

11 Not guilty.

12 ~~9.13. Attempted Aggravated Rape~~ first degree rape or ~~Attempted First~~
13 ~~Degree Rape~~ (formerly titled aggravated rape):

14 Guilty.

15 Guilty of attempted ~~forcible~~ or second degree rape.

16 Guilty of attempted ~~simple~~ or third degree rape.

17 Not guilty.

18 ~~10.14. Forcible Rape or Second Degree Rape~~ degree rape (formerly titled
19 forcible rape):

20 Guilty.

21 Guilty of attempted ~~forcible~~ or second degree rape.

22 Guilty of ~~simple~~ or third degree rape.

23 Guilty of attempted ~~simple~~ or third degree rape.

24 Guilty of sexual battery.

25 Not guilty.

26 ~~11.15. Attempted Forcible Rape~~ second degree rape or ~~Attempted Second~~
27 ~~Degree Rape~~ (formerly titled forcible rape):

28 Guilty.

29 Guilty of attempted ~~simple~~ or third degree rape.

30 Not guilty.

1 ~~12.16. Simple Rape~~ Third degree rape ~~or Third Degree Rape~~ (formerly titled
2 simple rape):

3 Guilty.

4 Guilty of attempted ~~simple~~ or third degree rape.

5 Guilty of sexual battery.

6 Not guilty.

7 ~~13.17. Attempted Simple Rape~~ third degree rape ~~or Attempted Third Degree~~
8 Rape (formerly titled simple rape):

9 Guilty.

10 Not guilty.

11 ~~14.18.~~ Aggravated Battery:

12 Guilty.

13 Guilty of second degree battery.

14 Guilty of simple battery.

15 Not guilty.

16 ~~14.1.19.~~ Disarming of a Peace Officer:

17 Guilty.

18 Guilty of attempted disarming of a peace officer.

19 Guilty of battery of a police officer.

20 Guilty of aggravated assault.

21 Not guilty.

22 ~~14.2.20.~~ Aggravated Second Degree Battery:

23 Guilty.

24 Guilty of aggravated battery.

25 Guilty of second degree battery.

26 Guilty of simple battery.

27 Not guilty.

28 ~~15.21.~~ Second Degree Battery:

29 Guilty.

30 Guilty of simple battery.

- 1 Not guilty.
- 2 ~~15.1.22.~~ 15.1.22. Vehicular negligent injuring:
- 3 Guilty.
- 4 Not guilty.
- 5 ~~16.23.~~ 16.23. Aggravated Assault:
- 6 Guilty.
- 7 Guilty of simple assault.
- 8 Not guilty.
- 9 ~~17.24.~~ 17.24. Simple Battery:
- 10 Guilty.
- 11 Not guilty.
- 12 ~~18.25.~~ 18.25. Aggravated Kidnapping:
- 13 Guilty.
- 14 Guilty of attempted aggravated kidnapping.
- 15 Guilty of second degree kidnapping.
- 16 Guilty of attempted second degree kidnapping.
- 17 Guilty of simple kidnapping.
- 18 Guilty of attempted simple kidnapping.
- 19 Not guilty.
- 20 ~~19.26.~~ 19.26. Attempted Aggravated Kidnapping:
- 21 Guilty.
- 22 Guilty of attempted second degree kidnapping.
- 23 Guilty of attempted simple kidnapping.
- 24 Not guilty.
- 25 ~~20.27.~~ 20.27. Simple Kidnapping:
- 26 Guilty.
- 27 Guilty of attempted simple kidnapping.
- 28 Not guilty.
- 29 ~~21.28.~~ 21.28. Attempted Simple Kidnapping:
- 30 Guilty.

