

2022 Regular Session  
HOUSE BILL NO. 134  
BY REPRESENTATIVE MARINO

# ACT No. 33

1 AN ACT

2 To amend and reenact R.S. 14:67.3(C), relative to the crime of false statements and false or  
3 altered documents; to provide relative to the payment of restitution for the crime; and  
4 to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:67.3(C) is hereby amended and reenacted to read as follows:

7 §67.3. False statements and false or altered documents; unclaimed property claim

8 \* \* \*

9 ~~C. In addition to the penalty provided by Subsection B of this Section, a~~  
10 ~~person convicted for a violation of this Section shall be ordered to make full~~  
11 ~~restitution to the Department of the Treasury to be deposited in the Louisiana~~  
12 ~~Unclaimed Property Permanent Trust Fund in the amount of funds obtained as a~~  
13 ~~result of the offense. If the person ordered to make restitution pursuant to this~~  
14 ~~Section is found to be indigent and therefore unable to make restitution in full at the~~  
15 ~~time of conviction, the court shall order a periodic payment plan consistent with the~~  
16 ~~person's financial ability. Restitution shall be ordered pursuant to Code of Criminal~~  
17 ~~Procedure Article 883.2 and shall be made payable to the Louisiana Unclaimed~~  
18 ~~Property Permanent Trust Fund.~~

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2022 Regular Session

# ACT No. 45

HOUSE BILL NO. 322

BY REPRESENTATIVES MARINO, BACALA, BAGLEY, DAVIS, HILFERTY,  
MIGUEZ, RISER, AND THOMPSON

1 AN ACT

2 To enact R.S. 14:56(C), relative to offenses against property; to provide relative to damage  
3 to multiple properties; to provide relative to the aggregate amount of damages; and  
4 to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:56(C) is hereby enacted to read as follows:

7 §56. Simple criminal damage to property

8 \* \* \*

9 C. When there has been damage to multiple properties by a number of  
10 distinct acts of the offender which are part of a continuous sequence of events, the  
11 aggregate of the amount of the damages shall determine the grade of the offense.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

SENATE BILL NO. 66

BY SENATORS CONNICK, ALLAIN, BARROW, BERNARD, CATHEY, CORTEZ, FESI, HARRIS, HENRY, HEWITT, MILLIGAN, MIZELL, PEACOCK, POPE, SMITH, STINE, TALBOT AND WHITE

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AN ACT

To amend and reenact R.S. 14:2(B)(50) and R.S. 14:79(B) and (C), relative to the crime of violation of protective orders; to provide for enhanced penalties for violations of a protective order when committed while in possession of a firearm; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:2(B)(50) and R.S. 14:79(B) and (C) are hereby amended and reenacted to read as follows:

§2. Definitions

\* \* \*

B. \* \* \*

(50) Violation of a protective order **punishable under R.S. 14:79(C)** if the violation involves a battery or any crime of violence as defined by this Subsection against the person for whose benefit the protective order is in effect.

\* \* \*

§79. Violation of protective orders

\* \* \*

B.(1) On a first conviction for violation of protective orders, **except as provided in Subsection C of this Section,** which does not involve a battery or any crime of violence as defined by R.S. 14:2(B) against the person protected by the protective order, the offender shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

(2) On a second or subsequent conviction for violation of protective orders, **except as provided in Subsection C of this Section,** which does not involve a

1 ~~battery or any crime of violence as defined by R.S. 14:2(B) against the person~~  
2 ~~protected by the protective order~~, regardless of whether the current offense occurred  
3 before or after the earlier convictions, the offender shall be fined not more than one  
4 thousand dollars and imprisoned with or without hard labor for not less than fourteen  
5 days nor more than two years. At least fourteen days of the sentence of imprisonment  
6 imposed under this Paragraph shall be without benefit of probation, parole, or  
7 suspension of sentence. If a portion of the sentence is imposed with benefit of  
8 probation, parole, or suspension of sentence, the court shall require the offender to  
9 participate in a court-monitored domestic abuse intervention program as defined by  
10 R.S. 14:35.3.

11 C.(1) ~~Whoever~~ **Except as provided in Paragraph (2) of this Subsection,**  
12 **whoever** is convicted of the offense of violation of protective orders where the  
13 violation involves a battery or any crime of violence as defined by R.S. 14:2(B)  
14 against the person for whose benefit the protective order is in effect, **or where the**  
15 **violation involves the offender going to the residence or household, school, or**  
16 **place of employment of the person for whose benefit the protective order is in**  
17 **effect while in possession of a firearm**, shall be fined not more than one thousand  
18 dollars and imprisoned with or without hard labor for not less than three months nor  
19 more than two years. At least thirty days of the sentence of imprisonment imposed  
20 under this Paragraph shall be without benefit of probation, parole, or suspension of  
21 sentence. If a portion of the sentence is imposed with benefit of probation, parole,  
22 or suspension of sentence, the court shall require the offender to participate in a  
23 court-monitored domestic abuse intervention program as defined by R.S. 14:35.3.

24 (2) Whoever is convicted of the offense of violation of protective orders  
25 where the violation involves a battery or any crime of violence as defined by R.S.  
26 14:2(B) against the person for whose benefit the protective order is in effect, **or**  
27 **where the violation involves the offender going to the residence or household,**  
28 **school, or place of employment of the person for whose benefit the protective**  
29 **order is in effect while in possession of a firearm**, and who has a conviction of  
30 violating a protective order or of an assault or battery upon the person for whose

1 benefit the protective order is in effect during the five-year period prior to  
 2 commission of the instant offense, regardless of whether the instant offense occurred  
 3 before or after the earlier convictions, the offender shall be fined not more than two  
 4 thousand dollars and imprisoned with or without hard labor for not less than one year  
 5 nor more than five years. At least one year of the sentence of imprisonment imposed  
 6 under this Paragraph shall be without benefit of probation, parole, or suspension of  
 7 sentence.

