

ACT No. 8

2020 Regular Session

HOUSE BILL NO. 65

BY REPRESENTATIVE DWIGHT

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AN ACT

To amend and reenact R.S. 14:139.1(C), relative to the crime of political payroll padding; to provide relative to the exceptions to the crime of political payroll padding by a sheriff; to provide for additional exceptions when no opponent qualifies to run against an incumbent sheriff or when an incumbent sheriff's reelection has been officially declared; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:139.1(C) is hereby amended and reenacted to read as follows:

§139.1. Political payroll padding by sheriff; sale of assets of sheriff's office prohibited

* * *

C.(1) The provisions of this Section shall not apply when the increases or decreases are necessitated by flood, invasion by common enemy, or other public emergency. In addition, the provisions of this Section shall not apply to any increase based upon the utilization of additional revenue from a tax district election or to an increase necessitated by the completion of a new or expansion of an existing prison facility or an emergency communications call or dispatch center.

(2)(a) The provisions of this Section shall not apply to an incumbent sheriff, against whom no person has qualified to run, for any transfers or increases that occur

SENATE BILL NO. 32

BY SENATOR CONNICK

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AN ACT

To amend and reenact R.S. 14:42.1(B), relative to the crime of second degree rape; to provide that any sentence of imprisonment upon conviction of second degree rape is to be without benefit of probation, parole, or suspension of sentence; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:42.1(B) is hereby amended and reenacted to read as follows:

§42.1. Second degree rape

* * *

B. Whoever commits the crime of second degree rape shall be imprisoned at hard labor, **without benefit of probation, parole, or suspension of sentence**, for not less than five nor more than forty years. ~~At least two years of the sentence imposed shall be without benefit of probation, parole, or suspension of sentence.~~

* * *

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 322

BY SENATOR SMITH

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AN ACT

To amend and reenact R.S. 14:98.7(A) and R.S. 32:661(C)(1)(d) and (e), 666(A)(1)(a)(i) and (3), the introductory paragraph of 667(A), (C), (H)(3), and (I)(1)(a), (c), and (d), and (2), the introductory paragraph of 667.1(A), and 669(A), to enact R.S. 32:661(D), and to repeal R.S. 32:661(C)(1)(f), relative to tests for suspected drunken drivers; to provide relative to chemical tests for intoxication required to be given to persons suspected of operating a motor vehicle while intoxicated; to provide relative to suspension of a driver's license for failure to submit to a chemical test for intoxication; to provide relative to required notice to certain drivers suspected of operating a motor vehicle while intoxicated; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:98.7(A) is hereby amended and reenacted to read as follows:
§98.7. Unlawful refusal to submit to chemical tests; arrests for driving while intoxicated

A. No person under arrest for a violation of R.S. 14:98, ~~or 98.6~~ 98.1, or any other law or ordinance that prohibits operating a vehicle while intoxicated, may refuse to submit to a chemical test when requested to do so by a law enforcement officer if he has refused to submit to such test on two previous and separate occasions of any such violation.

* * *

Section 2. R.S. 32:661(C)(1)(d) and (e), 666(A)(1)(a)(i) and (3), the introductory paragraph of 667(A), (C), (H)(3), and (I)(1)(a), (c), and (d) and (2), the introductory paragraph of 667.1(A), and 669(A) are hereby amended and reenacted and R.S. 32:661(D) is hereby enacted to read as follows:

§661. Operating a vehicle under the influence of alcoholic beverages or illegal

1 substance or controlled dangerous substances; implied consent to
2 chemical tests; administering of test and presumptions

3 * * *

4 C.(1) When a law enforcement officer requests that a person submit to a
5 chemical test as provided for above, he shall first read to the person a standardized
6 form approved by the Department of Public Safety and Corrections. The department
7 is authorized to use such language in the form as it, in its sole discretion, deems
8 proper, provided that the form does inform the person of the following:

9 * * *

10 (d) That his driving privileges can be suspended if he submits to the chemical
11 test and the test results show a positive reading indicating the presence of any
12 controlled dangerous substance listed in R.S. 40:964. **The department may exclude**
13 **this warning from the form required by this Paragraph until such time as a**
14 **suspension for a test result shows a positive reading indicating the presence of**
15 **any controlled dangerous substance listed in R.S. 40:964 is enacted by the**
16 **legislature.**

17 ~~(e) The name and employing agency of all law enforcement officers involved~~
18 ~~in the stop, detention, investigation, or arrest of the person.~~

19 (f) That refusal to submit to a chemical test after an arrest for an offense of
20 driving while intoxicated if he has refused to submit to such test on two previous and
21 separate occasions of any previous such violation is a crime under the provisions of
22 R.S. ~~14:98.2~~ **14:98.7** and the penalties for such crime are the same as the penalties
23 for first conviction of driving while intoxicated.

24 * * *

25 **D. The notice issued to the person tested pursuant to R.S. 32:667 shall**
26 **include the name and employing agency of all law enforcement officers actively**
27 **participating in the stop, detention, investigation, or arrest of the person.**

28 * * *

29 §666. Refusal to submit to chemical test; submission to chemical tests; exception;
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§667. Seizure of license; circumstances; temporary license

A. When a law enforcement officer places a person under arrest for a violation of R.S. 14:98 or ~~98.1~~ 98.6, or a violation of a parish or municipal ordinance that prohibits operating a vehicle while intoxicated, and the person either refuses to submit to an approved chemical test for intoxication, or submits to the test and the test results show a blood alcohol level of 0.08 percent or above by weight or, if the person is under the age of twenty-one, a blood alcohol level of 0.02 percent or above by weight, the following procedures shall apply:

* * *

C. The department shall develop a uniform statewide form for temporary receipt of licenses which shall be used by all state and local law enforcement officials. ~~The~~ This form, or a separate form, shall be issued ~~in duplicate~~ to the person arrested to provide a means for him to request an administrative hearing.

* * *

H.(1)

* * *

(3) Paragraph (1) of this Subsection shall not apply to a person who refuses to submit to an approved chemical test upon a second or subsequent arrest for R.S. 14:98 or ~~98.1~~ 98.6, or a parish or municipal ordinance that prohibits driving a motor vehicle while intoxicated. However, this Paragraph shall not apply if the second or subsequent arrest occurs more than ten years after the prior arrest. The department's records of arrests made for operating a vehicle while intoxicated, as certified by the arresting officer pursuant to R.S. 32:666(B), shall be used to determine the application of the provisions of this Paragraph. In the event the suspension arising out of such arrest has been reversed or recalled including any reversal or recall as a result of an administrative hearing or judicial review, then that arrest related to that suspension shall not be used to determine if this Paragraph applies to a driver's license reinstatement.

I.(1) In addition to any other provision of law, an ignition interlock device shall be installed in any motor vehicle operated by any of the following persons

1 whose driver's license has been suspended in connection with the following
 2 circumstances as a condition of the reinstatement of such person's driver's license:

3 (a) Any person who has refused to submit to an approved chemical test for
 4 intoxication, after being requested to do so, for a second arrest of R.S. 14:98 or ~~98.1~~
 5 **98.6** or a parish or municipal ordinance that prohibits operating a vehicle while
 6 intoxicated and whose driver's license has been suspended in accordance with law.

7 * * *

8 (c) Any person who is arrested for a violation of R.S. 14:98, ~~R.S. 14:98.1~~
 9 **98.6**, or a parish or municipal ordinance that prohibits operating a vehicle while
 10 intoxicated and is involved, as a driver, in a traffic crash which involves moderate
 11 bodily injury or serious bodily injury as defined in R.S. 32:666(A).

12 (d) Any person who is arrested for a violation of R.S. 14:98, ~~R.S. 14:98.1~~
 13 **98.6**, or a parish or municipal ordinance that prohibits operating a vehicle while
 14 intoxicated and a minor child twelve years of age or younger was a passenger in the
 15 motor vehicle at the time of the commission of the offense.

16 (2) As to any person enumerated in Paragraph (1) of this Subsection, the
 17 ignition interlock device shall remain on the motor vehicle for a period of not less
 18 than six months. The ignition interlock device may be installed either prior to the
 19 reinstatement of the driver's license, if the person has lawfully obtained a restricted
 20 driver's license, or as a condition of the reinstatement of the driver's license. When
 21 the driver's license is suspended as described in this Subsection, the ignition interlock
 22 device shall remain on the motor vehicle for the same period as the suspension, with
 23 credit for time when the interlock device was installed and functioning as part of a
 24 restricted driver's license, or with credit for time when the ignition interlock
 25 device is monitored in accordance with R.S. 32:378.2(M).

26 * * *

27 §667.1. Seizure of license upon arrest for vehicular homicide; issuance of
 28 temporary license; suspension

29 A. When a law enforcement officer places a person under arrest for a
 30 violation of R.S. 14:32.1 (vehicular homicide), **and a certificate of arrest has not**

1 already been submitted to the office of motor vehicles pursuant to R.S.
2 32:666(B) for a submission or refusal to submit to the chemical test, the
3 following procedure shall apply:

4 * * *

5 §669. Suspension of nonresident's operating privilege; notification to state of
6 residence

7 A. When a nonresident driver submits to the chemical test, or refuses to
8 take an approved chemical test as provided for in R.S. ~~32:666~~ 32:661 et seq., the
9 arresting officer or agency shall notify the department, which shall give information,
10 in writing, to the motor vehicle administrator of the state of the person's residence
11 and of any state in which he has a license.