1 Not guilty.

2 ~~22:29~~. Armed Robbery:

3 Guilty.

4 Guilty of attempted armed robbery.

5 Guilty of first degree robbery.

6 Guilty of attempted first degree robbery.

7 Guilty of simple robbery.

8 Guilty of attempted simple robbery.

9 Not guilty.

10 ~~23:30~~. Attempted Armed Robbery:

11 Guilty.

12 Guilty of attempted first degree robbery.

13 Guilty of attempted simple robbery.

14 Not guilty.

15 ~~23:1:31~~. First Degree Robbery:

16 Guilty.

17 Guilty of attempted first degree robbery.

18 Guilty of simple robbery.

19 Guilty of attempted simple robbery.

20 Not guilty.

21 ~~24:32~~. Simple Robbery:

22 Guilty.

23 Guilty of attempted simple robbery.

24 Not guilty.

25 ~~25:33~~. Attempted Simple Robbery:

26 Guilty.

27 Not guilty.

28 ~~26:34~~. Theft:

29 Guilty of theft of property having a value of twenty-five thousand dollars or

30 more.

1 Guilty of theft of property having a value of five thousand dollars or more,
2 but less than twenty-five thousand dollars.

3 Guilty of theft of property having a value of ~~seven hundred fifty~~ one thousand
4 dollars or more, but less than five thousand dollars.

5 Guilty of theft of property having a value of less than ~~seven hundred fifty~~ one
6 thousand dollars.

7 Guilty of attempted theft of property having a value of twenty-five thousand
8 dollars or more.

9 Guilty of attempted theft of property having a value of five thousand dollars
10 or more, but less than twenty-five thousand dollars.

11 Guilty of attempted theft of property having a value of ~~seven hundred fifty~~
12 one thousand dollars or more, but less than five thousand dollars.

13 Guilty of attempted theft of property having a value of less than ~~seven~~
14 ~~hundred fifty~~ one thousand dollars.

15 Guilty of unauthorized use of movables having a value in excess of ~~five~~
16 ~~hundred~~ one thousand dollars.

17 Guilty of unauthorized use of movables having a value of ~~five hundred~~ one
18 thousand dollars or less.

19 Not guilty.

20 ~~27:35~~. Attempted Theft:

21 Guilty of attempted theft of property having a value of twenty-five thousand
22 dollars or more.

23 Guilty of attempted theft of property having a value of five thousand dollars
24 or more, but less than twenty-five thousand dollars.

25 Guilty of attempted theft of property having a value of ~~seven hundred fifty~~
26 one thousand dollars or more, but less than ~~twenty-five~~ five thousand dollars.

27 Guilty of attempted theft of property having a value of less than ~~seven~~
28 ~~hundred fifty~~ one thousand dollars.

29 ~~Guilty of attempted unauthorized use of movables having a value of less than~~
30 ~~one hundred dollars.~~

1 Guilty of attempted unauthorized use of movables having a value in excess
2 of ~~five hundred~~ one thousand dollars.

3 Guilty of attempted unauthorized use of movables having a value of ~~five~~
4 ~~hundred~~ one thousand dollars or less.

5 Not guilty.

6 ~~28.36.~~ Aggravated Arson:

7 Guilty.

8 Guilty of simple arson where the damage amounted to five hundred dollars
9 or more.

10 Guilty of simple arson where the damage amounted to less than five hundred
11 dollars.

12 The simple arson verdicts are responsive only if the words "belonging to
13 another and with damage amounting to _____ dollars" are included in the
14 indictment.

15 Not guilty.

16 ~~29.37.~~ Attempted Aggravated Arson:

17 Guilty.

18 Guilty of attempted simple arson where the damage would have amounted
19 to five hundred dollars or more.

20 Guilty of attempted simple arson where the damage would have amounted
21 to less than five hundred dollars.

22 The attempted simple arson verdicts are responsive only if the words
23 "belonging to another and with damage that would have amounted to _____
24 dollars" are included in the indictment.

25 Not guilty.

26 ~~30.38.~~ Simple Arson:

27 Guilty of simple arson where the damage done amounted to five hundred
28 dollars or more.

29 Guilty of simple arson where the damage done amounted to less than five
30 hundred dollars.

1 Not guilty.

2 ~~31~~39. Attempted Simple Arson:

3 Guilty of attempted arson where the damage would have amounted to five
4 hundred dollars or more.

5 Guilty of attempted simple arson where the damage would have amounted
6 to less than five hundred dollars.

7 Not guilty.

8 ~~32~~40. Arson With Intent to Defraud:

9 Guilty.

10 Not guilty.

11 ~~33~~41. Attempted Arson With Intent to Defraud:

12 Guilty.

13 Not guilty.

14 ~~34~~42. Aggravated Criminal Damage to Property:

15 Guilty.

16 Guilty of simple criminal damage to property where the damage amounted
17 to fifty thousand dollars or more.

18 Guilty of simple criminal damage to property where the damage amounted
19 to ~~five hundred~~ one thousand dollars or more, but less than fifty thousand dollars.

