

SENATE BILL NO. 68

BY SENATOR GARY SMITH AND REPRESENTATIVE MARINO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact Code of Criminal Procedure Art. 163(C) and to enact Code of Criminal Procedure Art. 163(E), relative to search warrants; to provide relative to search warrants for data or information contained on a computer or other electronic device; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Art. 163(C) is hereby amended and reenacted and Code of Criminal Procedure Art. 163(E) is hereby enacted to read as follows:

Art. 163. Officer to whom directed; time for execution; electronic devices

* * *

C. Except as authorized by Article 163.1 or as otherwise provided in this Article, or as otherwise provided by law, a search warrant cannot be lawfully executed after the expiration of the tenth day after its issuance.

* * *

E.(1) Notwithstanding any other provision of law to the contrary, if a warrant is issued to search for and seize data or information contained in or on a computer, disk drive, flash drive, cellular telephone, or other electronic communication, or data storage device, the warrant is considered to have been executed within the time allowed in Paragraph C of this Article if the device was seized before the expiration of the time allowed, or if the device was in law enforcement custody at the time of the issuance of the warrant.

(2) Notwithstanding any other provision of law to the contrary, if a device described in Subparagraph (1) of this Paragraph was seized before the expiration of the time allowed in Paragraph C of this Article, or if the device

1 was in law enforcement custody at the time of the issuance of the warrant, any
2 data or information contained in or on the device may be recovered or extracted
3 pursuant to the warrant at any time, and such recovery or extraction shall not
4 be subject to the time limitation in Paragraph C of this Article.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 290

2019 Regular Session

HOUSE BILL NO. 47

BY REPRESENTATIVE JENKINS

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AN ACT

To amend and reenact R.S. 14:92.2(A)(1) and (2), (B)(1), (C), and (D), to enact Code of Criminal Procedure Article 211.3, and to repeal R.S. 14:92.2(B)(4), relative to improper supervision of a minor; to amend the penalties for the crime of improper supervision of a minor by a parent or legal custodian; to provide relative to sentencing; to require issuance of a summons in lieu of arrest of persons who commit the offense; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:92.2(A)(1) and (2), (B)(1), (C), and (D) are hereby amended and reenacted to read as follows:

§92.2. Improper supervision of a minor by parent or legal custodian; ~~penalty~~

A. Improper supervision of a minor by a parent or legal custodian, who has care and control of the minor, includes any of the following:

(1) Through criminal negligence, ~~the~~ or knowingly or willfully, permitting of the minor to associate with a person known by the parent or custodian to be any of the following:

(a) ~~To be a~~ A member of a known criminal street gang as defined in R.S. 15:1404(A).

(b) ~~To have been convicted~~ Convicted of a felony offense.

(c) ~~To be a known~~ A user or distributor of drugs in violation of the Uniform Controlled Dangerous Substances Law.

1 (d) ~~To be a~~ A person who possesses or has access to an illegal firearm,
2 weapon, or explosive.

3 (2) Through criminal negligence, ~~the~~ or knowingly or willfully, permitting
4 of the minor to do any of the following:

5 (a) ~~To enter~~ Enter premises known by the parent or custodian to be a place
6 where sexually indecent activities or prostitution is practiced.

7 (b) ~~To violate~~ Violate a local or municipal curfew ordinance.

8 (c) ~~To habitually~~ Habitually be absent or tardy from school pursuant to the
9 provisions of R.S. 17:233 without valid excuse.

10 (d) ~~To enter~~ Enter the premises known by the parent or legal custodian as a
11 place of illegal drug use or distribution activity.

12 (e) ~~To enter~~ Enter the premises known by the parent or legal custodian as a
13 place of underage drinking or gambling.

14 (f) ~~To enter~~ Enter the premises known by the parent or legal custodian as a
15 place which stores or has a person present who possesses an illegal firearm, weapon,
16 or explosive.

17 * * *

18 B.(1) Whoever violates the provisions of this Section shall be fined ~~not less~~
19 ~~than twenty-five dollars and~~ not more than ~~two~~ five hundred fifty dollars ~~for each~~
20 ~~offense~~, or imprisoned for not more than ~~thirty days~~ ninety days, or both. A
21 minimum condition of probation shall be that the offender participate in forty hours
22 of court-approved community service activities, or a combination of forty hours of
23 court-approved community service and attendance at a court-approved family
24 counseling program by both a parent or legal custodian and the minor.

25 * * *

26 C. The provisions of Subparagraph (A)(1)(b) of this Section shall not apply
27 to an immediate family member who lives in the household with the minor or other
28 relative who is supervised by the parent or legal custodian when visiting with the
29 minor.

1 D.(1) No parent or legal guardian shall be guilty of a violation of this Section
 2 if, upon acquiring knowledge that the minor has undertaken acts as described in
 3 ~~Paragraphs (1) and (2) of Subsection A~~ Paragraphs (A)(1) and (2) of this Section, the
 4 parent or legal guardian seeks the assistance of local, parish, or state law
 5 enforcement officials, school officials, social services officials, or other appropriate
 6 authorities in either leading the child to modify his or her behavior, or in referring
 7 the child to appropriate treatment or corrective facilities.

8 (2) When imposing the sentence for a person convicted of this offense, the
 9 court shall consider the totality of the circumstances including the best interest of the
 10 minor.

11 Section 2. Code of Criminal Procedure Article 211.3 is hereby enacted to read as
 12 follows:

13 Art. 211.3. Summons by officer instead of arrest and booking; improper supervision
 14 of a minor by parent or legal guardian

15 A. When a peace officer has reasonable grounds to believe that a person has
 16 committed the offense of improper supervision of a minor by parent or legal
 17 custodian as defined in R.S. 14:92.2, he may issue a written summons instead of
 18 making an arrest unless any of the following conditions exist:

19 (1) The officer has reasonable grounds to believe that the person will not
 20 appear upon summons.

21 (2) The officer has reasonable grounds to believe that the person will cause
 22 injury to himself or another, will cause damage to property, or will continue in the
 23 same or a similar offense unless immediately arrested and booked.

24 (3) It is necessary to book the person to comply with routine identification
 25 procedures.

26 B. In any case in which a summons has been issued, a warrant of arrest may
 27 later be issued in its place. If the offender fails to appear pursuant to the summons,
 28 the court shall immediately issue a warrant for the arrest of the offender.

1 Section 3. R.S. 14:92.2(B)(4) is hereby repealed in its entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2019 Regular Session
HOUSE BILL NO. 224
BY REPRESENTATIVE DUPLESSIS

ACT No. 154

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 211(C) and to enact Code of
3 Criminal Procedure Article 211(D), relative to a summons by a peace officer instead
4 of arrest or booking; to provide an officer with discretion to issue a citation in lieu
5 of arrest for persons operating a motor vehicle with a suspended, revoked, or
6 canceled driver's license; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 211(C) is hereby amended and
9 reenacted and Code of Criminal Procedure Article 211(D) is hereby enacted to read as
10 follows:

11 Art. 211. Summons by officer instead of arrest and booking

12 * * *

13 C.(1) When a peace officer has reasonable grounds to believe a person has
14 committed an offense of driving without a valid driver's license, whether physical or
15 electronic, in his possession, the officer shall make every practical attempt based on
16 identifying information provided by the person to confirm that the person has been
17 issued a valid driver's license. If the officer determines that the person has been
18 issued a valid driver's license which is not under revocation, suspension, or
19 cancellation, but that the physical or electronic license is not in his possession, the
20 officer shall issue a written summons to the offender in accordance with law,
21 commanding him to appear and answer the charge.

22 (2) The provisions of this Article shall in no way limit a peace officer from
23 issuing a citation for operating a motor vehicle without ~~physical~~ possession of a valid
24 driver's license.

1 D. When a peace officer has reasonable grounds to believe a person has
2 committed an offense of driving with a driver's license that is under revocation,
3 suspension, or cancellation, the officer may use his discretion to make a custodial
4 arrest or issue a written summons to the offender, in accordance with law,
5 commanding him to appear and answer the charge.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2019 Regular Session
HOUSE BILL NO. 351
BY REPRESENTATIVE CARPENTER AND SENATOR BARROW

ACT No. 158

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AN ACT

To amend and reenact Code of Criminal Procedure Article 556.1(C), relative to pleas in criminal cases; to provide relative to pleas of guilty or nolo contendere in felony cases; to provide relative to duties of the court; to require the court to inquire of the defendant and defense counsel of plea offers made by the state; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 556.1(C) is hereby amended and reenacted to read as follows:

Art. 556.1. Plea of guilty or nolo contendere in felony cases; duty of court

* * *

C.(1) The court shall also inquire as to whether the defendant's willingness to plead guilty or nolo contendere results from prior discussions between the district attorney and the defendant or his attorney. If a plea agreement has been reached by the parties, the court, on the record, shall require the disclosure of the agreement in open court or, on a showing of good cause, in camera, at the time the plea is offered.

2019 Regular Session
HOUSE BILL NO. 477

ACT No. 235

BY REPRESENTATIVE DUBUISSON

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AN ACT

To amend and reenact Code of Criminal Procedure Article 795(C), relative to jury trials; to provide relative to peremptory challenges based on race or gender; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 795(C) is hereby amended and reenacted to read as follows:

Art. 795. Time for challenges; method; peremptory challenges based on race or gender; restrictions

* * *

C. No peremptory challenge made by the state or the defendant shall be ~~based solely upon~~ motivated in substantial part on the basis of the race or gender of the juror. If an objection is made that ~~the state or defense has excluded a juror solely a challenge was motivated in substantial part~~ on the basis of race or gender, and a prima facie case supporting that objection is made by the objecting party, the court may shall demand a satisfactory race or gender neutral reason for the exercise of the challenge, unless the court is satisfied that such reason is apparent from the voir dire examination of the juror. Such demand and disclosure, ~~if required by the court,~~ shall be made outside of the hearing of any juror or prospective juror. The court shall then

2019 Regular Session
HOUSE BILL NO. 376
BY REPRESENTATIVE HUVAL

ACT No. 326

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 817, 893.2, and 893.3(A), (B),
3 (C), (D), and (E)(1)(a), relative to criminal sentencing; to provide relative to
4 qualified verdicts; to provide that certain facts that increase the penalty for a crime
5 may be submitted to a jury and be included in the verdict; to provide relative to the
6 sentence imposed when a firearm is discharged, used, or actually possessed during
7 the commission of certain offenses; to provide relative to the procedure for such
8 determinations; to provide relative to the court's authority to consider certain
9 evidence and hold a contradictory hearing in this regard; to provide that the
10 determination of whether a firearm was discharged, used, or actually possessed
11 during the commission of an offense is a specific finding of fact to be submitted to
12 the jury; to provide relative to the burden of proof; to provide relative to the
13 sentences imposed upon the determination being made; and to provide for related
14 matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. Code of Criminal Procedure Articles 817, 893.2, and 893.3(A), (B), (C),
17 (D), and (E)(1)(a) are hereby amended and reenacted to read as follows:

18 Art. 817. Qualifying verdicts

19 A. Any Except as provided in Paragraph B of this Article, any qualification
20 of or addition to a verdict of guilty, beyond a specification of the offense as to which
21 the verdict is found, is without effect upon the finding.