12 * * *

13 Section 3. R.S. 32:661(C)(1)(f) is hereby repealed in its entirety.

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 352

BY SENATOR HENRY

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AN ACT

To enact R.S. 14:98.5.1, relative to driving offenses; to provide that the court may order a clinical assessment for a person who has two or more convictions for operating a vehicle while intoxicated; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:98.5.1 is hereby enacted to read as follows:

§98.5.1. Assessment for alcohol or drug dependence; rehabilitative programs; second and subsequent convictions

A. Notwithstanding any other provision of law to the contrary provided by R.S. 14:98, 98.1, 98.2, 98.3, and 98.4, on a second or subsequent conviction for a violation of R.S. 14:98, the court may order the offender, at the sole expense of the offender, to undergo an assessment that uses a standardized evidence-based instrument performed by a physician to determine whether the offender has a diagnosis for alcohol or drug dependence and would likely benefit from a court-approved medication-assisted treatment indicated and approved for the treatment of alcohol or drug dependence by the United States Food and Drug Administration, as specified in the most recent Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

B. Upon considering the results of the assessment, the court may refer the offender to a rehabilitative program that offers one or more forms of court-approved medications that are approved for the treatment of alcohol or drug dependence by the United States Food and Drug Administration.

1 **C. This Section shall not apply when an offender shows that he is unable**
2 **to pay the costs of the assessment and rehabilitative program, either personally**
3 **or through a third party insurer.**

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2020 Regular Session

ACT No. 64

HOUSE BILL NO. 67

BY REPRESENTATIVES FONTENOT AND THOMPSON

1 AN ACT

2 To amend and reenact R.S. 14:34.2(B)(1) and (3), relative to battery of a police officer; to
3 provide relative to the penalties for battery of a police officer; to increase the
4 penalties for the offense; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:34.2(B)(1) and (3) are hereby amended and reenacted to read as
7 follows:

8 §34.2. Battery of a police officer

9 * * *

10 B.(1)(a) Whoever commits the crime of battery of a police officer shall be
11 fined not more than five hundred dollars and imprisoned not less than fifteen days
12 nor more than six months without benefit of suspension of sentence.

13 (b) Whoever commits a second or subsequent offense of battery of a police
14 officer shall be fined not more than one thousand dollars and imprisoned with or
15 without hard labor for not less than one year nor more than three years. At least
16 fifteen days of the sentence imposed shall be served without benefit of parole,
17 probation, or suspension of sentence.

18 * * *

19 (3)(a) If the battery produces an injury that requires medical attention, the
20 offender shall be fined not more than one thousand dollars or imprisoned with or
21 without hard labor for not less than one year nor more than five years, or both. At

ACT No. 96

2020 Regular Session

HOUSE BILL NO. 29

BY REPRESENTATIVE BACALA

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AN ACT

To amend and reenact R.S. 14:403.3(A) and R.S. 40:2521, relative to reports of missing children; to provide relative to the duty of law enforcement upon receipt of reports of missing children; to provide relative to the entities to which the law enforcement agency is required and permitted to report; to provide relative to the entry of certain information into the National Crime Information Center's database; to provide relative to the time period within which the entry and reporting occur; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:403.3(A) is hereby amended and reenacted to read as follows:

§403.3. Reports of missing children; procedures; false reports or communications; penalties

A.(1) Any state or local law enforcement agency receiving a report of a missing child; or the recovery of a missing child; and having reasonable grounds to believe ~~such~~ the report is accurate shall do all of the following ~~within forty-eight hours~~ immediately after ~~the date of receipt of receiving~~ the report ~~notify each of the following of the fact and contents of such report:~~

(a) Enter the name of the child into the National Crime Information Center's database.

(b) Notify each of the following of the facts and contents of the report:

~~(a)(i)~~ The Department of Health and Human Resources Children and Family Services to the extent that the reporting is required pursuant to Chapter Five of Title VI of the Children's Code.

1 (iii) The office of the sheriff for the parish in which the report was received,
2 if it did not originally receive the report.

3 (iv) Any other local, state, or federal law enforcement agency that the law
4 enforcement agency receiving the report deems necessary and appropriate depending
5 upon the facts of each case.

6 (2) The law enforcement agency may also notify any other appropriate local,
7 state, or federal agency of the fact and contents of the report.

8 B. These reports shall be made The provisions of this Section shall apply for
9 each reported missing child without regard to whether the child is believed to be
10 missing due to stranger abduction, parental abduction, or any other cause.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

1 §2. Definitions

2 * * *

3 B. In this Code, "crime of violence" means an offense that has, as an
4 element, the use, attempted use, or threatened use of physical force against the
5 person or property of another, and that, by its very nature, involves a substantial risk
6 that physical force against the person or property of another may be used in the
7 course of committing the offense or an offense that involves the possession or use
8 of a dangerous weapon. The following enumerated offenses and attempts to commit
9 any of them are included as "crimes of violence":

10 * * *

11 (48) Domestic abuse battery punishable under R.S. 14:35.3(L), (M)(2), or
12 (N), (O), or (P).

13 (49) Battery of a dating partner punishable under ~~R.S. 14:34.9(L)(2)~~ R.S.
14 14:34.9(L), (M)(2), (N), (O), or (P).

15 * * *

16 §34.9. Battery of a dating partner

17 * * *

18 J. Any felony crime of violence, as defined by R.S. 14:2(B), against a person
19 committed by one dating partner against another dating partner, shall be designated
20 as an act of domestic abuse for consideration in any civil or criminal proceeding.

21 ~~J.K.~~ Notwithstanding any provision of law to the contrary, if the victim of
22 the offense is pregnant and the offender knows that the victim is pregnant at the time
23 of the commission of the offense, the offender, in addition to any other penalties
24 imposed pursuant to this Section, shall be imprisoned at hard labor for not more than
25 three years.

26 ~~K.L.~~ Notwithstanding any provision of law to the contrary, if the offense
27 involves strangulation, the offender, in addition to any other penalties imposed
28 pursuant to this Section, shall be imprisoned at hard labor for not more than three
29 years.

1 Section 2. R.S. 46:2132(4) is hereby amended and reenacted to read as follows:

2 §2132. Definitions

3 As used in this Part:

4 * * *

5 (4) "Family members" means spouses, former spouses, parents and children,
6 stepparents, stepchildren, foster parents, ~~and~~ foster children, other ascendants, and
7 other descendants. "Family member" also means the other parent or foster parent of
8 any child or foster child of the offender. "Household members" means any person
9 presently or formerly living in the same residence with the defendant and who is
10 involved or has been involved in a sexual or intimate relationship with the defendant
11 and who is seeking protection under this Part. "Dating partner" means any person
12 protected from violence under R.S. 46:2151 who is seeking protection under this
13 Part. If a parent or grandparent is being abused by an adult child, adult foster child,
14 or adult grandchild, the provisions of this Part shall apply to any proceeding brought
15 in district court.

16 Section 3. Code of Evidence Article 412.4(D)(3) and (4) is hereby amended and
17 reenacted to read as follows:

18 Art. 412.4. Evidence of similar crimes, wrongs, or acts in domestic abuse cases and
19 cruelty against juveniles cases

20 * * *

21 D. For purposes of this Article:

22 * * *

23 (3) "Family member" means spouses, former spouses, parents and children,
24 stepparents, stepchildren, foster parents, ~~and~~ foster children, other ascendants, and
25 other descendants. "Family member" also means the other parent or foster parent of
26 any child or foster child of the offender.

2020 Regular Session
HOUSE BILL NO. 434

ACT No. 105

BY REPRESENTATIVE HILFERTY

1 AN ACT

2 To enact R.S. 14:31(A)(3), relative to homicide; to provide relative to manslaughter; to
3 provide relative to the elements of the crime of manslaughter; to provide relative to
4 a continuous sequence of events resulting in the death of a human being; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:31(A)(3) is hereby enacted to read as follows:

8 §31. Manslaughter

9 A. Manslaughter is:

10 * * *

11 (3) When the offender commits or attempts to commit any crime of violence
12 as defined by R.S. 14:2(B), which is part of a continuous sequence of events
13 resulting in the death of a human being where it was foreseeable that the offender's
14 conduct during the commission of the crime could result in death or great bodily
15 harm to a human being, even if the offender has no intent to kill or to inflict great
16 bodily harm. For purposes of this Paragraph, it shall be immaterial whether or not
17 the person who performed the direct act resulting in the death was acting in concert
18 with the offender.

19 * * *

20 Section 2. Official Comment to the Law: Since *State v. Garner*, 238 La. 563, 115
21 So.2d 855 (1959), Louisiana law has espoused the "agency" theory of liability for felony
22 murder and felony manslaughter, whereby an individual is criminally liable for a killing only
23 if the direct act of killing was committed either by the individual himself or by one acting
24 in concert with the individual. As such, this has left open the possibility that an individual

1 may, by committing a serious crime, set into motion a sequence of events proximately
 2 causing the death of an innocent person, and yet elude justice because the direct act of killing
 3 is committed by one acting adverse to or otherwise not in concert with the individual. These
 4 new provisions of law fill in the gap left by *Garner* and its progeny so as to allow such
 5 malefactors to be appropriately held accountable for the consequences of their actions while
 6 in no way abrogating, altering, restricting, or limiting criminal liability under any existing
 7 law relative to felony murder or felony manslaughter or under any other existing law.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2020 Regular Session
HOUSE BILL NO. 136
BY REPRESENTATIVE MINCEY

ACT No. 171

1 AN ACT

2 To enact R.S. 14:38.1.1, relative to adulterating food products; to create the crime of
3 adulterating food products; to provide for elements of the offense; to provide for
4 definitions; to provide for criminal penalties; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:38.1.1 is hereby enacted to read as follows:

7 §38.1.1. Adulterating a food product

8 A. Adulterating a food product is the intentional contamination of a food
9 product by adding to the product, or mingling with the product, any feces, urine,
10 blood, saliva, semen, any form of human or animal waste, or other bodily substance
11 with the intent that the product be provided to or consumed by another person who
12 has no knowledge of nor consents to the contamination.