20 Guilty of simple criminal damage to property where the damage amounted
21 to less than ~~five hundred~~ one thousand dollars.

22 The simple criminal damage to property verdicts are responsive only if the
23 words "belonging to another and with damage amounting to _____ dollars" are
24 included in the indictment.

25 Not guilty.

26 ~~35~~43. Attempted Aggravated Criminal Damage to Property:

27 Guilty.

28 Guilty of attempted simple criminal damage to property where the damage
29 would have amounted to fifty thousand dollars or more.

1 Guilty of attempted simple criminal damage to property where the damage
2 would have amounted to ~~five hundred~~ one thousand dollars or more, but less than
3 fifty thousand dollars.

4 Guilty of attempted simple criminal damage to property where the damage
5 would have amounted to less than ~~five hundred~~ one thousand dollars.

6 The attempted simple criminal damage to property verdicts are responsive
7 only if the words "belonging to another and with damage that would have amounted
8 to _____ dollars" are included in the indictment.

9 Not guilty.

10 ~~36:44~~. Simple Criminal Damage to Property:

11 Guilty of simple criminal damage to property where the damage done
12 amounted to fifty thousand dollars or more.

13 Guilty of simple criminal damage to property where the damage done
14 amounted to ~~five hundred~~ one thousand dollars or more, but less than fifty thousand
15 dollars.

16 Guilty of simple criminal damage to property where the damage done
17 amounted to less than ~~five hundred~~ one thousand dollars.

18 Not guilty.

19 ~~37:45~~. Attempted Simple Criminal Damage to Property:

20 Guilty of attempted simple criminal damage to property where the damage
21 would have amounted to fifty thousand dollars or more.

22 Guilty of attempted simple criminal damage to property where the damage
23 would have amounted to ~~five hundred~~ one thousand dollars or more, but less than
24 fifty thousand dollars.

25 Guilty of attempted simple criminal damage to property where the damage
26 would have amounted to less than ~~five hundred~~ one thousand dollars.

27 Not guilty.

28 ~~38:46~~. Damage to Property With Intent to Defraud:

29 Guilty.

30 Not guilty.

- 1 ~~39~~47. Attempted Damage to Property With Intent to Defraud:
- 2 Guilty.
- 3 Not guilty.
- 4 ~~40~~48. Aggravated Burglary:
- 5 Guilty.
- 6 Guilty of attempted aggravated burglary.
- 7 Guilty of simple burglary.
- 8 Guilty of attempted simple burglary.
- 9 Guilty of simple burglary of an inhabited dwelling.
- 10 Guilty of attempted simple burglary of an inhabited dwelling.
- 11 Guilty of unauthorized entry of an inhabited dwelling.
- 12 Guilty of attempted unauthorized entry of an inhabited dwelling.
- 13 Not guilty.
- 14 ~~41~~49. Attempted Aggravated Burglary:
- 15 Guilty.
- 16 Guilty of attempted simple burglary.
- 17 Guilty of attempted simple burglary of an inhabited dwelling.
- 18 Guilty of attempted unauthorized entry of an inhabited dwelling.
- 19 Not guilty.
- 20 ~~42~~50. Simple Burglary:
- 21 Guilty.
- 22 Guilty of attempted simple burglary.
- 23 Guilty of unauthorized entry of a place of business.
- 24 Guilty of attempted unauthorized entry of a place of business.
- 25 Not guilty.
- 26 ~~43~~51. Simple Burglary of an Inhabited Dwelling:
- 27 Guilty.
- 28 Guilty of attempted simple burglary of an inhabited dwelling.
- 29 Guilty of unauthorized entry of an inhabited dwelling.
- 30 Guilty of attempted unauthorized entry of an inhabited dwelling.