1 ~~mandatory minimum sentencing provisions of Article 893.3 are shown to be~~
 2 ~~applicable.~~

3 ~~D. If at any time during or at the completion of the trial, the court finds by~~
 4 ~~clear and convincing evidence that the state has established that a firearm was~~
 5 ~~discharged or used during the commission of the felony or specifically enumerated~~
 6 ~~misdemeanor or actually possessed during the commission of a felony which is a~~
 7 ~~crime of violence as defined by R.S. 14:2(B), a felony theft, production,~~
 8 ~~manufacturing, distribution, dispensing, or possession with intent to produce,~~
 9 ~~manufacture, distribute, or dispense a controlled dangerous substance in violation of~~
 10 ~~the Uniform Controlled Dangerous Substances Law, or specifically enumerated~~
 11 ~~misdemeanor, and that the mandatory minimum sentencing provisions of Article~~
 12 ~~893.3 have been shown to be applicable, the court may dispense with the hearing~~
 13 ~~provided for in Paragraph A of this Article.~~

14 ~~E. The motion shall be heard and disposed of prior to the imposition of~~
 15 ~~sentence.~~

16 Art. 893.3. Sentence imposed on felony or specifically enumerated misdemeanor in
 17 which firearm was possessed, used, or discharged

18 A. If the court finder of fact finds by clear and convincing evidence beyond
 19 a reasonable doubt that the offender actually possessed a firearm during the
 20 commission of the felony or specifically enumerated misdemeanor for which he was
 21 convicted, the court shall impose a term of imprisonment of not less than two years
 22 nor more than the maximum term of imprisonment provided for the underlying
 23 offense; however, if the maximum sentence for the underlying offense is less than
 24 two years, the court shall impose the maximum sentence.

25 B. If the court finder of fact finds by clear and convincing evidence beyond
 26 a reasonable doubt that the offender actually used a firearm in the commission of the
 27 felony or specifically enumerated misdemeanor for which he was convicted, the
 28 court shall impose a term of imprisonment of not less than five years nor more than
 29 the maximum term of imprisonment provided for the underlying offense; however,

1 if the maximum sentence for the underlying offense is less than five years, the court
 2 shall impose the maximum sentence.

3 C. If the ~~court~~ finder of fact finds ~~by clear and convincing evidence~~ beyond
 4 a reasonable doubt that the offender actually discharged a firearm in the commission
 5 of the felony or specifically enumerated misdemeanor for which he was convicted,
 6 the court shall impose a term of imprisonment of not less than ten years nor more
 7 than the maximum term of imprisonment provided for the underlying offense;
 8 however, if the maximum sentence for the underlying offense is less than ten years,
 9 the court shall impose the maximum sentence.

10 D. If the ~~court~~ finder of fact finds ~~by clear and convincing evidence~~ beyond
 11 a reasonable doubt that a firearm was actually used or discharged by the defendant
 12 during the commission of the felony for which he was convicted, and thereby caused
 13 bodily injury, the court shall impose a term of imprisonment of not less than fifteen
 14 years nor more than the maximum term of imprisonment provided for the underlying
 15 offense; however, if the maximum sentence for the underlying felony is less than
 16 fifteen years, the court shall impose the maximum sentence.

17 E.(1)(a) Notwithstanding any other provision of law to the contrary, if the
 18 finder of fact has determined that the defendant ~~commits~~ committed a felony with
 19 a firearm as provided for in this Article, and the crime is considered a violent felony
 20 as defined in this Paragraph, the court shall impose a minimum term of
 21 imprisonment of not less than ten years nor more than the maximum term of
 22 imprisonment provided for the underlying offense. In addition, if the firearm is
 23 discharged during the commission of such a violent felony, the court shall impose
 24 a minimum term of imprisonment of not less than twenty years nor more than the
 25 maximum term of imprisonment provided for the underlying offense.

26 * * *

27 Section 2. This Act shall become effective upon signature by the governor or, if not
 28 signed by the governor, upon expiration of the time for bills to become law without signature
 29 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2019 Regular Session

ACT No. 253

HOUSE BILL NO. 611 (Substitute for House Bill No. 255 by Representative Magee)

BY REPRESENTATIVE MAGEE AND SENATORS BARROW, CARTER, AND
COLOMB

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 885.1 and Section 3 of Act No.
3 260 of the 2017 Regular Session of the Legislature as amended by Act Nos. 137 and
4 668 of the 2018 Regular Session of the Legislature, relative to the financial
5 obligations for criminal offenders; to provide relative to the court's authority to
6 suspend the driver's license of a defendant for failure to pay a criminal fine; to
7 authorize the court to grant an extension of time to pay the fine; to authorize the
8 court to order the performance of community service in lieu of payment of the fine;
9 to provide relative to the effectiveness of changes made to Code of Criminal
10 Procedure Article 885.1 by Act No. 260 of the 2017 Regular Session of the
11 Legislature; to delay the effective date of certain provisions in Act No. 260 of the
12 2017 Regular Session of the Legislature which provided relative to the financial
13 obligations for criminal offenders; to provide relative to the payment of fines, fees,
14 costs, restitution, and other monetary obligations related to an offender's conviction;
15 to require the court to determine the offender's ability to pay the financial obligations
16 imposed; to authorize the court to waive, modify, or create a payment plan for the
17 offender's financial obligations; to provide relative to the court's authority to extend
18 probation under certain circumstances; to provide relative to the recovery of
19 uncollected monetary obligations at the end of a probation period; to provide for
20 legislative intent; to provide relative to the disbursement of collected payments; to
21 authorize the court to impose certain conditions in lieu of payment in certain
22 situations; to provide relative to the penalties imposed when an offender fails to

1 make certain payments or fails to appear for a hearing relative to missed payments;
2 to require notice to an offender upon his failure to make certain payments; and to
3 provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. Code of Criminal Procedure Article 885.1 is hereby amended and
6 reenacted to read as follows:

7 Art. 885.1. Suspension of driving privileges; failure to pay criminal fines

8 A. When a fine is levied against a person convicted of any criminal offense,
9 including any violation of the Louisiana Highway Regulatory Act or any municipal
10 or parish ordinance regulating traffic, ~~in any municipality or in any parish~~ and the
11 court grants the defendant ~~is granted~~ an extension of time to pay the fine, if at the
12 expiration of the extended period granted by the court, the defendant shows that he
13 is financially unable to pay the fine, the judge of the court having jurisdiction ~~may~~
14 order shall grant the person an extension of time, not to exceed one hundred eighty
15 days, in which to pay the fine, or offer the person, in lieu of paying the fine, the
16 alternative of performing community service as set by the judge.

17 B. If, at the expiration of the one-hundred-eighty-day period granted by the
18 judge pursuant to Paragraph A of this Article, the judge determines that the
19 defendant has either willfully not paid the fine or has not performed the community
20 service, the judge may do either of the following:

21 (1) For any offense that involves the operation of any motor vehicle, aircraft,
22 watercraft, or other means of conveyance as a necessary element of proof in the
23 commission of the offense, order the person's driver's license to be surrendered to the
24 sheriff or official of the court collecting fines, and for a period of time not to exceed
25 one hundred eighty days. If, after expiration of one hundred eighty days, the
26 defendant has not paid the fine, the sheriff or official of the court designated to
27 collect fines shall forward the license to the Department of Public Safety and
28 Corrections.

1 (2) Grant the person an extension of time to either pay the fine or perform
 2 the community service.

3 ~~B. Upon receipt of a surrendered driver's license, the sheriff or court official~~
 4 ~~responsible for collection of such fines shall issue a temporary permit for a period~~
 5 ~~not to exceed one hundred eighty days or for a period of time set forth by the judge~~
 6 ~~having jurisdiction. The temporary permits, the procedure for distributing such~~
 7 ~~permits, and the rules and regulations associated with such permits shall be the same~~
 8 ~~as devised by the Department of Public Safety and Corrections as required by R.S.~~
 9 ~~32:411.1.~~

10 ~~C. If, after expiration of one hundred eighty days, the defendant has not paid~~
 11 ~~the fine, the sheriff or official of the court designated to collect fines shall forward~~
 12 ~~the license to the Department of Public Safety and Corrections. Upon~~ If the person's
 13 license is surrendered pursuant to Paragraph (B)(1) of this Article, upon receipt of
 14 the defendant's surrendered driver's license, the department shall suspend the driver's
 15 license of the defendant. The suspension shall begin when the department receives
 16 written notification from the court, and the department shall send immediate written
 17 notification to the defendant informing him of the suspension of driving privileges.

18 D. The department shall not reinstate, return, reissue, or renew a driver's
 19 license in its possession pursuant to this Article until payment of the fine and any
 20 additional administrative cost, fee, or penalty required by the judge having the
 21 jurisdiction and any other cost, fee, or penalty required by the department in
 22 accordance with R.S. 32:414(H) or other applicable cost, fee, or penalty provision.

23 Section 2. Section 3 of Act No. 260 of the 2017 Regular Session of the Legislature
 24 as amended by Act Nos. 137 and 668 of the 2018 Regular Session of the Legislature is
 25 hereby amended and reenacted to read as follows:

26 Section 3. The provisions of this Act shall become effective on August 1,
 27 ~~2019~~ 2021.

28 Section 3. The provisions of this Act shall become effective on August 1, 2019.

29 Section 4. It is the intent of the legislature that the changes made to Code of
 30 Criminal Procedure Article 885.1 by Act No. 260 of the 2017 Regular Session of the

1 Legislature, as amended by Act Nos. 137 and 668 of the 2018 Regular Session of the
2 Legislature, shall never go into effect and that the provisions of this Act shall control.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2019 Regular Session
HOUSE BILL NO. 397

ACT No. 111

BY REPRESENTATIVE BAGNERIS

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 885.1, relative to suspension of
3 driving privileges; to provide relative to the surrender of driver's licenses of persons
4 who fail to pay criminal fines; to authorize the court to grant an extension of time to
5 pay the fine; to authorize the court to order the performance of community service
6 in lieu of payment of the fine; to provide relative to the effectiveness of changes
7 made to Code of Criminal Procedure Article 885.1 by Act No. 260 of the 2017
8 Regular Session of the Legislature; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Code of Criminal Procedure Article 885.1 is hereby amended and
11 reenacted to read as follows:

12 Art. 885.1. Suspension of driving privileges; failure to pay criminal fines

13 A. When a fine is levied against a person convicted of any criminal offense,
14 including any violation of the Louisiana Highway Regulatory Act or any municipal
15 or parish ordinance regulating traffic, ~~in any municipality or in any parish~~ and the
16 court grants the defendant ~~is granted~~ an extension of time to pay the fine, if at the
17 expiration of the extended period granted by the court, the defendant shows that he
18 is financially unable to pay the fine, the judge of the court having jurisdiction ~~may~~
19 order shall grant the person an extension of time, not to exceed one hundred eighty
20 days, in which to pay the fine, or offer the person, in lieu of paying the fine, the
21 alternative of performing community service as set by the judge.

22 B. If, at the expiration of the one-hundred-eighty-day period granted by the
23 judge pursuant to Paragraph A of this Article, the judge determines that the
24 defendant has either willfully not paid the fine or has not performed the community
25 service, the judge may do either of the following:

1 (1) For any offense that involves the operation of any motor vehicle, aircraft,
 2 watercraft, or other means of conveyance as a necessary element of proof in the
 3 commission of the offense, order the person's driver's license to be surrendered to the
 4 sheriff or official of the court collecting fines, and for a period of time not to exceed
 5 ~~one hundred eighty days. If, after expiration of one hundred eighty days, the~~
 6 ~~defendant has not paid the fine,~~ the sheriff or official of the court designated to
 7 collect fines shall forward the license to the Department of Public Safety and
 8 Corrections.

9 (2) Grant the person an extension of time to either pay the fine or perform
 10 the community service.