8 \* \* \*

\_\_\_\_\_  
 PRESIDENT OF THE SENATE

\_\_\_\_\_  
 SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

SENATE BILL NO. 53

BY SENATOR FOIL

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AN ACT

To amend and reenact R.S. 14:95(K), relative to the crime of illegal carrying of weapons; to provide an exception to illegal carrying of weapons for certain retired federal officials; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:95(K) is hereby amended and reenacted to read as follows:

§95. Illegal carrying of weapons

\* \* \*

K.(1) The provisions of this Section shall not prohibit a retired justice or judge of the supreme court, courts of appeal, district courts, parish courts, juvenile courts, family courts, city courts, **federal courts**, retired attorney general, retired assistant attorneys general, retired district attorneys, retired assistant district attorneys, **retired United States attorneys, retired assistant United States attorneys, or retired federal investigators**, and former members of either house of the legislature from possessing and concealing a handgun on their person provided that such retired person or former member of the legislature is qualified annually, at their expense, in the use of firearms by the Council on Peace Officer Standards and Training and has on their person valid identification showing proof of their status as a former member of the legislature or as a retired justice, judge, attorney general, assistant attorney general, district attorney, ~~or~~ assistant district attorney, **United**



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

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_



SENATE BILL NO. 70

BY SENATOR TALBOT AND REPRESENTATIVE GAROFALO

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AN ACT

To enact R.S. 14:67.12 and R.S. 37:1864(A)(3), relative to misappropriation without violence; to create the crime of theft of a catalytic converter or engine control module; to provide penalties; to provide relative to entities engaged in the sale of catalytic converters or engine control modules; to provide relative to registration with law enforcement; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:67.12 is hereby enacted to read as follows:

**§67.12. Theft of a catalytic converter or engine control module**

**A. Theft of a catalytic converter or engine control module is the misappropriation or taking of a catalytic converter or engine control module which belongs to another, either without the consent of the owner to the misappropriation or taking, or by means of fraudulent conduct, practices, or representations. An intent to deprive the owner permanently of the catalytic converter or engine control module is essential.**

**B.(1) Whoever commits the crime of theft of a catalytic converter or engine control module when the misappropriation or taking and any related damage amounts to a value of twenty-five thousand dollars or more shall be imprisoned at hard labor for not less than ten years nor more than twenty years, or may be fined not more than fifty thousand dollars, or both.**

**(2) When the misappropriation or taking and any related damage**

1 amounts to a value of five thousand dollars or more, but less than a value of  
 2 twenty-five thousand dollars, the offender shall be imprisoned, with or without  
 3 hard labor, for not less than five years nor more than ten years, or may be fined  
 4 not more than ten thousand dollars, or both.

5 (3) When the misappropriation or taking and any related damage  
 6 amounts to a value of one thousand dollars or more, but less than a value of five  
 7 thousand dollars, the offender shall be imprisoned, with or without hard labor,  
 8 for not less than two years nor more than five years, or may be fined not more  
 9 than three thousand dollars, or both.

10 (4) When the misappropriation or taking and any related damage  
 11 amounts to a value of less than one thousand dollars, the offender shall be  
 12 imprisoned for not less than ninety days nor more than six months, or may be  
 13 fined not more than one thousand dollars, or both.

14 C. If the offender has been convicted under this Section two or more  
 15 times previously, upon any subsequent conviction he shall be imprisoned, with  
 16 or without hard labor, for an additional year to be served consecutively to the  
 17 sentence imposed under Subsection B of this Section, or may be fined an  
 18 additional one thousand dollars, or both.

19 D. When there has been a misappropriation or taking by a number of  
 20 distinct acts of the offender, the aggregate of the amount of the  
 21 misappropriations or taking and any related damage shall determine the grade  
 22 of the offense.

23 E. For the purposes of this Section, "engine control module" means the  
 24 electronic control unit of the vehicle that controls a series of actuators which  
 25 ensures that the vehicle operates at optimal performance by monitoring all  
 26 sensors in the engine bay.

27 Section 2: R.S. 37:1864(A)(3) is hereby enacted to read as follows:

28 §1864. Record of secondhand goods or objects purchased required; exceptions;  
 29 retention period; inspections by law enforcement; violations; penalty

30 A. \* \* \*



SENATE BILL NO. 136

BY SENATOR CONNICK AND REPRESENTATIVES CARRIER, EDMONSTON, FISHER, FONTENOT, FREEMAN, HORTON, HUGHES, LACOMBE, LARVADAIN, MARINO, DUSTIN MILLER, PIERRE, PRESSLY, SCHLEGEL, SELDERS, STAGNI, THOMPSON AND VILLIO

1 AN ACT

2 To amend and reenact R.S. 14:34.8(A)(1), (B)(3), and (C) and to enact R.S. 14:2(B)(56),  
3 38.5, and 40.9, relative to crimes of violence; to provide enhanced penalties for the  
4 crime of battery of emergency room personnel, emergency services personnel, or a  
5 healthcare professional; to create the crime of assault on emergency room personnel,  
6 emergency services personnel, or a healthcare professional; to create the crime of  
7 unlawful disruption of the operation of a healthcare facility; to provide definitions;  
8 to provide penalties; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 14:34.8(A)(1), (B)(3), and (C) are hereby amended and reenacted and  
11 R.S. 14:2(B)(56), 38.5, and 40.9 are hereby enacted to read as follows:

12 §2. Definitions

13 \* \* \*

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

21 \* \* \*

22 **(56) Battery of emergency room personnel, emergency services**  
23 **personnel, or a healthcare professional.**

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§34.8. Battery of emergency room personnel, emergency services personnel, or a healthcare professional

A.(1) Battery of emergency room personnel, emergency services personnel, or a healthcare professional is battery committed without the consent of the victim when the offender has reasonable grounds to believe that the victim is emergency room personnel, emergency services personnel, or a healthcare professional acting in the performance of his ~~employment~~ duties.