1 Not guilty.

2 ~~44.52.~~ Attempted Simple Burglary:

3 Guilty.

4 Not guilty.

5 ~~45.53.~~ Aggravated Flight from an Officer:

6 Guilty.

7 Guilty of flight from an officer.

8 Not guilty.

9 ~~46.54.~~ Contamination of Water Supplies:

10 Guilty of contaminating water supplies when the act foreseeably endangered
11 the life or health of human beings.

12 Guilty of contaminating water supplies when the act did not foreseeably
13 endanger the life or health of human beings.

14 Not guilty.

15 ~~47.55.~~ Attempted Contamination of Water Supplies:

16 Guilty of attempted contamination of water supplies when the act would
17 foreseeably endanger the life or health of human beings.

18 Guilty of attempted contamination of water supplies when the act would not
19 foreseeably endanger the life or health of human beings.

20 Not guilty.

21 ~~48.56.~~ Production, Manufacture, Distribution or Dispensation of Controlled
22 Dangerous Substances:

23 Guilty.

24 Guilty of attempted production, manufacture, distribution or dispensation of
25 controlled dangerous substances.

26 Guilty of possession of controlled dangerous substances.

27 Guilty of attempted possession of controlled dangerous substances.

28 Not guilty.

29 ~~49.57.~~ Possession of Controlled Dangerous Substances With Intent to
30 Produce, Manufacture, Distribute, or Dispense:

1 Guilty.

2 Guilty of attempted possession of controlled dangerous substances with intent
3 to produce, manufacture, distribute, or dispense.

4 Guilty of possession of controlled dangerous substances.

5 Guilty of attempted possession of controlled dangerous substances.

6 Not guilty.

7 ~~50:58.~~ 50:58. Possession of Controlled Dangerous Substances:

8 Guilty.

9 Guilty of attempted possession of controlled dangerous substances.

10 Not guilty.

11 ~~51:59.~~ 51:59. Possession of Cocaine:

12 Guilty.

13 Guilty of attempted possession of cocaine.

14 Guilty of possession of drug paraphernalia.

15 Not guilty.

16 The possession of drug paraphernalia verdict is responsive only if there is
17 evidence of drug paraphernalia, as defined in R.S. ~~40:1031~~ 40:1021, in the charged
18 offense of possession of cocaine.

19 ~~52:60.~~ 52:60. Attempted Production or Manufacture of Controlled Dangerous
20 Substances:

21 Guilty.

22 Guilty of attempted possession of controlled dangerous substances.

23 Not guilty.

24 ~~53:61.~~ 53:61. Attempted Distribution or Dispensation of Controlled Dangerous
25 Substances:

26 Guilty.

27 Guilty of possession of controlled dangerous substances.

28 Guilty of attempted possession of controlled dangerous substances.

29 Not guilty.

1 ~~54.62.~~ Attempted Possession of Controlled Dangerous Substances With
2 Intent to Produce, Manufacture, Distribute or Dispense:

3 Guilty.

4 Guilty of attempted possession of controlled dangerous substances.

5 Not guilty.

6 ~~55.63.~~ Creation or Distribution of Counterfeit Controlled Dangerous
7 Substances:

8 Guilty.

9 Guilty of attempted creation or distribution of counterfeit controlled
10 dangerous substances.

11 Not guilty.

12 ~~56.64.~~ Possession of Counterfeit Controlled Dangerous Substances With
13 Intent to Distribute:

14 Guilty.

15 Guilty of attempted possession of counterfeit controlled dangerous substances
16 with intent to distribute.

17 Not guilty.

18 ~~57.65.~~ Attempted Creation, Distribution, or Possession of Counterfeit
19 Controlled Dangerous Substances With Intent to Distribute:

20 Guilty.

21 Not guilty.

22 ~~58.66.~~ Conspiracy to Violate any Provision of the Uniform Controlled
23 Dangerous Substances Law:

24 Guilty.

25 Not guilty.

26 ~~59.67.~~ Cruelty to Persons with Infirmities:

27 Guilty.

28 Guilty of attempted cruelty to persons with infirmities.

29 Guilty of simple battery.

30 Guilty of assault.

1 Guilty of negligent injuring.

2 Not guilty.

3 ~~60,68.~~ Solicitation of Crime Against Nature:

4 Guilty.

5 Guilty of attempted solicitation of crime against nature.

6 Guilty of prostitution.

7 Not guilty.

8 B.(1) Except as provided in Paragraph A of this Article, responsive verdicts
9 in any other cases arising under the Uniform Controlled Dangerous Substances Law
10 shall be governed by Article 815 of this Code.