13 B. For purposes of this Section:

14 (1) "Food product" is any food, drink, condiment, or medication, including
15 all substances and preparations used for or entering into the composition of the
16 product.

17 (2) "Medication" means any prescription or nonprescription drug.

1 C. Whoever commits the crime of adulterating a food product shall be fined
2 not more than two thousand dollars, imprisoned with or without hard labor for not
3 more than five years, or both.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2020 Regular Session

ACT No. 172

HOUSE BILL NO. 137

BY REPRESENTATIVES MOORE, JONES, ADAMS, AMEDEE, BEAULLIEU, BRASS, CARPENTER, CARRIER, ROBBY CARTER, WILFORD CARTER, CORMIER, COX, CREWS, DEVILLIER, DESHOTEL, DUPLESSIS, ECHOLS, EMERSON, FARNUM, FONTENOT, FREEMAN, FREIBERG, GADBERRY, GAINES, GREEN, HARRIS, HILFERTY, IVEY, JEFFERSON, JENKINS, TRAVIS JOHNSON, KERNER, LARVADAIN, LYONS, MCCORMICK, MCKNIGHT, MIGUEZ, GREGORY MILLER, NELSON, NEWELL, CHARLES OWEN, PHELPS, PIERRE, PRESSLY, RISER, ROMERO, SCHAMERHORN, SELDERS, THOMPSON, WHITE, AND WILLARD AND SENATORS ALLAIN, BARROW, BERNARD, BOUIE, CATHEY, FIELDS, FOIL, HARRIS, JACKSON, JOHNS, MCMATH, MILLIGAN, FRED MILLS, ROBERT MILLS, MIZELL, PRICE, REESE, AND SMITH

1 AN ACT

2 To repeal R.S. 14:107, relative to the crime of vagrancy; to repeal the crime of vagrancy;
3 and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 14:107 is hereby repealed in its entirety.

6 Section 2. The repeal of R.S. 14:107 pursuant to this Act shall have prospective
7 application only and shall have no effect on the lawfulness of any arrest, conviction, or
8 sentence which occurred prior to the effective date of this Act.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 174

HOUSE BILL NO. 150

BY REPRESENTATIVES BACALA, ADAMS, AMEDEE, BEAULLIEU, BISHOP, BOURRIAQUE, BUTLER, CARRIER, COUSSAN, CREWS, DEVILLIER, DUBUISSON, EDMONDS, EDMONSTON, EMERSON, FARNUM, FIRMENT, FONTENOT, GADBERRY, GAROFALO, GOUDEAU, HARRIS, HODGES, HORTON, ILLG, IVEY, MIKE JOHNSON, MCFARLAND, MCKNIGHT, MCMAHEN, MIGUEZ, GREGORY MILLER, MINCEY, NELSON, CHARLES OWEN, ROBERT OWEN, PRESSLY, RISER, ROMERO, SCHAMERHORN, SCHEXNAYDER, SEABAUGH, SELDERS, STEFANSKI, THOMAS, THOMPSON, WHEAT, AND KERNER

1 AN ACT

2 To amend and reenact R.S. 14:34.2(A)(3), relative to battery of a police officer; to provide
3 relative to the elements of the crime of battery of a police officer; to specify that the
4 crime includes the throwing of water and other liquids; to remove the requirement
5 that the offender be incarcerated or detained at the time of the throwing; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:34.2(A)(3) is hereby amended and reenacted to read as follows:

9 §34.2. Battery of a police officer

10 A.

11 * * *

12 (3) For purposes of this Section, "battery of a police officer" includes the use
13 of force or violence upon the person of the police officer by throwing water or any
14 other liquid, feces, urine, blood, saliva, or any form of human waste ~~by an offender~~
15 ~~while the offender is incarcerated by a court of law and is being detained in any jail,~~

SENATE BILL NO. 505

BY SENATOR SMITH

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AN ACT

To amend and reenact Code of Criminal Procedure Art. 320(G), (H), (I)(1)(a), and (J), and Art. 321(C)(5) and (6), R.S. 14:79(A)(3)(c) and (E), R.S. 15:574.4.2(A)(5), R.S. 46:1846(A) and (C) and 2132(4), to enact Code of Criminal Procedure Art. 320(L) and R.S. 15:574.2(A)(6), relative to protective orders; provides for domestic offenses, stalking, and sex offenses; provides for uniform abuse prevention orders; provides for types of bail; provides for violation of protective orders; provides for decisions of committee on parole; prohibits communication between offender and victim; provides for exceptions; makes technical corrections; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Art. 320(G), (H), (I)(1)(a), and (J), and Art. 321(C)(5) and (6) is hereby amended and reenacted, and Code of Criminal Procedure Art. 320(L) is hereby enacted to read as follows:

Art. 320. Conditions of bail undertaking

* * *

G. Domestic offenses, stalking, and sex offenses.

(1) In determining conditions of release of a defendant who is alleged to have committed an offense against the defendant's family or household member, as defined in R.S. 46:2132(4), or against the defendant's dating partner, as defined in R.S. 46:2151, or who is alleged to have committed the offense of domestic abuse battery under the provisions of R.S. 14:35.3, **or who is alleged to have committed the offense of battery of a dating partner under the provisions of R.S. 14:34.9,** or who is alleged to have committed the offense of stalking under the provisions of R.S. 14:40.2, **or who is alleged to have committed the offense of cyberstalking under the provisions of R.S. 14:40.3,** or who is alleged to have committed the **offense of violation of protective orders under the provisions of R.S. 14:79,** or

1 who is alleged to have committed the offense of unlawful communications under
 2 the provisions of R.S. 14:285, or who is alleged to have committed a sexual assault
 3 as defined in R.S. 46:2184, ~~or who is alleged to have committed the offense of first~~
 4 ~~degree rape under the provisions of R.S. 14:42~~, the court shall consider the previous
 5 criminal history of the defendant and whether the defendant poses a threat or danger
 6 to the victim. If the court determines that the defendant poses such a threat or danger,
 7 it shall require as a condition of bail that the defendant refrain from going to the
 8 residence or household of the victim, the victim's school, and the victim's place of
 9 employment or otherwise contacting the victim in any manner whatsoever, and shall
 10 refrain from having any further contact with the victim. **The court shall also require**
 11 **as a condition of bail that the defendant be prohibited from communicating, by**
 12 **electronic communication, in writing, or orally, with a victim of the offense or**
 13 **with any of the victim's immediate family members. This condition shall not**
 14 **apply if the victim consents by way of a request to the court and the court issues**
 15 **an order permitting the communication. If an immediate family member of the**
 16 **victim consents by way of a request to the court and the court issues an order**
 17 **permitting the communication, then the defendant may contact that person.** The
 18 court shall also consider any statistical evidence prepared by the United States
 19 Department of Justice relative to the likelihood of such defendant or any person in
 20 general who has raped or molested victims under the age of thirteen years to commit
 21 sexual offenses against a victim under the age of thirteen in the future.

22 (2) If the defendant is alleged to have committed any of the offenses included
 23 in Paragraph ~~Subparagraph~~ (1) of this Subsection ~~Paragraph~~, ~~the court may~~
 24 ~~require as a condition of bail that the defendant be prohibited from communicating,~~
 25 ~~by electronic communication, in writing, or orally, with a victim of the offense, or~~
 26 ~~with any of the victim's immediate family members, while the case is pending. This~~
 27 ~~condition does not apply if the victim consents in person or through a~~
 28 ~~communication through the local prosecuting agency. **and is denied bail or is**~~
 29 **unable to post bail and is therefore incarcerated prior to trial, the court may**
 30 **issue an order under this Paragraph prohibiting the defendant from**

1 communicating, by electronic communication, in writing, or orally, with a
2 victim of the offense, or with any of the victim's immediate family members.
3 This condition shall not apply if the victim consents by way of a request to the
4 court and the court issues an order permitting the communication. If an
5 immediate family member of the victim consents by way of a request to the
6 court and the court issues an order permitting the communication, then the
7 defendant may contact that person.

8 (3) In all cases, the court shall issue and shall file into the record any
9 order issued pursuant to this Paragraph and shall serve the defendant with the
10 order by personal service. The court shall also comply with the provisions of
11 Paragraph H of this Article.

12 H. Uniform Abuse Prevention Order.

13 (1) ~~If, as part of a bail restriction, an order is issued for purposes of~~
14 ~~preventing violent or threatening acts or harassment against, or contact or~~
15 ~~communication with or physical proximity to, another person for the purpose of~~
16 ~~preventing domestic abuse, stalking, dating violence, or sexual assault, the court~~
17 ~~issues any order pursuant to any of the provisions of this Article prohibiting the~~
18 ~~defendant from contacting or communicating with the victim or the victim's~~
19 ~~immediate family members,~~ the judge shall cause to have prepared a Uniform
20 Abuse Prevention Order, as provided in R.S. 46:2136.2(C), shall sign such order, and
21 shall immediately forward it to the clerk of court for filing, on the next business day
22 after the order is issued. The clerk of the issuing court shall transmit the Uniform
23 Abuse Prevention Order to the Judicial Administrator's Office, Louisiana Supreme
24 Court, for entry into the Louisiana Protective Order Registry, as provided in R.S.
25 46:2136.2(A), by facsimile transmission or direct electronic input as expeditiously
26 as possible, but no later than the end of the next business day after the order is filed
27 with the clerk of court. The clerk of the issuing court shall also send a copy of the
28 Uniform Abuse Prevention Order, as provided in R.S. 46:2136.2(C), or any
29 modification thereof, to the chief law enforcement officer of the parish where the
30 person or persons protected by the order reside. A copy of the Uniform Abuse

1 Prevention Order shall be retained on file in the office of the chief law enforcement
2 officer until otherwise directed by the court.