\* \* \*

B. For purposes of this Section:

\* \* \*

(3) "Healthcare professional" means a person licensed or certified by this state to provide healthcare or professional services as a physician, physician assistant, dentist, registered or licensed practical nurse or certified nurse assistant, advanced practice registered nurse, certified emergency medical technician, paramedic, certified registered nurse anesthetist, nurse practitioner, respiratory therapist, clinical nurse specialist, pharmacist, optometrist, podiatrist, chiropractor, physical therapist, occupational therapist, licensed radiologic technologist, licensed clinical laboratory scientist, licensed professional counselor, certified social worker, ~~or psychologist,~~ patient transporter, dietary worker, patient access representative, security personnel, patient relations advocate, or any other person who otherwise assists in or supports the performance of healthcare services.

C.(1)(a) Whoever commits the crime of battery of emergency room personnel, emergency services personnel, or a healthcare professional shall be fined not more than one thousand dollars and imprisoned for not less than fifteen days nor more than six months. At least forty-eight hours of the sentence imposed shall be without benefit of suspension of sentence.

(b) Whoever commits a second or subsequent offense of battery of emergency room personnel, emergency services personnel, or a healthcare





1                    (2) "Emergency room personnel" shall have the same definitions as in  
2                    R.S. 14:34.8.

3                    (3) "Emergency services personnel" shall have the same definitions as  
4                    in R.S. 14:34.8.

5                    (4) "Healthcare professional" shall have the same definitions as in R.S.  
6                    14:34.8.

7                    C. Whoever commits the offense of unlawful disruption of the operation  
8                    of a healthcare facility shall be fined not more than one thousand dollars or  
9                    imprisoned with or without hard labor, for not less than one year nor more than  
10                   five years, or both.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_



SENATE BILL NO. 148

BY SENATORS MIZELL, ABRAHAM, BARROW, BERNARD, BOUIE, CARTER, CATHEY, CLOUD, CONNICK, CORTEZ, FESI, FIELDS, FOIL, HENRY, HEWITT, JACKSON, LAMBERT, MCMATH, MILLIGAN, FRED MILLS, ROBERT MILLS, MORRIS, POPE, PRICE, REESE, SMITH, STINE, TALBOT, WARD, WHITE AND WOMACK AND REPRESENTATIVES BACALA, BUTLER, EMERSON, FONTENOT, FREEMAN, FREIBERG, GAROFALO, GOUDEAU, LAFLEUR, MARCELLE, MARINO, MCCORMICK, NELSON, SEABAUGH AND WHITE

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Art. 983(H) and (I) and R.S.  
3 14:46.2(A)(1), (C)(1) and (3)(b) and (f), and (D), to enact Code of Criminal  
4 Procedure Art. 983(J) and 997, and R.S. 14:46.2(C)(3)(k) and (l), relative to human  
5 trafficking; to provide relative to expungement of records of arrest and conviction  
6 for certain offenses related to human trafficking; to provide for immunity from  
7 prosecution for victims of human trafficking; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Code of Criminal Procedure Art. 983(H) and (I) are hereby amended and  
10 reenacted and Code of Criminal Procedure Art. 983(J) and 997 are hereby enacted to read  
11 as follows:

12 Art. 983. Cost of expungement of a record; fees; collection; exemptions;  
13 disbursements

14 \* \* \*

15 **H. Human trafficking victim request for certification and application for**  
16 **expungement.**

17 **(1) An applicant for the expungement of a record of offense who was a**  
18 **victim of human trafficking, in accordance with R.S. 14:46.2, may request a**  
19 **certification from the prosecuting authority that the offense for which the**  
20 **expungement is sought was committed, in substantial part, as the result of the**  
21 **applicant being a victim of "human trafficking" in accordance with R.S.**  
22 **14:46.2.**

1           **(2) To obtain certification, the applicant has the burden of establishing**  
2           **by a preponderance of the evidence to the prosecuting authority that the offense**  
3           **was committed, in substantial part, as the result of the applicant being a victim**  
4           **of human trafficking in accordance with R.S. 14:46.2.**

5           **(3) The certification shall be prima facie evidence that similar eligible**  
6           **crimes committed within other Louisiana jurisdictions during the time period**  
7           **the applicant was a victim of human trafficking were committed, in substantial**  
8           **part, as the result of the applicant being a victim of human trafficking in**  
9           **accordance with R.S. 14:46.2.**

10           **(4) All applicable time delays pertaining to expungement provided by**  
11           **Code of Criminal Procedure Articles 977 and 978 shall be waived when the**  
12           **certification is presented to the clerk of court with the application for**  
13           **expungement.**

14           **(5) An applicant for the expungement of a record of offense who was a**  
15           **victim of human trafficking, in accordance with R.S. 14:46.2, shall not be**  
16           **required to pay any fees relative to the application for expungement to the clerk**  
17           **of court, the Louisiana Bureau of Criminal Identification and Information, the**  
18           **sheriff, the district attorney, or any other agency.**

19           **(6) Utilization of the process outlined within this Subsection shall not**  
20           **preclude any applicant from seeking additional expungement to which the**  
21           **applicant may be entitled, in accordance with law.**

22           **(7) The Louisiana District Attorneys Association shall annually submit**  
23           **a report to the legislature, no later than February first, that includes the**  
24           **number of applications for, denials of, and approvals of the certification**  
25           **provided for by this Subsection for the prior year.**

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

29           **I.J.** Notwithstanding any provision of law to the contrary, an applicant for the  
30           expungement of a record, other than as provided in Paragraphs F and G of this

1 Article, may proceed in forma pauperis in accordance with the provisions of Code  
2 of Civil Procedure Article 5181 et seq.

3 \* \* \*

4 Art. 997. Certification of Human Trafficking Victim Status

5  
6 STATE OF LOUISIANA

7 JUDICIAL DISTRICT FOR THE PARISH OF  
8 \_\_\_\_\_

9 **NO.:** \_\_\_\_\_

**DIVISION:** \_\_\_\_\_

10  
11 STATE OF LOUISIANA

12 vs.