11 ~~B. Upon receipt of a surrendered driver's license, the sheriff or court official~~
 12 ~~responsible for collection of such fines shall issue a temporary permit for a period~~
 13 ~~not to exceed one hundred eighty days or for a period of time set forth by the judge~~
 14 ~~having jurisdiction. The temporary permits, the procedure for distributing such~~
 15 ~~permits, and the rules and regulations associated with such permits shall be the same~~
 16 ~~as devised by the Department of Public Safety and Corrections as required by R.S.~~
 17 ~~32:411.1.~~

18 ~~C. If, after expiration of one hundred eighty days, the defendant has not paid~~
 19 ~~the fine, the sheriff or official of the court designated to collect fines shall forward~~
 20 ~~the license to the Department of Public Safety and Corrections. Upon~~ If the person's
 21 license is surrendered pursuant to Paragraph (B)(1) of this Article, upon receipt of
 22 the defendant's surrendered driver's license, the department shall suspend the driver's
 23 license of the defendant. The suspension shall begin when the department receives
 24 written notification from the court, and the department shall send immediate written
 25 notification to the defendant informing him of the suspension of driving privileges.

26 D. The department shall not reinstate, return, reissue, or renew a driver's
 27 license in its possession pursuant to this Article until payment of the fine and any
 28 additional administrative cost, fee, or penalty required by the judge having the
 29 jurisdiction and any other cost, fee, or penalty required by the department in
 30 accordance with R.S. 32:414(H) or other applicable cost, fee, or penalty provision.

1 E. Notwithstanding any provision of law to the contrary, if the person against
2 whom the fine is levied is financially unable to pay the fine, the provisions of this
3 Article shall not apply and the judge of the court shall not order that the person's
4 driver's license be surrendered for failure to pay such fine, unless the court
5 determines that the defendant is financially able but has willfully refused to pay the
6 fine, or to perform the community service ordered as an alternative to the fine
7 pursuant to the provisions of this Article.

8 Section 2. The provisions of this Act shall become effective on August 1, 2019.

9 Section 3. It is the intent of the legislature that the changes made to Code of
10 Criminal Procedure Article 885.1 in Act No. 260 of the 2017 Regular Session of the
11 Legislature, as amended by Act Nos. 137 and 668 of the 2018 Regular Session of the
12 Legislature, shall never go into effect and that the provisions of this Act shall control.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2019 Regular Session
HOUSE BILL NO. 518
BY REPRESENTATIVE GAINES

ACT No. 386

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AN ACT

To amend and reenact R.S. 15:529.1(C) and Code of Criminal Procedure Article 893(E)(2), (3)(a) and (c), and (4), relative to the habitual offender law; to provide relative to the convictions to which the habitual offender law applies; to provide for the application of the habitual offender law relative to a conviction that is subsequently dismissed and set aside after a deferral of imposition of sentence; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:529.1(C) is hereby amended and reenacted to read as follows:

§529.1. Sentences for second and subsequent offenses; certificate of warden or clerk of court in the state of Louisiana as evidence

* * *

C.(1) Except as provided in ~~Paragraph~~ Paragraphs (2) and (3) of this Subsection, the current offense shall not be counted as, respectively, a second, third, fourth, or higher offense if more than five years have elapsed between the date of the commission of the current offense or offenses and the expiration of the correctional supervision, or term of imprisonment if the offender is not placed on supervision following imprisonment, for the previous conviction or convictions, or between the

1 expiration of the correctional supervision, or term of imprisonment if the offender
 2 is not placed on supervision following imprisonment, for each preceding conviction
 3 or convictions alleged in the multiple offender bill and the date of the commission
 4 of the following offense or offenses. In computing the intervals of time as provided
 5 in this Paragraph, any period of parole, probation, or incarceration by a person in a
 6 penal institution, within or without the state, shall not be included in the computation
 7 of any of the five-year periods between the expiration of the correctional supervision,
 8 or term of imprisonment if the offender is not placed on supervision following
 9 imprisonment, and the next succeeding offense or offenses.

10 (2) ~~The~~ Except as provided in Paragraph (3) of this Subsection, the current
 11 offense shall not be counted as, respectively, a second, third, fourth, or higher
 12 offense if more than ten years have elapsed between the date of the commission of
 13 the current offense or offenses and the expiration of correctional supervision, or term
 14 of imprisonment if the offender is not placed on supervision following
 15 imprisonment, for a crime of violence as defined in R.S. 14:2(B) or a sex offense as
 16 defined in R.S. 15:541, or between the expiration of correctional supervision, or term
 17 of imprisonment if the offender is not placed on supervision following
 18 imprisonment, for each preceding conviction or convictions alleged in the multiple
 19 offender bill for a crime of violence as defined in R.S. 14:2(B) or a sex offense as
 20 defined in R.S. 15:541 and the date of the commission of the following offense or
 21 offenses. In computing the intervals of time as provided in this Paragraph, any
 22 period of parole, probation, or incarceration by a person in a penal institution, within
 23 or without the state, shall not be included in the computation of any of the ten-year
 24 periods between the expiration of correctional supervision, or term of imprisonment
 25 if the offender is not placed on supervision following imprisonment, for a crime of
 26 violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541 and the
 27 next succeeding offense or offenses.

28 (3) Notwithstanding any provision of law to the contrary, a conviction for
 29 a felony offense that is not a crime of violence as defined by R.S. 14:2(B) and that
 30 has been set aside and dismissed pursuant to Code of Criminal Procedure Article

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 conviction and dismiss prosecution, whether the defendant's sentence was suspended
 2 under Paragraph A of this Article or deferred under Subparagraph (1) of this
 3 Paragraph. The dismissal of prosecution shall have the same effect as an acquittal,
 4 except that the conviction may be considered as a first offense and provide the basis
 5 for subsequent prosecution of the party as a ~~multiple~~ habitual offender, ~~and shall~~
 6 except as provided in R.S. 15:529.1(C)(3). The conviction may be considered as a
 7 ~~first~~ prior offense for purposes of any other law or laws relating to cumulation of
 8 offenses.

* * *

9
 10 (c) Dismissal under this Paragraph shall have the same effect as an acquittal
 11 for purposes of expungement under the provisions of ~~R.S. 44:9~~ Title XXXIV of the
 12 Code of Criminal Procedure and may occur only once with respect to any person.

* * *

13
 14 (4) When a defendant, who has been committed to the custody of the
 15 Department of Public Safety and Corrections to serve a sentence in the intensive
 16 incarceration program pursuant to the provisions of Article 895(B)(3), has
 17 successfully completed the intensive incarceration program as well as successfully
 18 completed all other conditions of parole or probation, and if the defendant is
 19 otherwise eligible, the court with the concurrence of the district attorney may set
 20 aside the conviction and dismiss prosecution, whether the defendant's sentence was
 21 suspended under Paragraph A of this Article or deferred under Subparagraph (1) of
 22 this Paragraph. The dismissal of prosecution shall have the same effect as an
 23 acquittal, except that the conviction may be considered as a first offense and provide
 24 the basis for subsequent prosecution of the party as a ~~multiple~~ habitual offender, ~~and~~
 25 ~~shall~~ except as provided in R.S. 15:529.1(C)(3). The conviction may be considered
 26 as a ~~first~~ prior offense for purposes of any other law or laws relating to cumulation
 27 of offenses. Dismissal under this Subparagraph shall have the same effect as an
 28 acquittal for purposes of expungement under the provisions of ~~R.S. 44:9~~ Title

SENATE BILL NO. 181

BY SENATOR HEWITT AND REPRESENTATIVE EDMONDS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 13:998(B) and (C), 1141(B), and 1414(B), R.S. 15:1224(A), (B), and (C), R.S. 17:1519.6(A), R.S. 23:1514(D)(5) as amended by Section 7 of Act No. 612 of the 2018 Regular Session of the Legislature, R.S. 39:100.31(B) and 1357, R.S. 47:120.71(B), R.S. 47:318(D) as amended by Section 15 of Act No. 612 of the 2018 Regular Session of the Legislature, R.S. 49:308.5(B)(3) and (4) and (C)(1), the introductory paragraph of (C)(3)(a), and (E), R.S. 51:2315(A) as amended by Section 17 of Act No. 612 of the 2018 Regular Session of the Legislature, R.S. 56:279(C)(1) and (2) as amended by Section 18 of Act No. 612 of the 2018 Regular Session of the Legislature, Code of Criminal Procedure Art. 895.1(E) as amended by Section 1 of Act No. 260 of the 2017 Regular Session of the Legislature and by Act No. 137 of the 2018 Regular Session of the Legislature, Code of Criminal Procedure Art. 895.1(F)(2) as amended by Section 19 of Act No. 612 of the 2018 Regular Session of the Legislature, and Sections 1 and 24 of Act No. 612 of the 2018 Regular Session of the Legislature, and to repeal R.S. 24:653(N)(3) as amended by Section 8 of Act No. 612 of the 2018 Regular Session of the Legislature, R.S. 39:100.26 and 100.41, and R.S. 49:308.5(B) as amended by Section 16 of Act No. 612 of the 2018 Regular Session of the Legislature, relative to certain funds in the state treasury and the review of those funds; to provide for the reclassification of funds in the state treasury; to provide for the elimination of certain treasury funds and the creation of certain statutorily dedicated fund accounts containing fees and self-generated revenues; to provide relative to monies deposited and credited into certain statutorily dedicated fund accounts in the state treasury; to provide that statutorily dedicated

1 fund accounts shall be presented as a distinct means of finance in the executive
 2 budget; to provide relative to the investment of monies in certain treasury funds and
 3 statutorily dedicated fund accounts; to provide relative to the plan of review of
 4 certain special funds, dedications, and statutorily dedicated fund accounts; to provide
 5 for the review of certain special funds and dedications in the state treasury, including
 6 those containing fees and self-generated revenues, by the Dedicated Fund Review
 7 Subcommittee of the Joint Legislative Committee on the Budget; to provide for
 8 meetings of the subcommittee; to provide for effective dates; and to provide for
 9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Sections 1 and 24 of Act No. 612 of the 2018 Regular Session of the
 12 Legislature is hereby amended and reenacted to read as follows:

13 Section 1. The conversion of certain dedicated funds to ~~special agency~~
 14 **special statutorily dedicated fund** accounts in the state treasury contained herein,
 15 shall cause the special ~~statutorily dedicated fund~~ agency accounts to be classified
 16 as fees and self-generated revenues to be used only for the purposes of identifying
 17 ~~the~~ **accounts containing fees and self-generated revenues, hereinafter referred**
 18 **to as special agency accounts or accounts,** means of finance in the executive
 19 budget **shall be categorized as fees and self-generated revenue for the sole**
 20 **purpose of reporting related to the executive budget, supporting documents,**
 21 **and general appropriations bills.** The conversion of certain dedicated funds to
 22 special agency accounts shall not change the purpose for which the monies were
 23 dedicated unless the use of the monies is specifically amended herein. Unless
 24 specifically provided for in the statute establishing the agency account, all funds
 25 transferred to agency accounts shall not revert to the state general fund at the end of
 26 the fiscal year. **Unless specifically provided otherwise in the statute establishing**
 27 **the agency account, the monies in the accounts shall be invested by the treasurer**
 28 **in the same manner as the state general fund, and interest earnings shall be**
 29 **deposited into the accounts following compliance with the requirements of**
 30 **Article VII, Section 9(B) of the Louisiana Constitution relative to the Bond**

1 from the account. No funds shall be transferred in or out of an account without an
 2 annual appropriation or favorable action of the Joint Legislative Committee on the
 3 Budget through a budget adjustment for the statutory purpose of those revenues.