3 (2) If, as part of a ~~bail restriction~~ **any order issued pursuant to any of the**
4 **provisions of this Article**, an order is issued pursuant to the provisions of this
5 Paragraph, the court shall also order that the defendant be prohibited from possessing
6 a firearm for the duration of the Uniform Abuse Prevention Order.

7 I. Global positioning monitoring. (1)(a) In addition, the court shall order a
8 defendant who is alleged to have committed the offense of first degree rape under the
9 provisions of R.S. 14:42, and may order a defendant who is alleged to have
10 committed an offense ~~against the defendant's family or household member, as~~
11 ~~defined in R.S. 46:2132(4), or against the defendant's dating partner, as defined in~~
12 ~~R.S. 46:2151, or who is alleged to have committed the offense of domestic abuse~~
13 ~~battery under the provisions of R.S. 14:35.3, or who is alleged to have committed the~~
14 ~~offense of stalking under the provisions of R.S. 14:40.2, or who is alleged to have~~
15 ~~committed a sexual assault as defined in R.S. 46:2184~~ **enumerated in Paragraph**
16 **G or J of this Article**, to be equipped with a global positioning monitoring system
17 as a condition of release on bail.

18 * * *

19 J.**(1)** Crimes of violence. ~~If the defendant has been charged with~~
20 **Notwithstanding the provisions of Paragraph G of this Article and**
21 **notwithstanding any other provision of law to the contrary, if the defendant is**
22 **alleged to have committed** a crime of violence as defined in R.S. 14:2(B), the court
23 shall require as a condition of bail that the defendant ~~be prohibited from~~
24 ~~communicating, by electronic communication, in writing, or orally, with a victim of~~
25 ~~the offense, or with any of the victim's immediate family members while the case is~~
26 ~~pending: refrain from going to the residence or household of the victim, the~~
27 ~~victim's school, and the victim's place of employment or otherwise contacting~~
28 ~~the victim in any manner whatsoever, and shall refrain from having any further~~
29 ~~contact with the victim. The court shall also require as a condition of bail that~~
30 ~~the defendant be prohibited from communicating, by electronic communication,~~

1 in writing, or orally, with a victim of the offense, or with any of the victim's
 2 immediate family members. This condition does not apply if the victim consents
 3 ~~in person or through a communication through the local prosecuting agency~~ by way
 4 of a request to the court and the court issues an order permitting the
 5 communication. If an immediate family member of the victim consents ~~in person~~
 6 ~~or through a communication through the local prosecuting agency,~~ by way of a
 7 request to the court and the court issues an order permitting the
 8 communication, then the defendant may contact that person.

9 (2) Notwithstanding the provisions of Paragraph G of this Article and
 10 notwithstanding any other provision of law to the contrary, if a defendant
 11 alleged to have committed an offense included in Subparagraph (1) of this
 12 Paragraph is denied bail or is unable to post bail and is therefore incarcerated
 13 prior to trial, the court shall nevertheless issue an order under this Paragraph
 14 prohibiting the defendant from communicating, by electronic communication,
 15 in writing, or orally, with a victim of the offense, or with any of the victim's
 16 immediate family members. This condition shall not apply if the victim consents
 17 by way of a request to the court and the court issues an order permitting the
 18 communication. If an immediate family member of the victim consents by way
 19 of a request to the court and the court issues an order permitting the
 20 communication, then the defendant may contact that person.

21 (3) In all cases, the court shall issue and shall file into the record any
 22 order issued pursuant to this Paragraph and shall serve the defendant with the
 23 order by personal service. The court shall also comply with the provisions of
 24 Paragraph H of this Article.

25 * * *

26 L. Under no circumstances shall any court deny the issuance of a
 27 protective order pursuant to any provision of this Article on the ground that a
 28 protective order has already been issued under any other provision of law. Any
 29 protective order issued pursuant to this Article shall remain in effect for the
 30 time that the criminal case is pending until sentencing unless the person

1 protected by the protective order moves the court to dissolve the protective
2 order as to that person and the court grants the motion to dissolve the
3 protective order as to that person.

4 Art. 321. Types of bail; restrictions

5 * * *

6 C. Any defendant who has been arrested for any of the following offenses
7 shall not be released on his personal undertaking or with an unsecured personal
8 surety:

9 * * *

10 (5) R.S. 14:35.3 (domestic abuse battery) **or R.S. 14:34.9 (battery of a**
11 **dating partner).**

12 (6) R.S. 14:37.7 (domestic abuse aggravated assault) **or R.S. 14:34.9.1**
13 **(aggravated assault upon a dating partner).**

14 * * *

15 Section 2. R.S. 14:79(A)(3)(c) and (E) are hereby amended and reenacted to read
16 as follows:

17 §79. Violation of protective orders

18 A. * * *

19 (3) Violation of protective orders shall also include the willful disobedience
20 of the following:

21 * * *

22 (c) A condition of a parole release **pursuant to R.S. 15:574.4.2(A)(5) or any**
23 **other condition of parole** which requires that the parolee stay away from any
24 specific person.

25 * * *

26 E.(1) Law enforcement officers shall use every reasonable means, including
27 but not limited to immediate arrest of the violator, to enforce a preliminary or
28 permanent injunction or protective order obtained pursuant to R.S. 9:361, R.S. 9:372,
29 R.S. 46:2131 et seq., R.S. 46:2151, R.S. 46:2171 et seq., R.S. 46:2181 et seq.,
30 Children's Code Article 1564 et seq., Code of Civil Procedure Articles 3604 and

1 3607.1, or Code of Criminal Procedure Articles ~~327.1, 335.1, 335.2, 320~~ and 871.1
 2 after a contradictory court hearing, or to enforce a temporary restraining order or ex
 3 parte protective order issued pursuant to R.S. 9:361, R.S. 9:372, R.S. 46:2131 et seq.,
 4 R.S. 46:2151, R.S. 46:2171 et seq., R.S. 46:2181 et seq., Children's Code Article
 5 1564 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal
 6 Procedure ~~Articles 327.1, 335.1, and 335.2~~ **Article 320** if the defendant has been
 7 given notice of the temporary restraining order or ex parte protective order by service
 8 of process as required by law.

9 (2) Law enforcement officers shall at a minimum issue a summons to the
 10 person in violation of a temporary restraining order, a preliminary or permanent
 11 injunction, or a protective order issued pursuant to R.S. 9:361 et seq., R.S. 9:372,
 12 R.S. 46:2131 et seq., R.S. 46:2151, R.S. 46:2181 et seq., Children's Code Article
 13 1564 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal
 14 Procedure Articles 30, ~~327.1, 335.2~~ **320**, and 871.1.

15 * * *

16 Section 3. R.S. 15:574.4.2(A)(5) is hereby amended and reenacted and R.S.
 17 15:574.2(A)(6) is hereby enacted to read as follows:

18 §574.4.2. Decisions of committee on parole; nature, order, and conditions of parole;
 19 rules of conduct; infectious disease testing

20 A. * * *

21 **(5)(a) If the offender has been convicted of a crime of violence as defined**
 22 **in R.S. 14:2 committed upon any person, any felony sex offense as defined in**
 23 **R.S. 46:1844(W) committed upon any person, any felony human**
 24 **trafficking-related offense as defined in R.S. 46:1844(W) committed upon any**
 25 **person, or any offense, that is a felony, committed upon a family member,**
 26 **household member, or dating partner, as those terms are defined by R.S.**
 27 **46:2132, the committee on parole shall require as a condition of parole that the**
 28 **offender refrain from going to the residence or household of the victim, the**
 29 **victim's school, and the victim's place of employment or otherwise contacting**
 30 **the victim in any manner whatsoever, and shall refrain from having any further**

1 contact with the victim. The committee on parole shall also require as a
2 condition of parole that the offender refrain from communicating, by electronic
3 communication, in writing, or orally, with a victim of the offense, or with any
4 of the victim's immediate family members. For the purposes of this Subsection,
5 "immediate family member" means the spouse, mother, father, aunt, uncle,
6 sibling, or child of the victim, whether related by blood, marriage, or adoption.
7 If the victim or an immediate family member of the victim informs the
8 committee on parole in writing that he does not wish for the committee on
9 parole to impose the conditions in this Subsection, the committee on parole shall
10 not impose the conditions in this Subsection as to the person making the written
11 request. Nothing in this Paragraph shall be construed so as to impair, limit, or
12 abrogate the authority of the committee on parole to require as a condition of
13 parole any other protective order or any other restriction under any provision
14 of law.

15 (b) Prior to the release of the offender on parole, a judge of the court of
16 conviction shall cause to have prepared a Uniform Abuse Prevention Order, as
17 provided in R.S. 46:2136.2(C), shall sign such order, and shall immediately
18 forward it to the clerk of court for filing on the day that the order is issued. The
19 clerk of the issuing court shall transmit the Uniform Abuse Prevention Order
20 to the Judicial Administrator's Office, Louisiana Supreme Court, for entry into
21 the Louisiana Protective Order Registry, as provided in R.S. 46:2136.2(A), by
22 facsimile transmission or direct electronic input as expeditiously as possible, but
23 no later than the end of the next business day after the order is filed with the
24 clerk of court. The clerk of the issuing court shall also send a copy of the
25 Uniform Abuse Prevention Order, as provided in R.S. 46:2136.2(C), or any
26 modification thereof, to the chief law enforcement officer of the parish where
27 the person or persons protected by the order reside by facsimile transmission
28 or direct electronic input as expeditiously as possible, but no later than the end
29 of the next business day after the order is filed with the clerk of court. A copy
30 of the Uniform Abuse Prevention Order shall be retained on file in the office of

1 the chief law enforcement officer until otherwise directed by the court.