13 \_\_\_\_\_

14  
15 CERTIFICATION OF HUMAN TRAFFICKING VICTIM STATUS

16  
17 In accordance with the provisions of Louisiana Code of Criminal Procedure  
18 Article 983, the Office of the District Attorney has reviewed and determined that one,

19  
20 \_\_\_\_\_,

21 **RACE/ GENDER:** \_\_\_\_\_ **DOB:** \_\_\_\_\_,

22 **SSN:** \_\_\_\_\_, **has established by a preponderance of the**  
23 **evidence proof of status as a victim of human trafficking in accordance with the**  
24 **provisions of R. S. 14:46.2, for the following offense(s), detailed specifically as follows:**

25 *(If more than one offense, each relevant offense must be specifically listed in the*  
26 *following format)*

27  
28 **OFFENSE:** \_\_\_\_\_

29 **DOCKET NO:** \_\_\_\_\_

30 **CHARGE:** \_\_\_\_\_

1 DATE OF ARREST: \_\_\_\_\_

2 ARRESTING AGENCY: \_\_\_\_\_

3 CITY/PARISH OF ARREST: \_\_\_\_\_

4 FURTHER, that the above offense(s) for which this Certification issued was  
5 committed, in substantial part, as a result of the above-named being a victim of human  
6 trafficking, in accordance with R.S. 14:46.2.

7 FURTHER, this Certification shall be considered as prima facie evidence of the  
8 victim's status in similar eligible crimes committed within other Louisiana jurisdictions  
9 during the time period in which the above-named was a victim of human trafficking.

10 FURTHER, all applicable time delays pertaining to expungement contained in  
11 Louisiana Code of Criminal Procedure Articles 977 and 978 shall be waived when  
12 presented to the clerk of court with an application for expungement of the  
13 above-specified offense(s).

14 FURTHER, any application for expungement of the above-specified offense(s)  
15 shall be at no cost to the above-named victim.

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18 \_\_\_\_\_

\_\_\_\_\_

19 DATE

DISTRICT ATTORNEY

20 PARISH OF \_\_\_\_\_

21 JUDICIAL DISTRICT

22 STATE OF LOUISIANA

23 Section 2. R.S. 14:46.2(A)(1), (C)(1) and (3)(b) and (f), and (D) are hereby amended  
24 and reenacted and R.S. 14:46.2(C)(3)(k) and (l) are hereby enacted to read as follows:

25 §46.2. Human trafficking

26 A. It shall be unlawful:

27 (1)(a) For any person to knowingly recruit, harbor, transport, provide, solicit,  
28 receive, isolate, entice, obtain, patronize, procure, purchase, hold, restrain,  
29 induce, threaten, subject, or maintain the use of another person through fraud,  
30 force, or coercion to provide services or labor.

1 (b) For any person to knowingly recruit, harbor, transport, provide, solicit,  
 2 sell, purchase, patronize, procure, hold, restrain, induce, threaten, subject,  
 3 receive, isolate, entice, obtain, or maintain the use of a person under the age of  
 4 twenty-one years for the purpose of engaging in commercial sexual activity  
 5 regardless of whether the person was recruited, harbored, transported, provided,  
 6 solicited, sold, purchased, received, isolated, enticed, obtained, or maintained  
 7 through fraud, force, or coercion. It shall not be a defense to prosecution for a  
 8 violation of the provisions of this Subparagraph that the person did not know the age  
 9 of the victim or that the victim consented to the prohibited activity.

10 \* \* \*

11 C. For purposes of this Section:

12 (1) "Commercial sexual activity" means any sexual act performed or  
 13 conducted when anything of value has been given, promised, or received by any  
 14 person, directly or indirectly, including the production of pornography.

15 \* \* \*

16 (3) "Fraud, force, or coercion" shall include but not be limited to any of the  
 17 following:

18 \* \* \*

19 (b) Physically restraining, isolating, confining, or threatening to physically  
 20 restrain, isolate, or confine another person.

21 \* \* \*

22 (f) The actual or threatened destruction, concealment, removal, withholding,  
 23 confiscation, or possession of any actual or purported passport or other immigration  
 24 document, or any other actual or purported government identification document, of  
 25 another person.

26 \* \* \*

27 (k) Exposing or threatening to expose any fact or information that would  
 28 subject an individual to criminal or immigration proceedings.

29 (l) Causing or threatening to cause financial harm to an individual or  
 30 using financial control over an individual.

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D. It shall not be a defense to prosecution for a violation of this Section that the person being recruited, harbored, transported, provided, solicited, received, isolated, **patronized, procured, purchased,** enticed, obtained, or maintained is actually a law enforcement officer or peace officer acting within the official scope of his duties.

\* \* \*

Section 3. This Act shall be known and may be cited as the "Michelle Johnson Act".

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become 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. 161

BY SENATORS TALBOT, BERNARD, CONNICK, CORTEZ, FESI, HENRY, HENSGENS, HEWITT, MCMATH, MILLIGAN, FRED MILLS, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, POPE, SMITH, STINE, WHITE AND WOMACK AND REPRESENTATIVE GAROFALO

1 AN ACT

2 To amend and reenact R.S. 14:64.2(B), relative to the crime of carjacking; to increase the  
3 penalty for carjacking when committed with a firearm or other dangerous weapon;  
4 and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:64.2(B) is hereby amended and reenacted to read as follows:

7 §64.2. Carjacking

8 \* \* \*

9 B.(1) ~~Whoever~~ Except as provided in Paragraph (2) of this Subsection,  
10 whoever commits the crime of carjacking shall be imprisoned at hard labor for not  
11 less than two years nor more than twenty years, without benefit of parole, probation,  
12 or suspension of sentence.