11 (2) For purposes of this Article and Article 815, for any offense arising under
12 the Uniform Controlled Dangerous Substances Law that is graded according to the
13 weight of the substance, the responsive verdicts shall include grades of the offense
14 that are based upon lesser weights than the weight of the substance that is charged
15 in the indictment.

16 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2018 Regular Session

ACT No. 711

HOUSE BILL NO. 377

BY REPRESENTATIVES HAZEL, BACALA, BAGNERIS, CARPENTER, DUPLESSIS,
HODGES, HOWARD, JAMES, MACK, MARCELLE, MARINO, NORTON,
PYLANT, AND STEFANSKI

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 989, 992, 993, and 994, relative
3 to expungement; to provide with respect to expungement forms; to make technical
4 changes to the forms; to extend the amount of time that a background check may be
5 used in a motion for an expungement; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Articles 989, 992, 993, and 994 are hereby
8 amended and reenacted to read as follows:

9 Art. 989. Motion for expungement forms to be used

10 STATE OF LOUISIANA

11 JUDICIAL DISTRICT FOR THE PARISH OF

12 _____

13 No.: _____

Division: " _____ "

14 State of Louisiana

15 vs.

16 _____

17 MOTION FOR EXPUNGEMENT

1 NOW INTO COURT comes mover, who provides the court with the
2 following information in connection with this request:

3 **I. DEFENDANT INFORMATION**

4 NAME: _____
5 (Last, First, MI)

6 DOB: _____/_____/_____ (MM/DD/YYYY)

7 GENDER _____ Female _____ Male

8 SSN (last 4 digits): XXX-XX-_____

9 RACE: _____

10 DRIVER LIC.# _____

11 ARRESTING AGENCY: _____

12 SID# (if available): _____

13 ARREST NUMBER (ATN): _____

14 AGENCY ITEM NO. _____

15 Mover is entitled to expunge the record of his arrest/conviction pursuant to
16 Louisiana Code of Criminal Procedure Article 971 et seq. and states the following
17 in support:

18 **II. ARREST INFORMATION**

19 1. Mover was arrested on _____/_____/_____ (MM/DD/YYYY)

20 2. _____ YES _____ NO A supplemental sheet with arrests and/or
21 convictions is attached after page 2 of this
22 Motion.

23 3. Mover was:
24 _____ YES _____ NO Arrested, but it did not result in conviction
25 _____ YES _____ NO Convicted of and seeks to expunge a
26 misdemeanor

27 _____ YES _____ NO Convicted of and seeks to expunge a felony

1 Name of the offense _____

2 () Time expired for prosecution _____

3 (MM/DD/YYYY)

4 () Not prosecuted for any offense

5 arising out of this charge.

6 () Pre-trial Diversion Program.

7 () Charge dismissed

8 () Found not guilty/judgment of acquittal

9 Yes No **MISDEMEANOR CONVICTIONS**

10 ~~ITEM NO. 1~~ La. Rev. Stat. Ann. § _____ : _____

11 Name of the offense _____

12 () Conviction set aside/dismissed ____/____/____

13 pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)

14 () More than 5 years have passed

15 since completion of sentence.

16 ~~ITEM NO. 2~~ La. Rev. Stat. Ann. § _____ : _____

17 Name of the offense _____

18 () Conviction set aside/dismissed ____/____/____

19 pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)

20 () More than 5 years have passed

21 since completion of sentence.