2 (6) If parole is revoked for any reason, all good time earned or any additional
3 credits earned or which could have been earned on that portion of the sentence
4 served prior to the granting of parole shall be forfeited, and the parolee shall serve
5 the remainder of the sentence as of the date of release on parole.

6 * * *

7 Section 4. R.S. 46:1846(A) and (C) and 2132(4) are hereby amended and reenacted
8 to read as follows:

9 §1846. Communication between offender and victim prohibited; exceptions

10 A. A person who has been charged by bill of information or indictment with
11 any crime of violence as defined in R.S. 14:2 committed upon any person, any
12 felony sex offense as defined in R.S. 46:1844(W) committed upon any person,
13 any felony human trafficking-related offense as defined in R.S. 46:1844(W)
14 committed upon any person, or any offense, that is a felony, committed upon a
15 family member, household member, or dating partner, as those terms are defined by
16 R.S. 46:2132, or any immediate family member of such person, shall be prohibited
17 from communicating, either by electronic communication, in writing, or orally, with
18 a victim of the offense, or any of his immediate family members for which the
19 person has been charged or for which disposition of the case is pending.

20 * * *

21 C. A person who has been sentenced or found not guilty by reason of
22 insanity for a crime of violence as defined in R.S. 14:2 committed upon any
23 person, any felony sex offense as defined in R.S. 46:1844(W) committed upon
24 any person, any felony human trafficking-related offense as defined in R.S.
25 46:1844(W) committed upon any person, or any offense, that is a felony,
26 committed upon a family member, household member, or dating partner, as those
27 terms are defined by R.S. 46:2132, or any immediate family member of such person,
28 shall be prohibited from communicating, either by electronic communication, in
29 writing, or orally, with a victim of the offense, or any of his immediate family
30 members, for which the person has been sentenced unless the victim or his

1 immediate family members initiate the communication through the Department of
 2 Public Safety and Corrections, and it is agreed that the victim and the offender
 3 participate in a formally defined restorative justice program administered through the
 4 department. Any sentencing order issued pursuant to this Subsection shall be
 5 reflected in the sentencing minutes of the issuing court. The issuing court shall
 6 notify the Department of Public Safety and Corrections of the issuance of the
 7 sentencing order.

* * *

§2132. Definitions

As used in this Part:

* * *

12 (4) "Family members" means spouses, former spouses, parents and children,
 13 stepparents, stepchildren, foster parents, and foster children. "Household members"
 14 means any person presently or formerly living in the same residence with the
 15 defendant and who is involved or has been involved in a sexual or intimate
 16 relationship with the defendant ~~and who is seeking protection under this Part~~, **or any**
 17 **child presently or formerly living in the same residence with the defendant, or**
 18 **any child of the defendant regardless of where the child resides.** "Dating partner"
 19 means any person protected from violence under R.S. 46:2151 ~~who is seeking~~
 20 ~~protection under this Part~~. If a parent or grandparent is being abused by an adult
 21 child, adult foster child, or adult grandchild, the provisions of this Part shall apply
 22 to any proceeding brought in district court.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2020 Regular Session
HOUSE BILL NO. 450
BY REPRESENTATIVE HILFERTY

ACT No. 288

1 AN ACT

2 To amend and reenact R.S. 14:62(B), relative to burglary; to provide relative to the crime
3 of simple burglary; to provide for certain penalties when the offense is committed
4 with a firearm under certain circumstances; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:62(B) is hereby amended and reenacted to read as follows:

7 §62. Simple burglary

8 * * *

9 B.(1) ~~Whoever~~ Except as provided in Paragraph (2) of this Subsection,
10 whoever commits the crime of simple burglary shall be fined not more than two
11 thousand dollars, imprisoned with or without hard labor for not more than twelve
12 years, or both.

13 (2) If the offender, while committing the crime of simple burglary, is armed
14 with a firearm or, after entering, arms himself with or possesses a firearm, the
15 offender shall be imprisoned with or without hard labor for not less than three nor
16 more than twelve years.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 108

BY SENATORS CATHEY AND CORTEZ

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21

AN ACT

To amend and reenact the heading of Part IV of Chapter 6 of Title 3 of the Louisiana Revised Statutes of 1950, R.S. 3:571(A) and (C), 661, 662, 663, 665(B) and (C), 667(C), (D)(3), (4), (5), and (6), and (E), 669, 670(B), (C), and (E)(2) and (4), 732(B)(1)(f), and 2093(4), R.S. 14:67.1(A)(2) and (3) and (B)(1) and (2), and R.S. 37:3103(A)(3.1) and 3134, relative to the Louisiana Public Livestock Market Charter Law; to expand the definition of livestock market to include buying stations; to provide for definitions; to change certain terms; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The heading of Part IV of Chapter 6 of Title 3 of the Louisiana Revised Statutes of 1950, R.S. 3:571(A) and (C), 661, 662, 663, 665(B) and (C), 667(C), (D)(3), (4), (5), and (6), and (E), 669, 670(B), (C), and (E)(2) and (4), 732(B)(1)(f), and 2093(4) are hereby amended and reenacted to read as follows:

§571. Livestock auctioneers

A. Each auctioneer who engages in the auction business exclusively as an employee or agent of a Louisiana ~~public~~ livestock market which is regulated by the Louisiana Board of Animal Health shall register annually with the board.

* * *

C. Each auctioneer who registers with the board shall submit to the board an affidavit stating that the applicant is engaged in the auction business exclusively as an employee or agent of one or more Louisiana ~~public~~ livestock markets which are

1 regulated by the board.

2 * * *

3 PART IV. LOUISIANA ~~PUBLIC~~ LIVESTOCK MARKET CHARTER LAW

4 §661. Short title

5 This Part shall be known and cited as the Louisiana ~~Public~~ Livestock Market
6 Charter Law.

7 §662. Policy of state

8 It is hereby declared to be the policy of the State of Louisiana, and the
9 purpose of this Part, to encourage, stimulate and stabilize the agricultural economy
10 of the state in general, and the livestock economy in particular, by encouraging the
11 construction, development and productive operation of ~~public~~ livestock markets as
12 a key industry of the state with all benefits of fully open, free, competitive factors,
13 in respect to sales and purchases of livestock. No person shall conduct the business
14 of a ~~public~~ livestock market without a valid charter to conduct such market.

15 §663. Definitions

16 The following words and phrases as used in this Part, unless the context
17 otherwise requires, shall have the meaning respectively ascribed to them in this
18 Section.

19 (1) "Board" means the Louisiana Board of Animal Health augmented by the
20 persons named in R.S. 3:665.

21 (2) "~~Livestock~~" means ~~cattle, buffalo, bison, oxen, and other bovine; horses,~~
22 ~~mules, donkeys, and other equine; sheep; goats; swine; domestic rabbits; fish, turtles,~~
23 ~~and other animals identified with aquaculture that are located in artificial reservoirs~~
24 ~~or enclosures that are both on privately owned property and constructed so as to~~
25 ~~prevent, at all times, the ingress and egress of fish life from public waters; imported~~
26 ~~exotic deer and antelope, elk, farm-raised white-tailed deer, farm-raised ratites, and~~
27 ~~other farm-raised exotic animals; chickens, turkeys, and other poultry; and animals~~
28 ~~placed under the jurisdiction of the commissioner of agriculture and forestry and any~~
29 ~~hybrid, mixture, or mutation of any such animal.~~

30 (3) "~~Public livestock market~~" means ~~any place, establishment or facility~~

1 commonly known as a "livestock market," "livestock auction market," "sales ring,"
2 "stockyard," or the like, operated for compensation or profit as a public market for
3 livestock, consisting of pens, or other enclosures, and their appurtenances, in which
4 livestock are received, held, sold, or kept for sale or shipment.

5 (4) "~~Commissioner~~" means the ~~Commissioner of the Department of~~
6 ~~Agriculture.~~

7 (5) "~~Charter~~" means the ~~charter for public livestock market operation~~
8 ~~authorized to be issued under this Part.~~

9 **(2) "Buying station" means a facility that is conducted, operated, or**
10 **managed as a private livestock market that offers stockyard services.**

11 **(3) "Charter" means the charter for livestock market operations**
12 **authorized under this Part.**

13 **(4) "Commissioner" means the Louisiana commissioner of agriculture**
14 **and forestry.**

15 **(5) "Livestock" means cattle, buffalo, bison, oxen, and other bovine;**
16 **horses, mules, donkeys, and other equine; sheep; goats; swine; domestic rabbits;**
17 **fish, turtles, and other animals identified with aquaculture that are located in**
18 **artificial reservoirs or enclosures that are both on privately owned property and**
19 **constructed so as to prevent, at all times, the ingress and egress of fish life from**
20 **public waters; imported exotic deer and antelope, elk, farm-raised white-tailed**
21 **deer, farm-raised ratites, and other farm-raised exotic animals; chickens,**
22 **turkeys, and other poultry; and animals placed under the jurisdiction of the**
23 **commissioner of agriculture and forestry and any hybrid, mixture, or mutation**
24 **of any such animal.**

25 **(6) "Livestock market" means any place, establishment or facility**
26 **commonly known as a "buying station", "livestock market", "livestock auction**
27 **market", "sales ring", "stockyard", or the like, operated for compensation or**
28 **profit as a market for livestock, consisting of pens, or other enclosures, and**
29 **their appurtenances, in which livestock are received, held, sold, or kept for sale**
30 **or shipment.**

1 * * *

2 §665. Administration of Part

3 * * *

4 B. The Louisiana Board of Animal Health shall determine the day or days on
5 which each ~~public~~ livestock market chartered under the provisions of this Part may
6 conduct sales.