13 (2) Whoever commits the crime of carjacking when serious bodily injury  
14 results shall be imprisoned at hard labor for not less than ten years nor more  
15 than twenty years, without benefit of parole, probation, or suspension of  
16 sentence.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

SENATE BILL NO. 64

BY SENATORS CONNICK AND BARROW AND REPRESENTATIVES CARRIER,  
HORTON, ILLG, THOMPSON AND VILLIO

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AN ACT

To amend and reenact R.S. 14:2(B)(8), (29) and (40), 41(B), 42(A)(6) and (C), 43.2(A)(1) and (2), 43.3(A)(1), 44.1(A)(3), 44.2(B)(2), and the introductory paragraph of 93.5(A) and (B), Code of Criminal Procedure Art. 814(A)(12), and Code of Evidence Art. 412.1, and to enact R.S. 14:41(D), and 42(A)(7) and Code of Criminal Procedure Art. 814(A)(69) and (70), relative to sex offenses; to provide relative to crimes of violence; to provide relative to the elements of certain sex offenses; to provide relative to certain evidence in sexual assault cases; to provide relative to responsive verdicts for certain sex offenses; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:2(B)(8), (29) and (40), 41(B), 42(A)(6) and (C), 43.2(A)(1) and (2), 43.3(A)(1), 44.1(A)(3), 44.2(B)(2), and the introductory paragraph of 93.5(A) and (B) are hereby amended and reenacted and R.S. 14:41(D) and 42(A)(7) are hereby enacted to read as follows:

§2. Definitions

\* \* \*

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

\* \* \*







1 (2) The touching of the anus or genitals of the offender by the victim using  
2 any instrumentality or any part of the body of the victim, **directly or through**  
3 **clothing.**

4 \* \* \*

5 §43.3. Oral sexual battery

6 A. Oral sexual battery is the intentional touching of the anus or genitals of the  
7 victim by the offender using the mouth or tongue of the offender, or the touching of  
8 the anus or genitals of the offender by the victim using the mouth or tongue of the  
9 victim, when any of the following occur:

10 (1) The victim, ~~who is not the spouse of the offender,~~ is under the age of  
11 fifteen years and is at least three years younger than the offender.

12 \* \* \*

13 §44.1. Second degree kidnapping

14 A. Second degree kidnapping is the doing of any of the acts listed in  
15 Subsection B of this Section wherein the victim is any of the following:

16 \* \* \*

17 (3) Physically injured or sexually abused. **For the purposes of this**  
18 **Paragraph, "sexually abused" means that the victim was subjected to any sex**  
19 **offense as defined in R.S. 15:541.**

20 \* \* \*

21 §44.2. Aggravated kidnapping of a child

22 \* \* \*

23 B. \* \* \*

24 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, if the  
25 child is returned not physically injured or sexually abused, then the offender shall be  
26 punished in accordance with the provisions of R.S. 14:44.1. **For the purposes of this**  
27 **Paragraph, "sexually abused" means that the child was subjected to any sex**  
28 **offense as defined in R.S. 15:541.**

29 \* \* \*

30 §93.5. Sexual battery of persons with infirmities



1                    Guilty of molestation of a juvenile or a person with a physical or mental  
2                    disability with a victim under the age of thirteen.

3                    Guilty of attempted molestation of a juvenile or a person with a physical  
4                    or mental disability with a victim under the age of thirteen.

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

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

9                    Guilty of indecent behavior with a juvenile with a victim under the age  
10                   of thirteen.

11                   Guilty of attempted indecent behavior with a juvenile with a victim  
12                   under the age of thirteen.

13                   Guilty of indecent behavior with a juvenile.

14                   Guilty of attempted indecent behavior with a juvenile.

15                   Not guilty.

16                   \*           \*           \*

17                   69. Second Degree Kidnapping When Victim is Sexually Abused:

18                   Guilty.

19                   Guilty of attempted second degree kidnapping.

20                   Guilty of any predicate sex offense or offenses alleged in the indictment  
21                   or bill of information.

22                   Not guilty.

23                   70. Aggravated Kidnapping of a Child When Victim is Sexually Abused:

24                   Guilty.

25                   Guilty of attempted aggravated kidnapping of a child.

26                   Guilty of any predicate sex offense or offenses alleged in the indictment.

27                   Not guilty.

28                   \*           \*           \*

29                   Section 3. Code of Evidence Art. 412.1 is hereby amended and reenacted to read as  
30 follows:

Coding: Words which are ~~struck through~~ are deletions from existing law; words in **boldface type and underscored** are additions.

1 Art. 412.1. Victim's attire in sexual assault cases

2 A. When an accused is charged with a crime involving sexually assaultive  
3 behavior, or with acts that constitute a sex offense involving a victim who was  
4 under the age of seventeen at the time of the offense, ~~the crime of aggravated or~~  
5 ~~first degree rape, forcible or second degree rape, simple or third degree rape, sexual~~  
6 ~~battery, or second degree sexual battery,~~ the manner and style of the victim's attire  
7 shall not be admissible as evidence that the victim encouraged or consented to the  
8 offense; however, items of clothing or parts thereof may be introduced in order to  
9 establish the presence or absence of the elements of the offense and the proof of its  
10 occurrence.

11 B. The rules of admissibility of evidence provided by this Article shall also  
12 apply to civil actions brought by the victim which are alleged to arise from ~~the~~  
13 ~~crimes of aggravated or first degree rape, forcible or second degree rape, simple or~~  
14 ~~third degree rape, sexual battery, or second degree sexual battery~~ any crime  
15 referenced in Paragraph A of this Article committed by the defendant, whether  
16 or not convicted of such crimes.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

ACT No. 220

HOUSE BILL NO. 447

BY REPRESENTATIVES HUGHES, ADAMS, BACALA, BUTLER, CARRIER, COUSSAN, CREWS, DEVILLIER, DUBUISSON, ECHOLS, EDMONDS, EDMONSTON, FIRMENT, FONTENOT, FREEMAN, FREIBERG, GADBERRY, GAROFALO, GOUDEAU, HILFERTY, HORTON, ILLG, IVEY, TRAVIS JOHNSON, KERNER, MACK, MCKNIGHT, MCMAHEN, NELSON, NEWELL, PIERRE, PRESSLY, ROMERO, SCHAMERHORN, SCHEXNAYDER, SCHLEGEL, SEABAUGH, SELDERS, ST. BLANC, STAGNI, THOMAS, THOMPSON, VILLIO, AND WHITE