4 Section 3. R.S. 13:998(B) and (C), 1141(B), and 1414(B) are hereby amended and
 5 reenacted to read as follows:

6 §998. Nonrefundable fee; assessment and disposition

7 * * *

8 B. The clerks of the respective district courts, within thirty days of the close
 9 of each fiscal year, shall remit all funds collected pursuant to this Section to be
 10 deposited in the state treasurer's account for credit to a special ~~fund~~ **statutorily**
 11 **dedicated fund account** after meeting the requirements of Article VII, Section 9 of
 12 the Constitution of Louisiana. The monies in this ~~fund~~ **account** shall be invested by
 13 the state treasurer in the same manner as monies in the state general fund, and
 14 interest earned on the investment of these monies shall be credited to the ~~fund~~
 15 **account** following compliance with the requirement of Article VII, Section 9(B)
 16 relative to the Bond Security and Redemption Fund. Disbursement of funds shall be
 17 made by the office of children and family services in the Department of Children and
 18 Family Services, or its successor, in accordance with Paragraph (E)(2) of this Section
 19 and only in amounts appropriated by the legislature. **Monies deposited into this**
 20 **account shall be categorized as fees and self-generated revenue for the sole**
 21 **purpose of reporting related to the executive budget, supporting documents,**
 22 **and general appropriations bills and shall be available for annual**
 23 **appropriations by the legislature.**

24 C. The monies appropriated by the legislature and disbursed from this special
 25 ~~fund~~ **account** shall not displace, replace, or supplant appropriations from the general
 26 fund. This Paragraph shall mean that no appropriation for any fiscal year from the
 27 special account shall be made for any purpose for which a general fund appropriation
 28 was made in the previous year unless the total appropriations for that fiscal year from
 29 the state general fund for such purpose exceed general fund appropriations for the
 30 previous year.

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§1141. Domestic Relations Section; nonrefundable fee; assessment and disposition

* * *

B. The clerk of the civil district court, within thirty days of the close of each fiscal year, shall remit all costs collected pursuant to this Section to be deposited in the state treasurer's account for credit to a special **statutorily dedicated** fund **account** after meeting the requirements of Article VII, Section 9 of the Constitution of Louisiana. The monies in this ~~fund~~ **account** shall be invested by the state treasurer in the same manner as monies in the state general fund, and interest earned on the investment of these monies shall be credited to the ~~fund~~ **account** following compliance with the requirement of Article VII, Section 9(B) relative to the Bond Security and Redemption Fund. Disbursement of funds shall be made by the office of children and family services in the Department of Children and Family Services, or its successor, in accordance with Paragraph ~~E~~**(E)**(2) of this Section and only in amounts appropriated by the legislature. **Monies deposited into this account shall be categorized as fees and self-generated revenue for the sole purpose of reporting related to the executive budget, supporting documents, and general appropriations bills and shall be available for annual appropriation by the legislature.**

* * *

§1414. Nonrefundable fee; assessment and disposition

* * *

B. The clerk of the 19th Judicial District Court, within thirty days of the close of each fiscal year, shall remit all costs collected pursuant to this Section to be deposited in the state treasurer's account for credit to a special **statutorily dedicated** fund **account** after meeting the requirements of Article VII, Section 9 of the Constitution of Louisiana. The monies in this ~~fund~~ **account** shall be invested by the state treasurer in the same manner as monies in the state general fund, and interest earned on the investment of these monies shall be credited to the ~~fund~~ **account** following compliance with the requirement of Article VII, Section 9(B) relative to

1 the Bond Security and Redemption Fund. Disbursement of funds shall be made by
 2 the office of children and family services in the Department of Children and Family
 3 Services, or its successor, in accordance with Paragraph (E)(2) of this Section and
 4 only in amounts appropriated by the legislature. Monies deposited into this account
 5 shall be categorized as fees and self-generated revenue for the sole purpose of
 6 reporting related to the executive budget, supporting documents, and general
 7 appropriations bills and shall be available for annual appropriations by the
 8 legislature.

9 * * *

10 Section 4. R.S. 15:1224 (A), (B), and (C) are hereby amended and reenacted to read
 11 as follows:

12 §1224. Drug Abuse Education and Treatment **Dedicated** Fund **Account**; creation;
 13 purpose

14 A. The Drug Abuse Education and Treatment **Dedicated** Fund **Account**,
 15 hereafter referred to as the "**fund account**", is hereby created as a special **statutorily**
 16 **dedicated** fund **account** in the state treasury, which shall be the depository for all
 17 fees collected under the provisions of C.Cr.P. Art. 895.1(E).

18 B. 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, an amount equal to that
 21 deposited as required by Subsection A ~~hereof~~ **of this Section** shall be credited to the
 22 ~~fund~~ **account**. The monies in the ~~fund~~ **account** shall be used solely as provided by
 23 Subsection C of this Section and only in the amounts appropriated by the legislature.
 24 The monies in this ~~fund~~ **account** shall be invested by the state treasurer in the same
 25 manner as monies in the state general fund, and interest earned on the investment of
 26 these monies shall be credited to the ~~fund~~ **account**, again following compliance with
 27 the requirement of Article VII, Section 9(B) relative to the Bond Security and
 28 Redemption Fund. Monies deposited into the account shall be categorized as fees
 29 and self-generated revenue for the sole purpose of reporting related to the
 30 executive budget, supporting documents, and general appropriations bills and

1 shall be available for annual appropriation by the legislature.

2 C. The monies available in the ~~fund~~ account shall be used exclusively by the
3 Louisiana Commission on Law Enforcement to administer a grant program to assist
4 local public and private nonprofit agencies involved in drug abuse prevention and
5 treatment in developing drug abuse and treatment programs. In addition, the
6 commission shall allocate from the ~~fund~~ account such monies as are necessary in
7 administering this grant program.

8 * * *

9 Section 5. R.S. 17:1519.6(A) is hereby amended and reenacted to read as follows:
10 §1519.6. Funding and budget

11 A. The health care services division shall be an organizational unit within the
12 LSU HSC-NO and shall be budgeted as a single appropriation separate and distinct
13 from the appropriation or budget for any other institution or school under the
14 supervision and management of the board. ~~The appropriation for the health care~~
15 ~~services division shall only indicate the amount of state general fund dollars~~
16 ~~appropriated to this schedule and shall exclude state general funds for Medicaid and~~
17 ~~Medicaid-Uncompensated Care. All other funds generated by hospital operations~~
18 ~~shall be deposited directly into the Health Care Services Fund without appropriation.~~
19 Funds from other institutions, schools, or divisions under the management of the
20 board shall not be used to offset any deficit which may occur within the health care
21 services division, and, conversely, funds from the health care services division shall
22 not be used to offset any deficit which may occur within other institutions, schools,
23 or divisions under the management of the board.

24 * * *

25 Section 6. R.S. 23:1514(D)(5) as amended by Section 7 of Act No. 612 of the 2018
26 Regular Session is hereby amended and reenacted to read as follows:

27 §1514. Worker training fund; purpose; training programs; eligibility criteria;
28 program administration

29 * * *

30 D.(1) * * *

1 (5) The administrator may annually set aside an amount up to ten percent of
 2 the amount appropriated to the fund by the state legislature for preemployment
 3 training in any year in which the legislature appropriates funds for training equal to
 4 or exceeding those funds appropriated in the previous year to the Rapid Response
 5 Fund created by R.S. 51:2361 or to the Louisiana Economic Development Fund
 6 created by R.S. 51:2315 to be used exclusively for ~~the Louisiana FastStart Program~~
 7 **Louisiana Economic Development - Debt Service and State Commitments**. All
 8 preemployment training shall require an employer matching contribution of not more
 9 than fifty percent, and job placement outcomes at wage rates commensurate with
 10 training, as determined by the administrator pursuant to duly promulgated rules and
 11 regulations.

12 Section 7. R.S. 39:100.31(B) is hereby amended and reenacted to read as follows:

13 §100.31. State Emergency Response Fund

14 * * *

15 B. Monies in the fund shall be appropriated and used to provide a source of
 16 funds to pay expenses incurred as a result of activities associated with the
 17 preparation for and response to an emergency or declared disaster. The expenditure
 18 for such a purpose from another source may be eligible to be repaid from the fund
 19 if the using agency has certified the necessity of such action to the commissioner of
 20 administration. Monies in the fund may also be utilized to provide bridge funding in
 21 anticipation of reimbursements from the federal government or other source. Any
 22 reimbursement received for expenses paid from the fund shall be returned to and
 23 deposited into the fund. Transfers of monies from the fund may be made from one
 24 agency to another prior to obtaining approval by the Joint Legislative Committee on
 25 the Budget in the event of an emergency and if certified by the commissioner of
 26 administration to the governor that any delay in the expenditure of such monies
 27 would be detrimental to the welfare and safety of the state and its citizens. The Joint
 28 Legislative Committee on the Budget shall be notified in writing of such declaration
 29 and shall meet to consider such action, but if it is found by the committee that such
 30 funds were not needed for an emergency expenditure, such approval may be

1 withdrawn and any balance remaining shall not be expended. ~~Monies in the fund~~
2 ~~may also be transferred to the FEMA Reimbursement Fund by the commissioner of~~
3 ~~administration with the approval of the Joint Legislative Committee on the Budget.~~

4 * * *

5 Section 8.(A) R.S. 39:1357 is hereby amended and reenacted to read as follows:

6 §1357. Fiscal Administrator Revolving Loan Fund

7 A. There is hereby established a revolving fund in the state treasury to be
8 known as the "Fiscal Administrator Revolving Loan Fund", hereinafter referred to
9 as the "fund", which shall be maintained and operated by the Department of the
10 Treasury. The source of monies deposited in and credited to the fund shall be all
11 grants, gifts, and donations received by the state for the purpose of funding fiscal
12 administrators; any money appropriated by the legislature to the fund; the repayment
13 of principal of and interest on loans and other obligations made to political
14 subdivisions financed from the fund; and other revenues as may be provided by law.

15 B. Money in the fund shall be invested by the state treasurer in the same
16 manner as money in the state general fund. Interest earned on the investment of the
17 money in the fund shall be credited to the fund after compliance with the
18 requirements of Article VII, Section 9(B) relative to the Bond Security and
19 Redemption Fund. All unexpended and unencumbered money in the fund at the end
20 of a fiscal year shall remain in the fund.

21 C. Notwithstanding any provisions of law to the contrary, and in addition to
22 the authority to borrow money or incur debt under any other provisions of law, any
23 political subdivision for which a fiscal administrator is in the process of being
24 appointed or which has been appointed as provided in this Chapter, is hereby
25 authorized to borrow money from and incur debt payable to the fund in accordance
26 with the provisions of this Section. Such borrowing shall be subject to the approval
27 of:

- 28 (1) The legislative auditor, the attorney general, and the state treasurer.
- 29 (2) The fiscal administrator, if one has been appointed by the court.
- 30 (3) The district court having jurisdiction over the fiscal administration.

1 (4) The State Bond Commission.

2 D. The monies in the fund shall be appropriated and used only for the
3 purpose of providing financial assistance to a political subdivision for which a court
4 has appointed a fiscal administrator as provided in this Chapter by providing a source
5 of funds from which the political subdivision may borrow in order to pay the costs
6 and expenses associated with the independent fiscal administration of the political
7 subdivision, including but not limited to all costs and expenses incurred by the fiscal
8 administrator, the legislative auditor, the attorney general, the state treasurer, and any
9 other persons engaged in connection with the independent fiscal administration.