7 C. Each ~~public~~ livestock market in operation on ~~April 1, 1982~~ **April 1, 2019**,
8 shall retain the sale day or ~~days~~ **contiguous day** on which the ~~public~~ livestock
9 market was conducting sales prior to ~~April 1, 1982~~ **April 1, 2019**.

10 * * *

11 §667. Hearings on applications for charter

12 * * *

13 C. The commissioner shall publish a notice of the hearing on two separate
14 days in the official journal of the state and in the official journal of the municipality
15 or parish in which the proposed ~~public~~ livestock market will be located.

16 D. The board shall consider the following factors in determining whether or
17 not a charter should be granted:

18 * * *

19 (3) The present market services elsewhere available to the trade area to be
20 served by the proposed ~~public~~ livestock market.

21 (4) Whether the proposed ~~public~~ livestock market would be permanent and
22 continuous.

23 (5) The benefits to be derived by the livestock industry from the
24 establishment and operation of the proposed ~~public~~ livestock market.

25 (6) The economic feasibility of the proposed ~~public~~ livestock market.

26 E. If the board finds the applicant to be qualified to operate a ~~public~~ livestock
27 market, the board shall grant the charter. If the board finds that the applicant is not
28 qualified to operate a ~~public~~ livestock market or has failed to comply with the
29 requirements of this Part, the board shall deny the charter.

30 * * *

1 §669. Issuance of charter; special provision

2 The owner of any ~~public~~ livestock market operated and conducted as such on
3 ~~July 27, 1966~~ **April 1, 2019** shall be issued a charter for the operation of said market.

4 §670. Charter required

5 * * *

6 B. Each ~~public~~ livestock market shall be chartered separately.

7 C. When the owner of a facility has leased the facility to another person who
8 is operating a ~~public~~ livestock market at the facility, and the lessee loses his charter
9 for any reason, the owner of the facility shall have the right to apply for a charter to
10 operate the facility as a ~~public~~ livestock market prior to any other person. If the
11 owner of the facility qualifies for the charter, the charter shall be issued to him.

12 * * *

13 E. The board may cancel a charter for any one or more of the following
14 actions:

15 * * *

16 (2) The holder is unable to meet the bond or financial requirements for
17 operating a ~~public~~ livestock market.

18 * * *

19 (4) The holder has violated the provisions of this Part, the provisions of the
20 rules or regulations adopted under the provisions of this Part, or any applicable
21 federal law or rule or regulation governing the operation of a ~~public~~ livestock market.

22 * * *

23 §732. Livestock Brand Commission

24 * * *

25 B.(1) The commission shall be comprised of nine members appointed by the
26 commissioner as follows:

27 * * *

28 (f) One member appointed from the state at large, who shall be an operator
29 of a Louisiana ~~public~~ livestock market.

30 * * *

1 §2093. Powers

2 The Louisiana Board of Animal Health shall have the following powers and
3 duties:

4 * * *

5 (4) To issue charters and determine sale days for ~~public~~ livestock markets in
6 accordance with R.S. 3:665.

7 * * *

8 Section 2. R.S. 14:67.1(A)(2) and (3) and (B)(1) and (2) are hereby amended and
9 reenacted to read as follows:

10 §67.1. Theft of livestock

11 A. Any of the following acts shall constitute theft of livestock:

12 * * *

13 (2) Transporting or causing the transportation of livestock to a slaughterhouse
14 or a ~~public~~ livestock market as defined in R.S. 3:663, for purposes of selling or
15 keeping the livestock or meat with the intent to deprive the owner permanently of the
16 livestock or meat or proceeds derived from the sale of the livestock or meat.

17 (3) Failing or refusing to pay for livestock purchased from an agent, dealer,
18 ~~public~~ livestock market as defined in R.S. 3:663, or owner, or acquired with the
19 consent of the agent, dealer, ~~public~~ livestock market, or owner, within thirty days of
20 the date the livestock was purchased or acquired or the date payment was due,
21 whichever is longer, with the intent to permanently deprive the other of the livestock
22 or the value of the livestock.

23 B. Either of the following acts shall constitute presumptive evidence of the
24 intent to permanently deprive the other of the livestock or meat, or proceeds derived
25 from sale of the livestock or meat:

26 (1) Assignment of the livestock in a record book maintained by a
27 slaughterhouse or ~~public~~ livestock market as defined in R.S. 3:663, in a name other
28 than that of the owner.

29 (2) Failing to pay for the livestock within ten days after notice of a request
30 for payment or return of the livestock or meat has been sent by the agent, dealer,

1 public livestock market as defined in R.S. 3:663, or owner, to the offender's last
2 known address by either registered or certified mail, return receipt requested, or by
3 actual delivery by a commercial courier.

4 * * *

5 Section 3. R.S. 37:3103(A)(3.1) and 3134 are hereby amended and reenacted to read
6 as follows:

7 §3103. Definitions of terms

8 A. As used in this Chapter, these terms shall have the definitions ascribed to
9 them, unless the context indicates otherwise:

10 * * *

11 (3.1) "Auction house", "auction company", and "auction business" are
12 synonymous and interchangeable terms and mean any entity, whether a sole
13 proprietorship, partnership, limited liability partnership, limited liability company,
14 corporation, or any other legal entity defined by the board, which arranges, manages,
15 sponsors, advertises, or carries out two or more auctions within any twelve-month
16 period and which regularly represents that goods are sold at auction. However, a
17 public livestock auction business which exclusively auctions livestock and which is
18 regulated as a public livestock market by the Louisiana Board of Animal Health
19 pursuant to R.S. 3:2091 et seq. shall not be defined as an auction business for
20 purposes of this Chapter. "Auction house," "auction company," and "auction
21 business" shall not mean an entity which sells property through an Internet-based
22 trading platform unless such entity's activities constitute an "auction" as defined in
23 Paragraph (3) of this Subsection.

24 * * *

25 §3134. Livestock auctioneers

26 The provisions of this Chapter shall not apply to and the board shall not have
27 jurisdiction over auctioneers who are engaged in the auction business exclusively as
28 an employee or agent of a Louisiana public livestock market which is regulated by
29 the Louisiana Board of Animal Health and who are registered with that board as
30 required by ~~R.S. 3:2100~~ **R.S. 3:571**.

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 322

HOUSE BILL NO. 746

BY REPRESENTATIVES GAROFALO, ADAMS, AMEDEE, BAGLEY, BEAULLIEU, BUTLER, CARRIER, ROBBY CARTER, CORMIER, COX, CREWS, DESHOTEL, DUBUISSON, EDMONSTON, EMERSON, FARNUM, FIRMENT, FONTENOT, FRIEMAN, GADBERRY, GOUDEAU, HARRIS, HORTON, JEFFERSON, JENKINS, MIKE JOHNSON, MCCORMICK, MCFARLAND, MCKNIGHT, MCMAHEN, MIGUEZ, GREGORY MILLER, MINCEY, NELSON, CHARLES OWEN, ROBERT OWEN, PRESSLY, RISER, ROMERO, SCHAMERHORN, SEABAUGH, STEFANSKI, THOMAS, THOMPSON, WHEAT, WHITE, AND WRIGHT

1 AN ACT

2 To enact R.S. 14:95(L), relative to the illegal carrying of weapons; to provide an exception
3 to the crime of illegal carrying of weapons for certain persons during a mandatory
4 evacuation in a declared state of emergency or disaster; to provide for definitions;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:95(L) is hereby enacted to read as follows:

8 §95. Illegal carrying of weapons

9 * * *

10 L. The provisions of Paragraph (A)(1) of this Section shall not apply to any
11 person who is not prohibited from possessing a firearm pursuant to R.S. 14:95.1 or
12 any other state or federal law and who is carrying a concealed firearm on or about
13 his person while in the act of evacuating during a mandatory evacuation order issued
14 during a state of emergency or disaster declared pursuant to the Louisiana Homeland
15 Security and Emergency Assistance and Disaster Act. For purposes of this
16 Subsection, "in the act of evacuating" means the immediate and urgent movement
17 of a person away from the evacuation area within forty-eight hours after a mandatory

1 evacuation is ordered. The forty-eight-hour period may be extended by an order
2 issued by the governor.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 325

HOUSE BILL NO. 781

BY REPRESENTATIVES MIGUEZ, AMEDEE, BACALA, BEAULLIEU, BUTLER, CARRIER, ROBBY CARTER, CORMIER, COUSSAN, DESHOTEL, DEVILLIER, DUBUISSON, EDMONDS, EDMONSTON, EMERSON, FARNUM, FIRMENT, FRIEMAN, GAROFALO, HARRIS, HORTON, MIKE JOHNSON, TRAVIS JOHNSON, MCCORMICK, MCKNIGHT, MINCEY, CHARLES OWEN, ROBERT OWEN, RISER, ROMERO, SCHAMERHORN, THOMAS, WHEAT, AND WRIGHT

1 AN ACT

2 To amend and reenact R.S. 14:329.6(C), (G), and (H)(1) and R.S. 29:724(D)(4) and (6),
3 727(F)(4) and (8), 730.3(F), 737(B)(7), 738(A), 766(D)(4) and (8), and 772, to enact
4 R.S. 14:329.6(H)(3) and R.S. 29:738(C), and to repeal R.S. 14:329.6(A)(6), relative
5 to the regulation of firearms and ammunition during a declared emergency or
6 disaster or public health emergency; to declare certain firearm- and ammunition-
7 related businesses as essential; to provide relative to the authority to regulate the
8 manufacture, sale, and possession of firearms and ammunition during a declared
9 emergency or disaster or public health emergency; to provide relative to the authority
10 of firearm- and ammunition-related businesses to operate during a declared
11 emergency or disaster or public health emergency; to provide relative to the authority
12 of certain officials to regulate with respect to firearms and ammunition during a
13 declared emergency or disaster or public health emergency; and to provide for
14 related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. R.S. 14:329.6(C), (G), and (H)(1) are hereby amended and reenacted and
17 R.S. 14:329.6(H)(3) is hereby enacted to read as follows:

18 §329.6. Proclamation of state of emergency; conditions therefor; effect thereof

19 * * *

1 C. All orders promulgated pursuant to this ~~section~~ Section shall be executed
2 in triplicate and shall be filed with the clerk of court of the parish affected and with
3 the secretary of state of this state.