1 AN ACT

2 To enact R.S. 14:64.2.1 and R.S. 15:1352(A)(69), relative to juveniles; to create crimes  
3 relative to the recruitment of juveniles to commit certain offenses; to provide for  
4 definitions; to provide for criminal penalties; to provide for additional crimes that are  
5 elements of racketeering activity; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:64.2.1 is hereby enacted to read as follows:

8 §64.2.1. Carjacking; recruitment of juveniles

9 A. It shall be unlawful for any person over the age of seventeen to  
10 intentionally recruit, entice, aid, solicit, or encourage any child under the age of  
11 eighteen to commit the offense of carjacking as defined in R.S. 14:64:2.

12 B. Whoever violates the provisions of this Section shall be imprisoned at  
13 hard labor for not less than five years and for not more than twenty years, without  
14 benefit of parole, probation, or suspension of sentence.

15 \* \* \*

16 Section 2. R.S. 15:1352(A)(69) is hereby enacted to read as follows:

17 §1352. Definitions

18 A. As used in this Chapter, "racketeering activity" means committing,  
19 attempting to commit, conspiring to commit, or soliciting, coercing, or intimidating  
20 another person to commit any crime that is punishable under the following

1 provisions of Title 14 of the Louisiana Revised Statutes of 1950, the Uniform  
2 Controlled Dangerous Substances Law, or the Louisiana Securities Law:

3 \* \* \*

4 (69) R.S. 14:64.2.1 (Carjacking; recruitment of juveniles)

5 \* \* \*

6

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_



2022 Regular Session  
HOUSE BILL NO. 601  
BY REPRESENTATIVE HUGHES

# ACT No. 225

1 AN ACT

2 To amend and reenact R.S. 14:403.10, relative to immunity for certain actions involving  
3 drug-related overdose; to provide for persons seeking medical attention for a drug-  
4 related overdose; to provide for immunity from arrest; to provide for immunity  
5 related to certain drug-related offenses; to provide for exceptions; to provide  
6 immunity from certain penalties, sanctions, and civil forfeiture; to provide for  
7 suppression of evidence; to provide for mitigating factors; to provide for the  
8 admissibility of evidence; to provide for the authority of law enforcement officers  
9 to detain persons; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 14:403.10 is hereby amended and reenacted to read as follows:

12 §403.10. Drug-related overdoses; medical assistance; immunity from prosecution

13 A.(1) A person acting in good faith who seeks medical assistance for an  
14 individual experiencing a drug-related overdose may not be charged, prosecuted, or  
15 penalized for possession or use of a controlled dangerous substance under the  
16 Uniform Controlled Dangerous Substances Law or of possession of drug  
17 paraphernalia as defined in R.S. 40:1021, if the evidence for ~~possession of a~~  
18 ~~controlled dangerous substance~~ such offenses was obtained as a result of the person's  
19 seeking medical assistance, ~~unless the person illegally provided or administered a~~  
20 ~~controlled dangerous substance to the individual.~~

21 (2) Any such person shall also not be subject to the following, if related to  
22 seeking medical assistance:

1           (a) Sanctions for a violation of a condition of pretrial release, condition of  
2           probation, or condition of parole, related to the incident which required medical  
3           assistance as provided in Paragraph (1) of this Subsection.

4           (b) Civil forfeiture of property, related to the incident which required  
5           medical assistance as provided in Paragraph (1) of this Subsection.

6           B.(1) A person who experiences a drug-related overdose and is in need of  
7           medical assistance shall not be arrested, charged, prosecuted, or penalized for  
8           possession or use of a controlled dangerous substance under the Uniform Controlled  
9           Dangerous Substances Law or for possession of drug paraphernalia as defined in  
10          R.S. 40:1021 if the evidence for ~~possession of a controlled substance~~ such offenses  
11          was obtained as a result of the overdose and the need for medical assistance.

12          (2) Any such person shall not be subject to the following, if related to  
13          seeking medical assistance:

14           (a) Sanctions for a violation of a condition of pretrial release, condition of  
15           probation, or condition of parole, related to the incident which required medical  
16           assistance as provided in Paragraph (1) of this Subsection.

17           (b) Civil forfeiture of property, related to the incident which required  
18           medical assistance as provided in Paragraph (1) of this Subsection.

19          C. Protection from prosecution in this Section ~~from prosecution for~~  
20          ~~possession offenses under the Uniform Controlled Dangerous Substances Law~~ may  
21          not be grounds for suppression of evidence in other criminal prosecutions.

22          D. The act of providing or seeking first aid or other medical assistance for  
23          someone who is experiencing a drug overdose may be used as a mitigating factor in  
24          a criminal prosecution for which immunity provided by Subsection B of this Section  
25          is not provided.

26          E. Nothing in this Section shall limit any seizure of evidence or contraband  
27          otherwise permitted by law.

28          F. Nothing in this Section shall limit or abridge the authority of a law  
29          enforcement officer to detain or take into custody a person in the course of an

1           investigation or to effectuate an arrest for any offense except as provided in  
2           Subsections A and B of this Section.