10 E. Each loan shall be evidenced by a bond, note, or other evidence of
11 indebtedness of the borrower issued to represent an obligation to repay a loan from
12 the fund and shall be authorized and issued pursuant to a resolution or ordinance of
13 the governing authority of such entity, which shall prescribe the form and details
14 thereof, including the terms, security for, manner of execution, repayment schedule,
15 and redemption features thereof. Any such resolution or ordinance shall set forth the
16 maximum principal amount, the maximum interest rate, which shall be at an interest
17 rate that is less than or equal to the market interest rate, as determined by the
18 Department of the Treasury, the maximum redemption premium, if any, and the
19 maximum term of such indebtedness.

20 F. All resolutions or ordinances authorizing the issuance of bonds, notes, or
21 other evidence of indebtedness of a political subdivision hereunder shall be
22 published once in the official journal of the borrower. It shall not be necessary to
23 publish exhibits to such resolution or ordinance, but such exhibits shall be made
24 available for public inspection at the offices of the governing authority of the
25 borrower at reasonable times and such fact shall be stated in the publication. For a
26 period of thirty days after the date of such publication, any persons in interest may
27 contest the legality of the resolution or ordinance authorizing such evidence of
28 indebtedness and any provisions thereof made for the security and payment thereof.
29 After such thirty-day period, no one shall have any cause or right of action to contest
30 the regularity, formality, legality, or effectiveness of the resolution or ordinance and

1 the provisions thereof or of the bonds, notes, or other evidence of indebtedness
2 authorized thereby for any cause whatsoever. If no suit, action, or proceeding is
3 begun contesting the validity of the bonds, notes, or other evidence of indebtedness
4 authorized pursuant to the resolution or ordinance within the thirty days prescribed
5 in this Subsection, the authority to issue the bonds, notes, or other evidence of
6 indebtedness, or to provide for the payment thereof, and the legality thereof, and all
7 of the provisions of the resolution or ordinance and the evidence of indebtedness
8 shall be conclusively presumed, and no court shall have authority or jurisdiction to
9 inquire into any such matter.

10 G. The Department of the Treasury may by suit, action, mandamus, or other
11 proceedings, protect and enforce any covenant relating to and the security provided
12 in connection with any indebtedness issued pursuant to this Section, and may by suit,
13 action, mandamus, or other proceedings enforce and compel performance of all of
14 the duties required to be performed by the governing body and officials of any
15 borrower hereunder and in any proceedings authorizing the issuance of such bonds
16 or other evidences of indebtedness.

17 H. Monies in, credited to the account of, or to be received by the Fiscal
18 Administrator Revolving Loan Fund shall be expended in a manner consistent with
19 the terms and conditions of the loans made from the fund.

20 I. The repayment of principal of and interest on loans and other obligations
21 made to political subdivisions financed from the Fiscal Administrator Revolving
22 Loan Fund shall be deposited into the Fiscal Administrator Revolving Loan Fund
23 and may be used to finance loans and obligations to other political subdivisions for
24 which a fiscal administrator is appointed pursuant to this Chapter, provided that
25 reserves for expenditures for the administration of the fund that the Department of
26 the Treasury deems necessary and prudent may be retained in the fund.

27 J. The Department of the Treasury shall be authorized to enter into contracts
28 and other agreements in connection with the operation of the fund and the
29 department is authorized to adopt rules and regulations in accordance with the
30 Administrative Procedure Act to implement the provisions of this Section.

1 (B) Notwithstanding the provisions of Section 22 of Act 612 of the 2018
2 Regular Session of the Legislature, the provisions of Subsection A of this Section
3 shall become effective on July 1, 2020.

4 Section 9. R.S. 47:120.71(B) is hereby amended and reenacted to read as follows:
5 §120.71. Income tax checkoff; donation for Louisiana Pet Overpopulation Advisory

6 Council; creation; use of monies

7 * * *

8 B. Upon receipt of any taxpayer's current-year income tax return upon which
9 the designation of a donation has been made, the secretary shall, after having
10 deducted the donation from the amount to be refunded, remit the donation for
11 deposit, ~~as provided in R.S. 3:2364(E)~~, directly into the Louisiana Animal Welfare
12 **Fund Escrow Account** within the state treasury no more than one hundred twenty
13 days from the due date of the return.

14 Section 10. R.S. 47:318(D) as amended by Section 15 of Act No. 612 of the 2018
15 Regular Session is hereby amended and reenacted to read as follows:

16 §318. Disposition of collections

17 * * *

18 D. After satisfying the requirements of Subsection B of this Section, the
19 remaining portion of the amount determined pursuant to Subsection A of this Section
20 shall be deposited in the Louisiana Economic Development Fund created by R.S.
21 51:2315 dedicated exclusively to ~~the Louisiana FastStart Program~~ **Louisiana**
22 **Economic Development - Debt Service and State Commitments.**

23 Section 11. R.S. 49:308.5(B)(3) and (4), (C)(1), the introductory paragraph of
24 (C)(3)(a), and (E) are hereby amended and reenacted to read as follows:

25 §308.5. Legislative review and recommendation on special funds and dedication of
26 money

27 * * *

28 B.(1) * * *

29 (3)(a) No later than ~~October~~ **August 1, 2017**, ~~and every two years thereafter,~~
30 **2019**, the division of administration shall submit a plan of **all** special funds and

1 dedications that contain fees and self-generated revenues of the special dedicated
 2 funds in law as of the date of the submission of the plan to the Joint Legislative
 3 Committee on the Budget ~~that specifies at least fifty percent of the special dedicated~~
 4 ~~funds in law as of the date of the submission of the plan. The Joint Legislative~~
 5 Committee on the Budget shall review the plan and may add special funds to the plan
 6 submitted by the division of administration prior to approval by the committee. The
 7 Dedicated Fund Review Subcommittee of the Joint Legislative Committee on
 8 the Budget, hereinafter referred to as "the subcommittee", shall meet and
 9 review each dedicated fund that contains fees and self-generated revenues prior
 10 to January 15, 2020.

11 (b) On or before February 1, 2020, and every four years thereafter, the
 12 state treasurer's office shall submit a list of all dedicated funds and statutorily
 13 dedicated fund accounts in law as of the date of the submission of the list, to the
 14 Joint Legislative Committee on the Budget.

15 (c) The Joint Legislative Committee on the Budget shall review each
 16 submitted list and may add special funds and statutorily dedicated fund
 17 accounts to the lists submitted by the state treasurer's office.

18 (d) The Joint Legislative Committee on the Budget shall ensure that after two
 19 ~~consecutive plans have been approved, all special funds established by law date of~~
 20 ~~the submission of the second consecutive plan will have been on the,~~ including ~~will~~
 21 ~~have been approved in a plan at least once in the previous four years.~~ all statutorily
 22 dedicated fund accounts, will have been included in the list and reviewed at least
 23 once every four years.

24 (4) ~~Once the plan for review of special funds is approved by the Joint~~
 25 ~~Legislative Committee on the Budget, the Dedicated Fund Review Subcommittee of~~
 26 ~~the Joint Legislative Committee on the budget, hereinafter referred to as "the~~ The
 27 Joint Legislative Committee on the Budget shall devise a plan for the
 28 subcommittee to review. The ~~subcommittee"~~, shall conduct a review of the special
 29 ~~funds and dedications~~ funds, dedications, and statutorily dedicated fund accounts
 30 specified in each such plan, resulting in a recommendation for each specified fund,

1 Section 12. R.S. 51:2315(A) as amended by Section 17 of Act No. 612 of the 2018
2 Regular Session is hereby amended and reenacted to read as follows:

3 §2315. Louisiana Economic Development Fund

4 A. There is hereby established within the state treasury a fund to be known
5 as the "Louisiana Economic Development Fund". All monies received by the
6 corporation shall be deposited to the account of the Louisiana Economic
7 Development Fund. Monies received by the corporation pursuant to R.S. 47:318(A)
8 shall be used solely for ~~the Louisiana FastStart Program~~ **Louisiana Economic**
9 **Development - Debt Service and State Commitments.**

10 * * *

11 Section 13. R.S. 56:279(C)(1) and (2) as amended by Section 18 of Act No. 612 of
12 the 2018 Regular Session of the Legislature is hereby amended and reenacted to read as
13 follows:

14 §279. Louisiana Alligator Resource **Dedicated Fund** Account

15 * * *

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

1 Conference, and, prior to placing such funds in the state general fund, shall pay into
 2 the Louisiana Alligator Resource Account, a special agency account to be retained
 3 for future appropriation as provided in this Subpart, an amount equal to the revenues
 4 generated from collection from those sources provided for in this Section and other
 5 sources as provided by law. Monies deposited into this account shall be
 6 categorized as fees and self-generated revenue for the sole purpose of reporting
 7 related to the executive budget, supporting documents, and general
 8 appropriations bills and shall be available for annual appropriation by the
 9 legislature.

10 (2) The state treasurer shall invest the monies in this statutorily
 11 dedicated fund account in the same manner as monies in the state general fund.

12 Any surplus monies remaining to the credit of the account, after all appropriations
 13 of the preceding fiscal year have been made, shall remain to the credit of the account.

14 The state treasurer shall prepare and submit to the department on a quarterly basis
 15 a printed report showing the amount of money contained in the account from all
 16 sources. Any amounts earned through investment of the monies in the account
 17 shall remain to the credit of the account and shall not revert to the state general
 18 fund.

19 * * *

20 Section 14. Code of Criminal Procedure Article 895.1(E) as amended by Section 1
 21 of Act No. 260 of the 2017 Regular Session of the Legislature and as amended by Act No.
 22 137 of the 2018 Regular Session of the Legislature is amended and reenacted to read as
 23 follows:

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

25 * * *

26 E. When the court places any defendant convicted of a violation of the
 27 Uniform Controlled Dangerous Substances Law, R.S. 40:966 through 1034, on any
 28 type of probation, it shall order as a condition of probation a fee of not less than fifty
 29 nor more than one hundred dollars, payable to the Louisiana Commission on Law
 30 Enforcement and Administration of Criminal Justice to be credited to the Drug

1 Abuse Education and Treatment Fund **Dedicated Fund Account** and used for the
2 purposes provided in R.S. 15:1224.

3 * * *

4 Section 15. Code of Criminal Procedure Article 895.1(F)(2) as amended by Section
5 19 of Act No. 612 of the 2018 Regular Session of the Legislature is hereby amended and
6 reenacted to read as follows:

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

8 * * *

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

15 * * *

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

1 * * *

2 Section 16. The provisions of R.S. 24:653(N)(3), as amended by Section 18 of Act
3 No. 612 of the Regular Session of the Legislature, and R.S. 49:308.5(B) as amended by
4 Section 16 of Act No. 612 of the Regular Session of the Legislature are hereby repealed in
5 their entirety.