4 * * *

5 G. As used in this Section:

6 (1) "Disaster" shall have the same meaning as provided in ~~R.S. 29:723(1)~~
7 R.S. 29:723.

8 (2) "Emergency" shall have the same meaning as provided in ~~R.S. 29:723(2)~~
9 R.S. 29:723.

10 H.(1) The right of each citizen to keep and bear arms is fundamental and
11 shall not be infringed. Nothing in this Section shall authorize the seizure or
12 confiscation of any firearm or ammunition from any individual who is lawfully
13 carrying or possessing the firearm or ammunition except as provided in Paragraph
14 (2) of this Subsection.

15 * * *

16 (3) Firearms and ammunition manufacturers, distributors, wholesalers,
17 suppliers, and retailers and shooting ranges are essential businesses and operations
18 for purposes of safety and security and shall not be prohibited or restricted from
19 operating or conducting business during a declared emergency or disaster.

20 Section 2. R.S. 29:724(D)(4) and (6), 727(F)(4) and (8), 730.3(F), 737(B)(7),
21 738(A), 766(D)(4) and (8), and 772 are hereby amended and reenacted and R.S. 29:738(C)
22 is hereby enacted to read as follows:

23 §724. Powers of the governor

24 * * *

25 D. In addition to any other powers conferred upon the governor by law, he
26 may do any or all of the following:

27 * * *

28 (4) Subject to any applicable requirements for compensation, commandeer
29 or utilize any private property if he finds this necessary to cope with the disaster or

1 emergency. For purposes of this Paragraph, private property does not include
2 firearms, ammunition, or components of firearms or ammunition.

3 * * *

4 (6) Suspend or limit the sale, dispensing, or transportation of alcoholic
5 beverages, ~~firearms~~, explosives, and combustibles, excluding those components of
6 firearm ammunition.

7 * * *

8 §727. Powers of the parish president; penalties for violations

9 * * *

10 F. In addition to any other powers conferred upon the parish president by the
11 constitution, laws, or by a home rule charter or plan of government, such authority
12 may do any or all of the following:

13 * * *

14 (4) Subject to any applicable requirements for compensation, commandeer
15 or utilize any private property if he finds this necessary to cope with the local
16 disaster. For purposes of this Paragraph, private property does not include firearms,
17 ammunition, or components of firearms or ammunition.

18 * * *

19 (8) Suspend or limit the sale, dispensing, or transportation of alcoholic
20 beverages, ~~firearms~~, explosives, and combustibles, excluding those components of
21 firearm ammunition.

22 * * *

23 §730.3. Evacuations and curfews

24 * * *

25 F. During a declared disaster or state of emergency, the parish president may
26 in the proclamation for evacuation or a separate proclamation impose a curfew
27 prohibiting anyone who is not designated as essential workforce or critical workforce
28 to be on a public street or place. The curfew may be for the entire parish or for
29 certain areas of the parish, and the curfew may be for an unlimited period of time or
30 may be for certain periods of time during each twenty-four-hour period. The

1 proclamation shall specify the geographical area or areas and the period during each
 2 twenty-four-hour period to which the curfew applies. The proclamation imposing
 3 a curfew may regulate and close places of amusement and assembly; and prohibit the
 4 sale and distribution of alcoholic beverages, and regulate and control, subject to the
 5 provisions of R.S. 29:738, the possession, storage, display, sale, transport, and use
 6 of firearms and other dangerous weapons and ammunition.

7 * * *

8 §737. Municipalities; authority to respond to emergencies

9 * * *

10 B. As used in this Section, "emergency response measures" includes, but is
 11 not limited to, any or all of the following:

12 * * *

13 (7) Suspending or limiting the sale, dispensing, or transportation of alcoholic
 14 beverages, ~~firearms~~, explosives, and combustibles, excluding those components of
 15 firearm ammunition.

16 * * *

17 §738. Emergency powers do not extend to confiscation or seizure of lawfully
 18 possessed or used firearms, weapons, or ammunition; exceptions

19 A. The right of each citizen to keep and bear arms is fundamental and shall
 20 not be infringed. Nothing in this Chapter shall authorize the seizure or confiscation
 21 of any firearm or ammunition from any individual who is lawfully carrying or
 22 possessing the firearm or ammunition except as provided in Subsection B of this
 23 Section.

24 * * *

25 C. Firearms and ammunition manufacturers, distributors, wholesalers,
 26 suppliers, and retailers and shooting ranges are essential businesses and operations
 27 for purposes of safety and security and shall not be prohibited or restricted from
 28 operating or conducting business during a declared emergency or disaster.

29 * * *

1 §766. Declaration of a state of public health emergency

2 * * *

3 D. Emergency powers.

4 During a state of public health emergency, in addition to any powers
5 conferred upon the governor by law, he may do any or all of the following:

6 * * *

7 (4) Subject to any applicable requirements for compensation, commandeer
8 or utilize any private property if he finds this necessary to cope with the disaster or
9 emergency. For purposes of this Paragraph, private property does not include
10 firearms, ammunition, or components of firearms or ammunition.

11 * * *

12 (8) Suspend or limit the sale, dispensing, or transportation of alcoholic
13 beverages, ~~firearms~~, explosives, and combustibles, excluding those components of
14 firearm ammunition.

15 * * *

16 §772. Exclusion

17 R.S. 29:736 and 738 shall apply to this Chapter.

18 Section 3. R.S. 14:329.6(A)(6) is hereby repealed in its entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 383

BY SENATOR REESE

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AN ACT

To amend and reenact R.S. 15:539.1 and 539.3(A)(introductory paragraph), and to repeal R.S. 14:40.3(C)(4)(a) and (b), 46.2(B)(4)(a) and (b), 46.3(D)(3)(a) and (b), 80(D)(2)(a) and (b), 81(F), (G), and (H)(3)(a) and (b), 81.1(E)(5)(c) and (d) and (F)(1), 81.2(E)(1) and (2), 81.3(B)(4)(a) and (b), (G), and (H), 82.1(D)(4)(a) and (b), 83(B)(5)(a) and (b), 83.1(B)(4)(a) and (b), 83.2(B)(4)(a) and (b), 84(B)(4)(a) and (b), 85(B)(4)(a) and (b), 86(B)(2) and (3), 104(B)(4)(a) and (b), 105(B)(4)(a) and (b), 282(B)(4)(a) and (b), and 283(D) and (E), relative to sex offenses; to provide for the forfeiture of personal property following conviction of certain sex offenses; to provide a procedure for the sale or auction of personal property forfeited following conviction of certain sex offenses; to provide a ranked order for payment of proceeds received from the sale or auction of personal property forfeited following the conviction of certain sex offenses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:539.1 and 539.3(A)(introductory paragraph) are hereby amended and reenacted to read as follows:

§539.1. Forfeited property related to certain sex crimes; exempt property; allocation of forfeited property

1 A. Upon conviction of a human trafficking-related offense as defined in
2 R.S. 46:1844(W)(2)(a), any felony sex offense as defined in R.S.
3 46:1844(W)(2)(b), R.S. 14:40.3 (cyberstalking), R.S. 14:81.1.1 (Sexting;
4 prohibited acts; penalties), R.S. 14:283.2 (nonconsensual disclosure of a private
5 image), R.S. 14:78 (incest) as that offense existed prior to its repeal by Act Nos.
6 177 and 602 of the 2014 Regular Session of the Legislature, R.S. 14:78.1
7 (aggravated incest) as that offense existed prior to its repeal by Act Nos. 177 and
8 602 of the 2014 Regular Session of the Legislature, R.S. 14:89 (crime against
9 nature), or R.S. 14:89.1 (aggravated crime against nature), the court shall order
10 that the personal property used in the commission of the offense be seized or
11 impounded and sold at public sale or auction by the district attorney or
12 otherwise distributed or disposed of in accordance with the provisions of this
13 Section. The personal property made subject to seizure and disposition
14 pursuant to this Section may include any electronic communication devices,
15 computers, computer-related equipment, motor vehicles, photographic
16 equipment used to record or create still or moving visual images of any victim
17 that are recorded on paper, film, video tape, disc, or any other type of digital
18 recording media, currency, instruments, or securities. Forfeiture of personal
19 property under the provisions of this Section shall not preclude the application
20 of any other remedy, civil or criminal, under any other provision of law. All
21 materials seized as evidence in an offense enumerated in this Section shall
22 constitute contraband. The court, upon motion of the prosecuting attorney,
23 after contradictory hearing, shall order the destruction of the contraband when
24 it is determined that it is no longer needed as evidence. The contraband shall be
25 presumed necessary as evidence if an appeal of the conviction is pending, if the
26 convicted person is pursuing post-conviction remedies, or the time for pursuing
27 an appeal or post-conviction remedies has not expired.