22 Yes No **FELONY CONVICTIONS**

23 ~~ITEM NO. 1~~ La. Rev. Stat. Ann. § _____ : _____

24 () Conviction set aside/dismissed ____/____/____

25 pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)

26 () More than 10 years have passed

27 since completion of sentence

28 ~~ITEM NO. 2~~ La. Rev. Stat. Ann. § _____ : _____

29 () Conviction set aside/dismissed ____/____/____

30 pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)

1 () More than 10 years have passed
2 since completion of sentence

3 Yes No **OPERATING A MOTOR VEHICLE WHILE**
4 **INTOXICATED CONVICTIONS**

5 Mover has attached the following:

6 () A copy of the proof from the Department of Public Safety and
7 Corrections, office of motor vehicles, that it has received from the
8 clerk of court a certified copy of the record of the plea, fingerprints
9 of the defendant, and proof of the requirements set forth in C.Cr.P.
10 Art. 556, which shall include the defendant's date of birth, last four
11 digits of social security number, and driver's license number

12 5. Mover has attached to this Motion the following pertinent documents:

- 13 Criminal Background Check from the La. State Police/Parish Sheriff
- 14 dated within the past ~~30~~ 60 days (required).
- 15 Bill(s) of Information (if any).
- 16 Minute entry showing final disposition of case (if any).
- 17 Certification Letter from the District Attorney for fee waiver (if
- 18 eligible).
- 19 Certification Letter from the District Attorney verifying that the
- 20 applicant has no convictions or pending applicable criminal charges
- 21 in the requisite time periods.
- 22 Certification Letter from the District Attorney verifying that the
- 23 charges were refused.
- 24 Certification Letter from the District Attorney verifying that the
- 25 applicant did not participate in a pretrial diversion program.
- 26 A copy of the order waiving the sex offender registration and
- 27 notification requirements.
- 28 Documentation verifying that the mover has been employed for ten
- 29 consecutive years.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

If not represented by counsel:

Signature of Mover/Defendant

Mover/Defendant Name

Address

City, State, ZIP Code

Telephone Number

* * *

Art. 992. Order of expungement form to be used

STATE OF LOUISIANA

JUDICIAL DISTRICT FOR THE PARISH OF

No.: _____

Division: " _____ "

State of Louisiana

vs.

ORDER OF EXPUNGEMENT OF ARREST/CONVICTION RECORD

Considering the Motion for Expungement

- The hearing conducted and evidence adduced herein, OR
- Affidavits of No Opposition filed,

IT IS ORDERED, ADJUDGED AND DECREED

THE MOTION IS DENIED for ~~Item(s)~~ No. No(s). _____ for the
following reasons (check all that apply):

- More than five years have not elapsed since Mover completed the misdemeanor conviction sentence.
- More than ten years have not elapsed since Mover completed the felony conviction sentence.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

SUPPLEMENTAL SHEET

 Yes **No** **MISDEMEANOR CONVICTIONS**

ITEM NO. La. Rev. Stat. Ann. § :

Name of the offense _____

() Conviction set aside/dismissed / /
(MM/DD/YYYY)

pursuant to C.Cr.P. Art. 894(B)

() More than 5 years have passed

since completion of sentence.

ITEM NO. La. Rev. Stat. Ann. § :

Name of the offense _____

() Conviction set aside/dismissed / /
(MM/DD/YYYY)

pursuant to C.Cr.P. Art. 894(B)

() More than 5 years have passed

since completion of sentence.

ITEM NO. La. Rev. Stat. Ann. § :

Name of the offense _____

() Conviction set aside/dismissed / /
(MM/DD/YYYY)

pursuant to C.Cr.P. Art. 894(B)

() More than 5 years have passed

since completion of sentence.

ITEM NO. La. Rev. Stat. Ann. § :

Name of the offense _____

() Conviction set aside/dismissed / /
(MM/DD/YYYY)

pursuant to C.Cr.P. Art. 894(B)

() More than 5 years have passed

since completion of sentence.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

Attorney for Mover/Defendant Name

Attorney's Bar Roll No.

Address

City, State, ZIP Code

Telephone Number

If not represented by counsel:

Signature of Mover/Defendant

Mover/Defendant Name

Address

City, State, ZIP Code

Telephone Number

PLEASE SERVE:

- 1. District Attorney _____
- 2. Louisiana Bureau of Criminal Identification and Information _____
- 3. Arresting Agency _____

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____