6 Section 17. The provisions of R.S. 39:100.26 and 100.41 are hereby repealed in their
7 entirety.

8 **Section 18. The state treasurer is hereby authorized and directed to transfer any**
9 **unencumbered balances remaining in the funds repealed and abolished in Section 17**
10 **of this Act to the state general fund after satisfying the appropriations for Fiscal Year**
11 **2019-2020. This Section shall not apply to any fund converted to a statutorily dedicated**
12 **fund account or escrow account in this Act.**

13 **Section 19. (A) Notwithstanding the provisions of Act No. 612 of the 2018**
14 **Regular Session, the following funds which were converted to accounts in Act No. 612**
15 **of the 2018 Regular Session shall be considered as statutorily dedicated fund accounts**
16 **containing fees and self-generated revenues, as follows:**

17 **(1) The Administrative Fund of the Department of Insurance created in R.S.**
18 **22:1071, shall be renamed the Administrative Dedicated Fund Account of the**
19 **Department of Insurance.**

20 **(2) The Emergency Medical Technician Fund created in R.S. 40:1135.10, shall**
21 **be renamed the Emergency Medical Technician Dedicated Fund Account.**

22 **(3) The Environmental Trust Fund created in R.S. 30:2015 shall be renamed the**
23 **Environmental Trust Dedicated Fund Account.**

24 **(4) The Louisiana Alligator Resource Fund created in R.S. 56:279 shall be**
25 **renamed the Louisiana Alligator Resource Dedicated Fund Account.**

26 **(5) The Louisiana Bicycle and Pedestrian Safety Fund created in R.S. 32:202**
27 **shall be renamed the Louisiana Bicycle and Pedestrian Safety Dedicated Fund Account.**

28 **(6) The Motorcycle Safety, Awareness, and Operator Training Program Fund**
29 **created in R.S. 32:412 shall be renamed the Motorcycle Safety, Awareness, and**
30 **Operator Training Program Dedicated Fund Account.**

1 **(7) The Municipal Fire and Police Civil Service Operating Fund created in R.S.**
2 **22:1476 shall be renamed the Municipal Fire and Police Civil Service Operating**
3 **Dedicated Fund Account.**

4 **(8) The Proprietary School Student Protection Fund created in R.S. 17:3141.16**
5 **shall be renamed the Proprietary School Student Protection Dedicated Fund Account.**

6 **(9) The Sex Offender Registry Technology Fund created in Code of Criminal**
7 **Procedure Article 895.1 shall be renamed the Sex Offender Registry Technology**
8 **Dedicated Fund Account.**

9 **(10) The Youthful Offender Management Fund created in R.S. 15:921 shall be**
10 **renamed the Youthful Offender Management Dedicated Fund Account.**

11 **(B) The Louisiana State Law Institute is hereby directed, pursuant to its**
12 **authority in R.S. 24:253, to correct any reference in any Code or the Louisiana Revised**
13 **Statutes of 1950 to reflect the changes to the funds and accounts listed in Subsection A**
14 **of this Section.**

15 Section 20. The provisions of this Section and Sections 11 and 17 shall become
16 effective on July 1, 2019; if vetoed by the governor and subsequently approved by the
17 legislature, this Section and Sections 11 and 17 shall become effective on July 1, 2019. The
18 provisions of Sections 1 through 10, 12 through 16, 18, and 19 of this Act shall become
19 effective on July 1, 2020. If vetoed by the governor and subsequently approved by the
20 legislature, Sections 1 through 10, 12 through 16, 18, and 19 of this Act shall become
21 effective on July 1, 2020.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

1 Be it enacted by the Legislature of Louisiana:

2 Section 1. R.S. 13:5401(B)(3)(d) is hereby enacted to read as follows:

3 §5401. District courts; reentry courts; subject matter

4 * * *

5 B. Participation in the workforce development sentencing program as
6 authorized by the provisions of this Section shall be subject to the following
7 provisions:

8 * * *

9 (3) In offering a defendant the opportunity to request the program, the court
10 shall advise the defendant of the following:

11 * * *

12 (d) Notwithstanding any provision of law to the contrary, any offender
13 sentenced under this Section shall not be eligible for parole pursuant to R.S.
14 15:574.4(A)(1), nor earn "good time" pursuant to R.S. 15:571.3, or additional "good
15 time" credits for participation in certified treatment and rehabilitation programs
16 pursuant to R.S. 15:828 while in the program.

17 * * *

18 Section 2. R.S. 15:529.2(A), 571.5(B)(2), 574.4(C)(2)(a)(introductory paragraph)
19 and (b), 574.4.1(A)(1) and (D)(1), 574.4.3(B), 574.4.4, 574.9(H)(1)(a)(introductory
20 paragraph), (iii), and (iv), 827(A)(7), and 1111(I)(1) are hereby amended and reenacted and
21 R.S. 15:571.5(B)(3), 574.4.1(D)(3), and 574.9(H)(1)(a)(v) are hereby enacted to read as
22 follows:

23 §529.2. Intensive parole supervision for certain habitual offenders

24 A. Notwithstanding any other provisions of law to the contrary, the secretary
25 of the Department of Public Safety and Corrections may release to intensive parole
26 supervision ~~as provided in R.S. 15:574.4.4~~ any person sentenced pursuant to R.S.
27 15:529.1 and denied eligibility for diminution of sentence when the offender meets
28 the requirements of this Section and of any rules or regulations adopted by the
29 secretary in accordance with the provisions of this Section.

30 * * *

1 (b) ~~Except as provided in R.S. 15:574.2(C)(4), the~~ The committee shall
2 render its decision ordering or denying the release of the prisoner on parole only after
3 considering this clinical evidence where such clinical evidence is available.

4 * * *

5 §574.4.1. Parole consideration and hearings

6 A.(1) The parole hearings shall be conducted in a formal manner in
7 accordance with the rules formulated by the committee and with the provisions of
8 this Part. ~~Except as provided in R.S. 15:574.2(C)(4), before~~ Before the parole of any
9 prisoner is ordered, such prisoner shall appear before and be interviewed by the
10 committee, except those incarcerated in parish prisons or parish correctional centers,
11 in which case one committee member may conduct the interview. The committee
12 may order a reconsideration of the case or a rehearing at any time.

13 * * *

14 D.(1) Except as provided in Paragraph (2) or (3) of this Subsection, the
15 release date of the prisoner shall be fixed by the committee, but such date shall not
16 be later than six months after the parole hearing or the most recent reconsideration
17 of the prisoner's case.

18 * * *

19 (3) When granting parole of a prisoner who was sentenced as a habitual
20 offender pursuant to R.S. 15:529.1, if the committee on parole determines that it is
21 necessary for the prisoner to participate in a work release program established
22 pursuant to R.S. 15:1111, the release date of the prisoner may be extended to no later
23 than one year after the parole hearing or the most recent reconsideration of the
24 prisoner's case.

25 * * *

26 §574.4.3. Parole requirements for certain sex offenders

27 * * *

28 B. If a person who is otherwise eligible for intensive ~~parole supervision~~
29 incarceration pursuant to R.S. 15:574.4.4, has been convicted of one of the sexual
30 offenses enumerated in this Section and the intensive ~~parole supervision~~

1 (3) The court at sentencing recommends that the offender be considered for
2 participation in the program.

3 (4) The secretary of the department, or his designee, finds, after an
4 evaluation, that the offender is particularly likely to respond affirmatively to
5 participation in the program.

6 (5) The offender voluntarily enrolls in the program after having been advised
7 by the department of the rules and regulations governing participation in the
8 program.

9 (6) The court sentences an offender in the drug division probation program
10 pursuant to R.S. 13:5304.

11 ~~B. Notwithstanding the provisions of R.S. 15:574.4(A)(1), an offender who~~
12 ~~is otherwise eligible for intensive incarceration and intensive parole supervision, but~~
13 ~~who has not been recommended for participation in the intensive incarceration and~~
14 ~~intensive parole supervision program by the division of probation and parole or the~~
15 ~~sentencing judge, as provided for in Paragraphs (A)(2) and (3) of this Section, may~~
16 ~~additionally be placed in the intensive incarceration and intensive parole supervision~~
17 ~~program if all of the following conditions are met:~~

18 ~~(1) The staff at the adult reception and diagnostic center, after a thorough~~
19 ~~evaluation, determines that the offender is suitable and appropriate for participation.~~

20 ~~(2) The warden at the adult reception and diagnostic center concurs with the~~
21 ~~staff recommendation.~~

22 ~~(3) The warden of the facility where the offender would be placed concurs~~
23 ~~with the recommendation of the staff and warden of the adult reception and~~
24 ~~diagnostic center.~~

25 ~~(4) The offender meets other conditions of participation as set forth in~~
26 ~~Paragraphs (A)(1), (4), and (5) of this Section.~~

27 ~~C.(1) Notwithstanding the provisions of R.S. 15:574.4(A)(1), a person,~~
28 ~~otherwise eligible for parole, convicted of a first felony offense and committed to the~~
29 ~~Department of Public Safety and Corrections, or of a second felony offense and~~
30 ~~committed to the Department of Public Safety and Corrections, may be eligible for~~

1 intensive parole supervision upon successful completion of intensive incarceration.
 2 ~~The intensive incarceration and intensive parole supervision program shall be~~
 3 ~~established and administered by the department.~~

4 ~~(2) The court may sentence an offender directly to the program if the court~~
 5 ~~commits the offender to the Department of Public Safety and Corrections to serve~~
 6 ~~ten years or less.~~

7 D.B. For purposes of this Section, a "first offender" shall not have been
 8 convicted previously of another felony as provided in R.S. 15:572(C) and shall not
 9 have been granted an automatic pardon as provided in R.S. 15:572(B).

10 E.C. The duration of intensive incarceration shall not be less than one
 11 hundred eighty calendar days.

12 F.D. The participating offender shall be evaluated by the program staff on
 13 a continual basis throughout the entire period of intensive incarceration. The
 14 evaluation shall include the offender's performance while incarcerated, ~~the likelihood~~
 15 ~~of successful adjustment on parole, and other factors deemed relevant by the~~
 16 ~~committee on parole or the program staff. The evaluation shall provide the basis for~~
 17 ~~the recommendations by the department to the committee on parole upon the~~
 18 ~~offender's completion of intensive incarceration.~~ Violation of any institutional or
 19 program rules or regulations may subject the participant to removal from the
 20 program by the department.

21 G.E.(1) If an offender is denied entry into the intensive incarceration
 22 program for physical or mental health reasons or for failure to meet the department's
 23 suitability criteria, the department shall notify the sentencing court, and based upon
 24 the court's order, shall either return the offender to court for resentencing in
 25 accordance with the provisions of the Code of Criminal Procedure Article 881.1 or
 26 return the offender to a prison to serve the remainder of his sentence as provided by
 27 law.

28 (2) If an offender enters the intensive incarceration program and is
 29 subsequently removed for physical or mental health reasons or for failure to meet the
 30 department's suitability criteria, the department shall notify the sentencing court and,

1 based upon the court's order, shall either return the offender to court for resentencing
2 in accordance with the provisions of Code of Criminal Procedure Article 881.1 or
3 return the offender to a prison to serve the remainder of his sentence as provided by
4 law. If an offender enters the intensive incarceration program and is removed for
5 violating any institutional or program rules or regulations, the offender shall be
6 assigned to the general population to serve the remainder of his sentence as provided
7 by law.