28 B. When personal property is forfeited under the provisions of ~~R.S. 14:40.3~~
29 ~~(cyberstalking), R.S. 14:46.2 (human trafficking), R.S. 14:46.3 (trafficking of~~
30 ~~children for sexual purposes), R.S. 14:80 (felony carnal knowledge of a juvenile);~~

1 R.S. 14:81 (indecent behavior with juveniles), R.S. 14:81.1 (pornography involving
 2 juveniles), R.S. 14:81.2 (molestation of a juvenile or a person with a physical or
 3 mental disability), R.S. 14:81.3 (computer-aided solicitation of a minor), R.S.
 4 14:82.1 (prostitution; persons under eighteen; additional offenses), R.S. 14:83
 5 (soliciting for prostitutes), R.S. 14:83.1 (inciting prostitution), R.S. 14:83.2
 6 (promoting prostitution), R.S. 14:84 (pandering), R.S. 14:85 (letting premises for
 7 prostitution), R.S. 14:86 (enticing persons into prostitution), R.S. 14:104 (keeping
 8 a disorderly place), R.S. 14:105 (letting a disorderly place), and R.S. 14:282
 9 (operation of places of prostitution; prohibited; penalty); **this Section**, the district
 10 attorney shall authorize a public sale or a public auction conducted by a licensed
 11 auctioneer, without appraisal, of that which is not required by law to be destroyed
 12 and which is not harmful to the public. Any currency, instruments, or securities
 13 forfeited shall be distributed or disposed of as provided in this Section.

14 **B-C**(1) The personal property shall be exempt from sale and the currency,
 15 instruments, or securities shall be exempt from distribution or disposition if it was
 16 stolen or if the possessor of the property was not the owner and the owner did not
 17 know that the personal property was being used in the commission of the crime. If
 18 this exemption is applicable, the personal property shall not be released until such
 19 time as all applicable fees related to its seizure and storage are paid. An internet
 20 service provider shall not be required to pay seizure or storage fees to secure the
 21 release of equipment leased to an offender.

22 (2) Property subject to forfeiture pursuant to the provisions of this Section
 23 shall be exempt from forfeiture when a spouse, co-owner, or interest holder in the
 24 property establishes by sworn affidavit executed before a notary public the
 25 following:

26 (a) That he had no knowledge of the commission of the criminal conduct and
 27 could not have reasonably known of the conduct.

28 (b) That he did not consent to the use of property in the commission of the
 29 criminal conduct.

30 (c) That he owns an interest in the property otherwise subject to forfeiture.

1 (3) The property of an internet service provider shall be exempt from
2 forfeiture.

3 (4) Intentionally falsifying information required by the provisions of
4 Paragraph (2) of this Subsection shall subject the affiant to prosecution under the
5 provisions of R.S. 14:125.

6 ~~C.D.~~ In addition, the personal property shall be exempt from sale and the
7 currency, instruments, or securities shall be exempt from distribution or disposition
8 if it is subject to a lien recorded prior to the date of the offense and if the applicable
9 fees related to the property's seizure and storage are paid by a valid lien holder.

10 ~~D.E.~~ The proceeds of the public sale or public auction shall pay the costs of
11 the public sale or public auction, court costs, and fees related to the seizure and
12 storage of the personal property **and shall then be applied to any restitution**
13 **granted to the victim**. Any proceeds remaining shall be distributed by the district
14 attorney in the following manner:

15 (1) Sixty percent to the seizing agency or agencies in an equitable manner.

16 (2) Twenty percent to the prosecuting agency.

17 (3) Twenty percent to the criminal court fund of the parish in which the
18 offender was prosecuted.

19 ~~E.F.~~ Notwithstanding Subsection ~~D.E.~~ of this Section, when the currency,
20 instruments, securities, or other property is forfeited ~~pursuant to the provisions~~
21 **following a conviction for a violation** of R.S. 14:46.2 (human trafficking), R.S.
22 14:46.3 (trafficking of children for sexual purposes), R.S. 14:81.1 (pornography
23 involving juveniles), R.S. 14:81.3 (computer-aided solicitation of a minor), R.S.
24 14:82.1 (prostitution; persons under eighteen; additional offenses), R.S. 14:83
25 (soliciting for prostitutes), R.S. 14:83.1 (inciting prostitution), R.S. 14:83.2
26 (promoting prostitution), R.S. 14:84 (pandering), R.S. 14:85 (letting premises for
27 prostitution), R.S. 14:86 (enticing persons into prostitution), R.S. 14:104 (keeping
28 a disorderly place), R.S. 14:105 (letting a disorderly place), and R.S. 14:282
29 (operation of places of prostitution), the currency, instruments, and securities and
30 proceeds of the public sale or public auction shall ~~be applied first to any restitution~~

1 granted to the victim, after the costs of the public sale or auction, court costs, and
 2 fees related to seizure and storage have been satisfied **pay the costs of the public**
 3 **sale or public auction, court costs, and fees related to the seizure and storage of**
 4 **the personal property and shall then be applied to any restitution granted to the**
 5 **victim**. Any remaining currency, instruments, securities, or proceeds shall be
 6 distributed in the following manner:

7 (1) Twenty-five percent to the seizing agency or agencies allocated among
 8 the seizing agencies in proportion to their participation in the management of the
 9 investigation, seizure, and forfeiture.

10 (2) Twenty-five percent to the prosecuting agency.

11 (3) Fifty percent to the Exploited Children's Special Fund pursuant to R.S.
 12 15:539.2.

13 * * *

14 §539.3 Mandatory restitution

15 A. A person convicted of a violation of ~~R.S. 14:46.2 (human trafficking), R.S.~~
 16 ~~14:46.3 (trafficking of children for sexual purposes), R.S. 14:81.1 (pornography~~
 17 ~~involving juveniles), R.S. 14:81.3 (computer-aided solicitation of a minor), R.S.~~
 18 ~~14:82.1 (prostitution; persons under eighteen; additional offenses), R.S. 14:83~~
 19 ~~(soliciting for prostitutes), R.S. 14:83.1 (inciting prostitution), R.S. 14:83.2~~
 20 ~~(promoting prostitution), R.S. 14:84 (pandering), R.S. 14:86 (enticing persons into~~
 21 ~~prostitution), R.S. 14:104 (keeping a disorderly place), R.S. 14:105 (letting a~~
 22 ~~disorderly place), and R.S. 14:282 (operation of places of prostitution) **an offense**~~
 23 **enumerated in R.S. 15:539.1(A)** shall be ordered to pay mandatory restitution to the
 24 victim, with the proceeds from property forfeited under R.S. 15:539.1 applied first
 25 to payment of restitution, after the costs of the public sale or auction, court costs, and
 26 fees related to seizure and storage have been satisfied. Restitution under this Section
 27 shall include any of the following:

28 * * *

29 Section 2. R.S. 14:40.3(C)(4)(a) and (b), 46.2(B)(4)(a) and (b), 46.3(D)(3)(a) and
 30 (b), 80(D)(2)(a) and (b), 81(F), (G), and (H)(3)(a) and (b), 81.1(E)(5)(c) and (d) and (F)(1),

1 81.2(E)(1) and (2), 81.3(B)(4)(a) and (b), (G) and (H), 82.1(D)(4)(a) and (b), 83(B)(5)(a) and
2 (b), 83.1(B)(4)(a) and (b), 83.2(B)(4)(a) and (b), 84(B)(4)(a) and (b), 85(B)(4)(a) and (b),
3 86(B)(2) and (3), 104(B)(4)(a) and (b), 105(B)(4)(a) and (b), 282(B)(4)(a) and (b), and
4 283(D) and (E) are hereby repealed in their entirety.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 384

BY SENATOR REESE

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AN ACT

To amend and reenact Code of Criminal Procedure Art. 718.1(A) and (B) and R.S. 14:107.4(D) and (E), relative to the crime of unlawful posting of criminal activity for notoriety and publicity; to provide relative to access to evidence of the crime; to provide relative to the disposition of evidence of the crime; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Art. 718.1(A) and (B) are hereby amended and reenacted to read as follows:

Art. 718.1. Evidence of obscenity, video voyeurism, ~~or~~ pornography involving juveniles, **or unlawful posting of criminal activity for notoriety and publicity**; prohibition on reproduction of pornography involving juveniles

A. In any criminal proceeding, any property or material that is alleged to constitute evidence of obscenity as defined in R.S. 14:106(A)(2) that is unlawfully possessed, video voyeurism as defined in R.S. 14:283, ~~or~~ pornography involving juveniles as defined in R.S. 14:81.1, **or unlawful posting of criminal activity for notoriety and publicity as defined in R.S. 14:107.4**, shall remain in the care, custody, and control of the investigating law enforcement agency, the court, or the district attorney.

B. Notwithstanding any other provision of law to the contrary, the court shall deny any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any property or material that is alleged to constitute evidence of obscenity as defined in R.S. 14:106(A)(2) that is unlawfully possessed, video voyeurism as defined in R.S. 14:283, ~~or~~ pornography involving juveniles as defined in R.S. 14:81.1, **or unlawful posting of criminal activity for notoriety and publicity as**

1 defined in R.S. 14:107.4, provided that the district attorney makes the property or
2 material reasonably available to the defendant.

3 * * *

4 Section 2. R.S. 14:107.4(D) and (E) are hereby amended and reenacted to read as
5 follows:

6 §107.4. Unlawful posting of criminal activity for notoriety and publicity

7 * * *

8 D. After the institution of prosecution, access to, ~~and the disposition of~~ any
9 material seized as evidence of this offense shall be in accordance with ~~R.S. 46:1845~~

10 Code of Criminal Procedure Article 718.1.

11 E. Any evidence resulting from the commission of unlawful filming or
12 recording criminal activity shall be contraband. The court, upon motion of the
13 district attorney and after a contradictory hearing, may order the destruction
14 of the contraband after it is determined that it is no longer needed as evidence.
15 The contraband shall be presumed to be necessary as evidence if an appeal of
16 the conviction is pending, if the convicted person is pursuing post-conviction
17 remedies, or if the time for pursuing an appeal or post-conviction remedies has
18 not expired.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____