3                   G. Nothing in this Section shall limit the admissibility of any evidence in  
4           connection with the investigation or prosecution of a crime with regard to a  
5           defendant who does not qualify for the protections of Subsections A or B of this  
6           Section or with regard to other crimes committed by a person who otherwise  
7           qualifies for the protections of Subsection A or B of this Section.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

SENATE BILL NO. 285

BY SENATOR SMITH

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AN ACT

To amend and reenact 14:90.4(B), R.S. 26:80(F)(1)(b), 280(A)(7) and (F)(1)(b), and R.S. 27:3(20) and (21), 11(G), and 29.3(A)(1), relative to the gaming control board; to provide relative to video draw poker laws and non-gaming suppliers; to provide for technical changes to cross reference with current law; to provide for authorization to allow the board to publicly meet via video conferencing; to provide for notice of the video conference on its website; to provide for a mechanism to receive public comment; to provide for definitions; to provide for discretion of the gaming control board relative to non-gaming suppliers; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:90.4(B) is hereby amended and reenacted to read as follows:

§90.4. Unlawful playing of video draw poker devices by persons under the age of twenty-one; penalty

\* \* \*

B. For purposes of this Section, "video draw poker device" means a device, as defined in R.S. ~~27:301(B)(15)~~ **27:402**, placed in an establishment licensed for operation and regulated under the applicable provisions of Chapter ~~6~~ **8** of Title 27 of the Louisiana Revised Statutes of 1950.

\* \* \*

Section 2. R.S. 26:80(F)(1)(b) and 280(A)(7) and (F)(1)(b) are hereby amended and reenacted to read as follows:

§80. Qualifications of applicants for permits

\* \* \*

F.(1)

\* \* \*

(b) The provisions of Subparagraph(a) of this Paragraph shall not apply to any applicant who is also applying for a video gaming license under the provisions

1 of Chapter ~~6~~ 8 of Title 27 of the Louisiana Revised Statutes of 1950.

2 \* \* \*

3 §280. Qualifications of applicants for permits

4 A. Applicants for state and local permits of all kinds shall demonstrate that  
5 they meet the following qualifications and conditions:

6 \* \* \*

7 (7) If the applicant is also applying for a video gaming license under the  
8 provisions of Chapter ~~6~~ 8 of Title 27 of the Louisiana Revised Statutes of 1950, have  
9 not been convicted in this or in any other state or by the United States or any other  
10 country of theft or any crime involving false statements or declarations, or gambling  
11 as defined by the laws and ordinances of any municipality, any parish, any state, or  
12 the United States.

13 \* \* \*

14 F.(1) \* \* \*

15 (b) The provisions of Subparagraph (a) of this Paragraph shall not apply to  
16 any applicant who is also applying for a video gaming license under the provisions  
17 of Chapter ~~6~~ 8 of Title 27 of the Louisiana Revised Statutes of 1950.

18 \* \* \*

19 Section 3. R.S. 27:3(20) and (21), 11(G), and 29.3(A)(1) are hereby amended and  
20 reenacted to read as follows:

21 §3. Definitions

22 For the purposes of this Title, the following terms have the following  
23 meanings, unless the context clearly indicates otherwise:

24 \* \* \*

25 (20) "Permit" means any permit or authorization, or application therefor,  
26 issued pursuant to the provisions of this Title except Chapter ~~6~~ 8.

27 (21) "Permittee" means any person who is issued or applying for a permit  
28 pursuant to the provisions of this Title except Chapter ~~6~~ 8.

29 \* \* \*

30 §11. Louisiana Gaming Control Board; creation; members; terms; meetings

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\* \* \*

G.(1) All meetings of the board shall be open and subject to the provisions of R.S. 42:11 et seq. A record of all proceedings at regular and special meetings of the board shall be kept and shall be open to public inspection, except as otherwise provided by this Title or in R.S. 42:17.

(2) Notwithstanding any other provision of law to the contrary, the board may conduct, and its members may attend and participate in an emergency meeting occurring via video conference as the chairman determines to be necessary.

(a) No later than twenty-four hours prior to a meeting conducted pursuant to the provisions of this Paragraph, the board shall provide for the following:

(i) The notice and agenda for the meeting, which shall be posted on the board's website and emailed to any member of the public or the news media who requests notice of the board meeting.

(ii) The notice and agenda shall provide detailed information regarding how members of the public may participate in the meeting and submit comments regarding matters on the agenda.

(iii) The agenda shall contain only those matters that are essential to the ongoing operations of the board as determined by the chairman.

(iv) The agenda shall be unanimously adopted by a quorum of the board at the beginning of any emergency meeting conducted by video conference.

(b) For each meeting conducted pursuant to this Paragraph:

(i) The board shall provide a mechanism to receive public comment electronically prior to and during the meeting.

(ii) The board shall properly identify and acknowledge all public comments during the meeting and shall maintain those comments in the record of the meeting.

(iii) The chairman shall ensure that each person participating in the meeting is properly identified.



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\* \* \*

Section 4. This Act shall become effective on July 1, 2022; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval by the legislature or July 1, 2022, whichever is later.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_



2022 Regular Session

# ACT No. 433

HOUSE BILL NO. 8

BY REPRESENTATIVE FONTENOT

1 AN ACT

2 To amend and reenact R.S. 14:95(H)(1) and (K), relative to carrying of weapons; to provide  
3 relative to the crime of illegal carrying of weapons; to provide for exceptions; and  
4 to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:95(H)(1) and (K) are hereby amended and reenacted to read as  
7 follows:

8 §95. Illegal carrying of weapons

9 \* \* \*

10 H.(1) Except as provided in Paragraph (A)(5) of this Section and in  
11 Paragraph (2) of this Subsection, the provisions of this Section shall not prohibit  
12 active justices or judges of the supreme court, courts of appeal, district courts, parish  
13 courts, juvenile courts, family courts, city courts, federal courts domiciled in the state  
14 of Louisiana, and traffic courts, members of either house of the legislature, officers  
15 of either house of the legislature, the legislative auditor, designated investigative  
16 auditors, constables, coroners, designated coroner investigators, district attorneys and  
17 designated assistant district attorneys, United States attorneys and assistant United  
18 States attorneys and investigators, the attorney general, designated assistant attorneys  
19 general, city prosecutors, designated assistant city prosecutors, a United States  
20 representative from Louisiana and his designated, employed congressional staffer,  
21 a United States senator from Louisiana and his designated, employed congressional  
22 staffer, and justices of the peace from possessing and concealing a handgun on their

1 person when such persons are qualified annually in the use of firearms by the  
 2 Council on Peace Officer Standards and Training.