8 ~~H. When an offender completes intensive incarceration, the committee on~~
9 ~~parole shall review the case of the offender and recommend either that the offender~~
10 ~~be released on intensive parole supervision or that the offender serve the remainder~~
11 ~~of his sentence as provided by law. When the offender is released to intensive parole~~
12 ~~supervision by the committee, the committee shall require the offender to comply~~
13 ~~with the following conditions of intensive parole supervision in addition to any other~~
14 ~~conditions of parole ordered by the committee:~~

15 ~~(1) Be subject to multiple monthly visits with his supervising officers~~
16 ~~without prior notice.~~

17 ~~(2) Abide by any curfew set by his supervising officers.~~

18 ~~(3) Perform at least one hundred hours of unpaid community service work~~
19 ~~during the period of intensive parole supervision and, if unemployed, perform~~
20 ~~additional hours as instructed by his supervising officers.~~

21 ~~(4) Refrain from using or possessing any controlled dangerous substance or~~
22 ~~alcoholic beverage and submit, at his own expense, to screening, evaluation, and~~
23 ~~treatment for controlled dangerous substance or alcohol abuse as directed by his~~
24 ~~supervising officers.~~

25 ~~(5) Pay any costs as ordered by the sentencing court or committee on parole.~~

26 ~~I. In cases in which the committee on parole determines that there is victim~~
27 ~~opposition to parole, that the offender has a questionable disciplinary record, or that~~
28 ~~other extraordinary circumstances exist, the committee may conduct a hearing to~~
29 ~~consider intensive parole supervision for the offender having successfully completed~~
30 ~~intensive incarceration, which shall be public and conducted in the same manner as~~

1 ~~parole hearings as otherwise provided in this Part. Otherwise the decision shall be~~
2 ~~made upon the approval or disapproval of a majority of the members of the~~
3 ~~committee without necessity of a hearing, after a review of all available information~~
4 ~~on the offender, including the pre-parole report prepared by the department.~~

5 J.F. In cases in which the court sentences a defendant in the drug division
6 probation program for a technical violation of probation, the offender shall return to
7 active supervised probation with the drug division probation program for a period as
8 ordered by the court, subject to any additional conditions imposed by the court.

9 ~~K. Notwithstanding the provisions of R.S. 15:574.4(A)(1), a person~~
10 ~~otherwise eligible for parole who is convicted of a nonviolent first felony offense~~
11 ~~may be committed to the Department of Public Safety and Corrections pursuant to~~
12 ~~the provisions of Code of Criminal Procedure Article 895(B)(3) to serve a sentence~~
13 ~~of not more than six months without diminution of sentence in the intensive~~
14 ~~incarceration program pursuant to the provisions of this Section.~~

15 * * *

16 §574.9. Revocation of parole for violation of condition; committee panels; return
17 to custody hearing; duration of reimprisonment and reparole after revocation;
18 credit for time served; revocation for a technical violation

19 * * *

20 H.(1)(a) Any offender who has been released on parole and who has been
21 determined by the committee on parole to have committed a technical violation of
22 the conditions of parole as ~~determined by the committee on parole~~, shall be required
23 to serve the following sentences:

24 * * *

25 (iii) For a third ~~or subsequent~~ technical violation, not more than forty-five
26 days.

27 (iv) For a fourth or subsequent technical violation, not more than ninety
28 days.

1 approved by the secretary of the Department of Public Safety and Corrections.
 2 Notwithstanding the provisions of this Section and unless the inmate is eligible at an
 3 earlier date, those inmates who have served a minimum of fifteen years in the
 4 custody of the department for those crimes enumerated in this Section shall be
 5 eligible to participate in a work release program during the last twelve months of
 6 their terms.

7 * * *

8 Section 3. Code of Criminal Procedure Article 901.1 is hereby amended and
 9 reenacted to read as follows:

10 Art. 901.1. Additional sanctions for probation revocation

11 A. Notwithstanding any other provision of law, when a defendant, who is a
 12 first offender on probation with a suspended sentence for a term of seven years or
 13 less at hard labor, or a second offender on probation and having never served time
 14 in a state prison, has his probation revoked for any reason other than a subsequent
 15 felony conviction, the court, upon the recommendation of the division of probation
 16 and parole, may order that the offender be committed to the Department of Public
 17 Safety and Corrections and be considered for participation in the intensive
 18 incarceration ~~and intensive parole supervision~~ program as provided for in ~~R.S.~~
 19 ~~15:574.4~~ R.S. 15:574.4.4 or R.S. 15:574.5. If the offender committed to the custody
 20 of the department participates in an intensive incarceration program of an eligible
 21 parish, the department shall reimburse the sheriff's office of the parish conducting
 22 the program in the amount appropriated by the legislature.

23 B. If the imposition of the sentence was suspended, the defendant shall serve
 24 the sentence imposed by the court at the revocation hearing. If the defendant is a
 25 first offender and receives a sentence of seven years or less at hard labor, or a second
 26 offender on probation and having never served time in a state prison, the court, upon
 27 recommendation of the division of probation and parole, may order that the offender
 28 be committed to the department and be considered for participation in the intensive
 29 incarceration ~~and intensive parole supervision~~ program as provided for in ~~R.S.~~
 30 ~~15:574.4~~ R.S. 15:574.4.4 or R.S. 15:574.5. If the offender committed to the custody

1 of the department participates in an intensive incarceration program as provided for
2 in R.S. 15:574.5, the department shall reimburse the sheriff's office of the parish
3 conducting the program in the amount appropriated by the legislature.
4 Section 4. R.S. 15:574.2(C)(4) is hereby repealed in its entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2019 Regular Session
HOUSE BILL NO. 275

ACT No. 156

BY REPRESENTATIVE DUPLESSIS AND SENATORS BARROW, CARTER, AND MILLS

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 926.1(A), (F), (H)(3) and (5), and
3 (K), relative to post-conviction DNA testing; to extend the time period in which to
4 file an application for post-conviction DNA testing; to extend the time period for
5 preservation of biological material under certain circumstances; to provide relative
6 to accreditation of laboratories for purposes of post-conviction DNA testing; to
7 provide relative to the administration of the DNA Testing Post-Conviction Relief for
8 Indigents Fund; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Code of Criminal Procedure Article 926.1(A), (F), (H)(3) and (5), and (K)
11 are hereby amended and reenacted to read as follows:

12 Art. 926.1. Application for DNA testing

13 A.(1) Prior to August 31, ~~2019~~ 2024, a person convicted of a felony may file
14 an application under the provisions of this Article for post-conviction relief
15 requesting DNA testing of an unknown sample secured in relation to the offense for
16 which he was convicted. On or after August 31, ~~2019~~ 2024, a petitioner may request
17 DNA testing under the rules for filing an application for post-conviction relief as
18 provided in Article 930.4 or 930.8 of this Code.

19 (2) Notwithstanding the provisions of Subparagraph (1) of this Paragraph,
20 in cases in which the defendant has been sentenced to death prior to August 15,
21 2001, the application for DNA testing under the provisions of this Article may be
22 filed at any time.

23 * * *

24 F. Once an application has been filed and the court determines the location
25 of the evidence sought to be tested, the court shall serve a copy of the application on

1 the district attorney and the law enforcement agency which has possession of the
 2 evidence to be tested, including but not limited to sheriffs, the office of state police,
 3 local police agencies, and crime laboratories. If the court grants relief under this
 4 Article and orders DNA testing the court shall also issue such orders as are
 5 appropriate to obtain the necessary samples to be tested and to protect their integrity.
 6 The testing shall be conducted by a laboratory mutually agreed upon by the district
 7 attorney and the petitioner. If the parties cannot agree, the court shall designate a
 8 laboratory to perform the tests ~~which~~ that is accredited ~~by the American Society of~~
 9 ~~Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB)~~ in
 10 forensic DNA analysis by an accrediting body that is a signatory to the International
 11 Laboratory Accreditation Cooperation Mutual Recognition Arrangements for Testing
 12 Laboratories (ILAC MRA) and requires conformance to an accreditation program
 13 based on the international standard ISO/IEC 17025 with an accreditation scope in the
 14 field of forensic science testing in the discipline of biology, and that is compliant
 15 with the current version of the Federal Bureau of Investigations Quality Assurance
 16 Standards for Forensic DNA Testing Laboratories.

17 * * *

18 H.

19 * * *

20 (3) After service of the application on the district attorney and the law
 21 enforcement agency in possession of the evidence, the clerks of court of each parish
 22 and all law enforcement agencies, including but not limited to district attorneys,
 23 sheriffs, the office of state police, local police agencies, and crime laboratories shall
 24 preserve until August 31, ~~2019~~ 2024, all items of evidence in their possession which
 25 are known to contain biological material that can be subjected to DNA testing, in all
 26 cases that, as of August 15, 2001, have been concluded by a verdict of guilty or a
 27 plea of guilty.

28 * * *

29 (5) Notwithstanding the provisions of Subparagraphs (3) and (4) of this
 30 Paragraph, after service of the application on the district attorney and the law

1 enforcement agency in possession of the evidence, the clerks of court of each parish
 2 and all law enforcement agencies, including but not limited to district attorneys,
 3 sheriffs, the office of state police, local police agencies, and crime laboratories may
 4 forward for proper storage and preservation all items of evidence described in
 5 Subparagraph (3) of this Paragraph to a laboratory that is accredited in forensic DNA
 6 analysis by the American Society of Crime Laboratory Directors/Laboratory
 7 Accreditation Board (ASCLD/LAB) by an accrediting body that is a signatory to the
 8 International Laboratory Accreditation Cooperation Mutual Recognition
 9 Arrangements for Testing Laboratories (ILAC MRA) and requires conformance to
 10 an accreditation program based on the international standard ISO/IEC 17025 with
 11 an accreditation scope in the field of forensic science testing in the discipline of
 12 biology, and that is compliant with the current version of the Federal Bureau of
 13 Investigations Quality Assurance Standards for Forensic DNA Testing Laboratories.

* * *

15 K. There is hereby created in the state treasury a special fund designated as
 16 the DNA Testing Post-Conviction Relief for Indigents Fund. The fund shall consist
 17 of money specially appropriated by the legislature. No other public money may be
 18 used to pay for the DNA testing authorized under the provisions of this Article. The
 19 fund shall be administered by the Louisiana ~~Indigent Defense Assistance~~ Public
 20 Defender Board. The fund shall be segregated from all other funds and shall be used
 21 exclusively for the purposes established under the provisions of this Article. If the
 22 court finds that a petitioner under Article 926.1 of this Code is indigent, the fund
 23 shall pay for the testing as authorized in the court order.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 1

2019 Regular Session

HOUSE BILL NO. 9

BY REPRESENTATIVE MARINO

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AN ACT

To amend and reenact Code of Criminal Procedure Articles 972(4) and 983(H) and to enact Code of Criminal Procedure Article 983(I), relative to expungement of records; to provide relative to the definition of records; to amend the definition to include warrants or attachments for failing to comply with a notice or summons to appear in court; to provide relative to costs of expungement of a record; to provide for circumstances when two or more offenses arise out of the same arrest; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 972(4) and 983(H) are hereby amended and reenacted and Code of Criminal Procedure Article 983(I) is hereby enacted to read as follows:

Art. 972. Definitions

As used in this Title:

* * *

(4) "Records" includes any incident reports, photographs, fingerprints, disposition, or any other such information of any kind in relation to a single arrest event in the possession of the clerk of court, any criminal justice agency, and local and state law enforcement agencies but shall not include DNA records. Records shall also include records of an arrest based on a warrant or attachment for failure to appear in court for the same offense or offenses for which the person is seeking an expungement.

* * *

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

3 * * *

4 H. If an application for an expungement of a record includes two or more
5 offenses arising out of the same arrest, including misdemeanors, felonies, or both,
6 the applicant shall be required to pay only one fee as provided for by this Article.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 98

BY SENATOR PRICE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To enact Code of Criminal Procedure Art. 978(A)(3) and (B)(3)(e), relative to expungement; to provide for expungement of arrest and conviction records for an offense subject to a first offender pardon; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Art. 978(A)(3) and (B)(3)(e) are hereby enacted to read as follows:

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

A. Except as provided in Paragraph B of this Article, a person may file a motion to expunge his record of arrest and conviction of a felony offense if ~~either~~ **any** of the following apply:

* * *

(3) The person is entitled to a first offender pardon for the offense pursuant to Louisiana Constitution Article IV, Section 5(E)(1), provided that the offense is not defined as a crime of violence pursuant to R.S. 14:2(B) or a sex offense pursuant to R.S. 15:541.

B. No expungement shall be granted nor shall a person be permitted to file a motion to expunge the record of arrest and conviction of a felony offense if the person was convicted of the commission or attempted commission of any of the following offenses:

* * *

(3) A violation of the Uniform Controlled Dangerous Substances Law, except for any of the following which may be expunged pursuant to the provisions of this Title:

* * *

2019 Regular Session
HOUSE BILL NO. 279
BY REPRESENTATIVE MARINO

ACT No. 427

1 AN ACT

2 To amend and reenact R.S. 14:95.1.4(B), R.S. 44:4.1(B)(38), and Code of Criminal
3 Procedure Articles 1001, 1002(A)(1)(introductory paragraph), (C)(2), (D), (E)(1),
4 and (F), and 1003(A), (B), (C), and (D)(2) and (4) and to enact Code of Criminal
5 Procedure Articles 1001.1, 1002(A)(1)(f) through (i), (G), (H), and (I), 1002.1,
6 1003(F) and (G), and 1003.1, relative to domestic abuse; to provide relative to
7 persons who are prohibited from possessing firearms in domestic abuse cases; to
8 provide relative to the convictions and injunctions or orders for which a person is
9 prohibited from possessing a firearm; to provide relative to criminal penalties; to
10 provide relative to the required transfer of firearms possessed by such persons; to
11 provide relative to the procedure by which such firearms are transferred; to provide
12 relative to the transfer or sale of firearms by a prohibited possessor prior to issuance
13 of a transfer order; to provide relative to the duties and authority of sheriffs relative
14 to firearms transfers; to provide relative to certain forms that are required to be
15 completed; to provide relative to the information contained in each form; to provide
16 consequences for persons who fail to comply with the transfer procedure
17 requirements; to provide relative to the procedure by which firearms are returned to
18 persons who are no longer prohibited from possessing a firearm; to provide relative
19 to the testing or examination of firearms for certain purposes; to provide for
20 confidentiality of records related to firearms transfers; to provide for an exception
21 for such records in the Public Records Law; and to provide for related matters.

22 Be it enacted by the Legislature of Louisiana:

1 Section 1. R.S. 14:95.1.4(B) is hereby amended and reenacted to read as follows:

2 §95.1.4. Illegal transfer of a firearm to a prohibited possessor

3 * * *

4 B. Whoever commits the crime of illegal transfer of a firearm to a prohibited
5 possessor ~~may~~ shall be fined not more than two thousand five hundred dollars,
6 imprisoned with or without hard labor for not more than one year, or both.

7 * * *

8 Section 2. R.S. 44:4.1(B)(38) is hereby amended and reenacted to read as follows:

9 §4.1. Exceptions

10 * * *

11 B. The legislature further recognizes that there exist exceptions, exemptions,
12 and limitations to the laws pertaining to public records throughout the revised
13 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
14 limitations are hereby continued in effect by incorporation into this Chapter by
15 citation:

16 * * *

17 (38) Code of Criminal Procedure Articles 103, 877, 894, Title XXXIV of the
18 Code of Criminal Procedure comprised of Articles 971 through 995, Title XXXV of
19 the Code of Criminal Procedure comprised of Articles 1001 through 1004

20 * * *

21 Section 3. Code of Criminal Procedure Articles 1001, 1002(A)(1)(introductory
22 paragraph), (C)(2), (D), (E)(1), and (F), and 1003(A), (B), (C), and (D)(2) and (4) are hereby
23 amended and reenacted and Code of Criminal Procedure Articles 1001.1, 1002(A)(1)(f)
24 through (i), (G), (H), and (I), 1002.1, 1003(F) and (G), and 1003.1 are hereby enacted to read
25 as follows:

26 Art. 1001. Definitions

27 As used in this Title:

28 (1) "Dating partner" shall have the same meaning as provided in R.S.
29 46:2151 or R.S. 14:34.9.

1 parish in which the order was issued. The proof of transfer form shall be maintained
 2 by the clerk of court under seal.

3 E.(1) If the person subject to the order to transfer firearms and suspend a
 4 concealed handgun permit issued pursuant to Paragraph A of this Article does not
 5 possess ~~or own~~ firearms, at the time the order is issued, the person shall complete a
 6 declaration of nonpossession form which shall be filed in the court record and a copy
 7 shall be provided to the sheriff.

8 * * *

9 F. Notwithstanding the provisions of Paragraph E of this Article or any other
 10 provision of law to the contrary, if the person subject to the order to transfer firearms
 11 and suspend a concealed handgun permit issued pursuant to Paragraph A of this
 12 Article possessed firearms at the time of the qualifying incident giving rise to the
 13 duty to transfer his firearms pursuant to this Title, but transferred or sold his firearms
 14 to a third party prior to the court's issuance of the order, that third-party transfer shall
 15 be declared in open court. The person subject to the order to transfer firearms and
 16 suspend a concealed handgun permit shall within ten days after issuance of the order,
 17 exclusive of legal holidays, execute along with the third party and a witness a proof
 18 of transfer form that complies with the provisions of Paragraph D of this Article and
 19 with Article 1003(A)(1)(a) of this Code. The proof of transfer form need not be
 20 signed by the sheriff and shall be filed, within ten days after the date on which the
 21 proof of transfer form is executed, by the person subject to the order with the clerk
 22 of court of the parish in which the order was issued. The proof of transfer form shall
 23 be maintained by the clerk of court under seal.

24 F.G. The failure to provide the information required by this Title, the failure
 25 to timely transfer firearms in accordance with the provisions of this Title, or both,
 26 may be punished by as contempt of court. Information required to be provided in
 27 order to comply with the provisions of this Title cannot be used as evidence against
 28 that person in a future criminal proceeding, except as provided by the laws on
 29 perjury or false swearing.

1 H. On motion of the district attorney or of the person transferring his
2 firearms, and for good cause shown, the court shall conduct a contradictory hearing
3 with the district attorney to ensure that the person has complied with the provisions
4 of this Title.

5 I. For the purposes of this Title, a person shall be deemed to be in possession
6 of a firearm if that firearm is subject to his dominion and control.

7 Art. 1002.1. Designation of crime of violence against family member, household
8 member, or dating partner

9 Notwithstanding the provisions of Code of Criminal Procedure Articles 814
10 and 817 and any other provision of law to the contrary, when a person is charged
11 with any felony crime of violence enumerated or defined in R.S. 14:2(B), for which
12 the person would be prohibited from possessing a firearm pursuant to R.S. 14:95.1
13 if convicted, the district attorney may allege in the indictment or bill of information
14 that the victim of the crime was a family member, household member, or dating
15 partner for the purpose of invoking the provisions of this Title, including Article
16 1002(A)(1)(i). If the person pleads guilty to the indictment or bill of information,
17 the fact that the victim was a family member, household member, or dating partner
18 shall be deemed admitted. If the matter proceeds to trial, the issue of whether the
19 victim was a family member, household member, or dating partner shall be
20 submitted to the jury and the verdict shall include a specific finding of fact as to that
21 issue in addition to a specification of the offense as to which the verdict is found.

22 Art. 1003. Transfer or storage of transferred firearms

23 A.~~(†)~~ The sheriff of each parish shall be responsible for oversight of firearm
24 transfers in his parish. For each firearm transferred pursuant to this Title, the sheriff
25 shall offer all of the following options to the transferor:

26 ~~(a)(†)(1)(a)~~ Allow a third party to receive and hold the transferred firearms.
27 The third party shall complete a firearms acknowledgment form that, at a minimum,
28 informs the third party of the relevant state and federal laws, lists the consequences
29 for noncompliance, and asks if the third party is able to lawfully possess a firearm.
30 No firearm shall be transferred to a third party living in the same residence as the

1 transferor at the time of transfer. The sheriff shall prescribe the manner in which
2 firearms are transferred to a third party.

3 ~~(ii)~~(b) If a firearm is transferred to a third party pursuant to the provisions
4 of this Subparagraph, the sheriff shall advise the third party that return of the firearm
5 to the person before the person is able to lawfully possess the firearms pursuant to
6 state or federal law may result in the third party being charged with a crime.

7 ~~(b)~~(2) Store the transferred firearms in a storage facility with which the
8 sheriff has contracted for the storage of transferred firearms or with the sheriff. The
9 sheriff may charge a reasonable fee for the storage of such firearms.

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

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

15 B. The sheriff shall prepare a receipt for each firearm transferred and provide
16 a copy to the person transferring the firearms. The receipt shall include the ~~date the~~
17 ~~firearm was transferred,~~ the firearm manufacturer, and firearm serial number. The
18 receipt shall be signed by the officer accepting the firearms and the person
19 transferring the firearms. The sheriff may require the receipt to be presented before
20 returning a transferred firearm.

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

24 D.

25 * * *

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

1 shall be sent to the sheriff. However, all outstanding fees shall be paid to the sheriff
 2 prior to the firearms being returned.

3 * * *

4 (4) ~~After a firearm is returned pursuant to the provisions of this Paragraph,~~
 5 ~~the sheriff shall destroy the records pertaining to the returned firearms and instruct~~
 6 ~~the clerk of court of that parish to destroy the pertinent records.~~ If the person refuses
 7 to pay outstanding fees to the sheriff or fails to file a motion with the court seeking
 8 an order for the return of the transferred firearms within one year of the expiration
 9 of the prohibition on possessing firearms under state or federal law, the sheriff may
 10 send, by United States mail to the person's last known address, a notice informing
 11 the person that if he does not pay the outstanding fees to the sheriff or file a motion
 12 with the court seeking an order for the return of the transferred firearms within
 13 ninety days, the firearms shall be forfeited to the sheriff. If, after ninety days from
 14 the mailing of the notice, the person does not pay the outstanding fees to the sheriff
 15 or file a motion with the court seeking an order for the return of the transferred
 16 firearms, the sheriff may file a motion seeking a court order declaring that the
 17 firearms are forfeited to the sheriff, who may thereafter dispose of the firearms at his
 18 discretion.

19 * * *

20 F. Nothing in this Title shall be construed to prohibit the sheriff, consistent
 21 with constitutional requirements, from obtaining a search warrant to authorize testing
 22 or examination upon any firearm so as to facilitate any criminal investigation or
 23 prosecution. Notwithstanding Code of Criminal Procedure Article 163(C) or any
 24 other provision of law to the contrary, the testing or examination of the firearms
 25 pursuant to the search warrant may be conducted at any time before or during the
 26 pendency of any criminal proceeding in which the firearms, or the testing or
 27 examination of the firearms, may be used as evidence, and shall not be subject to the
 28 ten-day period in Code of Criminal Procedure Article 163(C).

29 G. Not sooner than three years after the date on which a firearm or firearms
 30 are returned pursuant to the provisions of this Article, the person may file a motion

1 with the court requesting that the records relative to the firearm or firearms held by
2 the clerk of court and by the sheriff be destroyed. After a contradictory hearing with
3 the sheriff and the district attorney, which may be waived by the sheriff or the
4 district attorney, the court, if the person is no longer prohibited from possessing
5 firearms under state or federal law and if the firearm or firearms have actually been
6 returned, shall order that the records held by the clerk of court and by the sheriff
7 relative to the returned firearm or firearms be destroyed.

8 Art. 1003.1. Public records; exception

9 Notwithstanding any provision of law to the contrary, any records held by the
10 sheriff or any other law enforcement agency pursuant to this Title shall be
11 confidential and shall not be considered a public record pursuant to the Public
12 Records Law.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____