3 \* \* \*

4 K.(1) The provisions of this Section shall not prohibit a retired justice or  
 5 judge of the supreme court, courts of appeal, district courts, parish courts, juvenile  
 6 courts, family courts, city courts, retired attorney general, retired assistant attorneys  
 7 general, retired district attorneys, retired assistant district attorneys, retired members  
 8 of the United States Congress, and former members of either house of the legislature  
 9 from possessing and concealing a handgun on their person provided that such retired  
 10 person or former member of the legislature is qualified annually, at their expense, in  
 11 the use of firearms by the Council on Peace Officer Standards and Training and has  
 12 on their person valid identification showing proof of their status as a former member  
 13 of the legislature or as a retired justice, judge, attorney general, assistant attorney  
 14 general, district attorney, or assistant district attorney. For a former member of the  
 15 legislature, the valid identification showing proof of status as a former legislator  
 16 required by the provisions of this Paragraph shall be a legislative badge issued by the  
 17 Louisiana Legislature that shall include the former member's name, the number of  
 18 the district that the former member was elected to represent, the years that the former  
 19 member served in the legislature, and words that indicate the person's status as a  
 20 former member of the legislature.

21 (2) The retired justice, judge, attorney general, assistant attorney general,  
 22 district attorney, ~~or~~ assistant district attorney, or former member of the United States  
 23 Congress or either house of the legislature shall be qualified annually in the use of  
 24 firearms by the Council on Peace Officer Standards and Training and have proof of  
 25 qualification. However, this Subsection shall not apply to a retired justice, judge,  
 26 attorney general, assistant attorney general, district attorney, or assistant district  
 27 attorney or to a former member of the legislature or the United States Congress who  
 28 is medically retired based upon any mental impairment, or who has entered a plea  
 29 of guilty or nolo contendere to or been found guilty of a felony offense. For the



# ACT No. 465

HOUSE BILL NO. 365

BY REPRESENTATIVES SEABAUGH, ADAMS, BACALA, BRYANT, CARRIER, CORMIER, CREWS, EDMONDS, EDMONSTON, FIRMENT, FONTENOT, GADBERRY, GAROFALO, HORTON, TRAVIS JOHNSON, CHARLES OWEN, PRESSLY, SCHAMERHORN, AND VILLIO

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AN ACT

To amend and reenact R.S. 14:95.1(D) and to enact R.S. 14:2(B)(29) and 95.1(E), relative to crimes of violence; to create the crime of possession of firearm or carrying concealed weapon by a person convicted of certain felonies a crime of violence; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:95.1(D) is hereby amended and reenacted and R.S. 14:2(B)(29) and 95.1(E) are hereby enacted to read as follows:

§2. Definitions

\* \* \*

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

\* \* \*



# ACT No. 468

HOUSE BILL NO. 371

BY REPRESENTATIVES MCMAHEN, BAGLEY, ROBBY CARTER, EDMONSTON,  
GLOVER, GREEN, HODGES, HORTON, MIKE JOHNSON, MAGEE, DUSTIN  
MILLER, RISER, AND THOMPSON

1 AN ACT

2 To amend and reenact R.S. 14:34.2(A)(2) and 108.2(B), relative to offenses against law  
3 enforcement; to provide relative to the definition of "police officer" for the crimes  
4 of battery of a police officer and resisting a police officer with force or violence; to  
5 add juvenile detention facility officers to the definitions of "police officer"; 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)(2) and 108.2(B) are hereby amended and reenacted to  
9 read as follows:

10 §34.2. Battery of a police officer

11 A.

12 \* \* \*

13 (2) For purposes of this Section, "police officer" shall include commissioned  
14 police officers, sheriffs, deputy sheriffs, marshals, deputy marshals, correctional  
15 officers, juvenile detention facility officers, federal law enforcement officers,  
16 constables, wildlife enforcement agents, state park wardens, and probation and  
17 parole officers.

18 \* \* \*

19 §108.2. Resisting a police officer with force or violence

20 \* \* \*



2022 Regular Session  
HOUSE BILL NO. 706

# ACT No. 493

BY REPRESENTATIVE STEFANSKI

1 AN ACT

2 To amend and reenact R.S. 14:40.1 and 107.2(A) and to enact Code of Criminal Procedure  
3 Article 814(A)(69), relative to the crime of terrorizing; to create the crime of  
4 menacing; to provide for penalties; to provide relative to hate crimes; to add the  
5 crime of menacing to the list of hate crimes; to provide for responsive verdicts; and  
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:40.1 and 107.2(A) are hereby amended and reenacted to read as  
9 follows:

10 §40.1. Terrorizing; menacing

11 A.(1) Terrorizing is the intentional communication of information that the  
12 commission of a crime of violence is imminent or in progress or that a circumstance  
13 dangerous to human life exists or is about to exist, with the intent of causing  
14 members of the general public to be in sustained fear for their safety; or causing  
15 evacuation of a building, a public structure, or a facility of transportation; or causing  
16 other serious disruption to the general public.

17 ~~B.(2) It shall be an affirmative defense that the person communicating the~~  
18 ~~information provided for in Subsection A of this Section was not involved in the~~  
19 ~~commission of a crime of violence or creation of a circumstance dangerous to human~~  
20 ~~life and reasonably believed his actions were necessary to protect the welfare of the~~  
21 ~~public. Whoever commits the offense of terrorizing shall be fined not more than~~  
22 ~~fifteen thousand dollars or imprisoned with or without hard labor for not more than~~  
23 ~~fifteen years, or both.~~

24 ~~C.B.(1) Whoever commits the offense of terrorizing shall be fined not more~~  
25 ~~than fifteen thousand dollars or imprisoned with or without hard labor for not more~~



1 ~~than fifteen years, or both.~~ Menacing is the intentional communication of  
2 information that the commission of a crime of violence, as defined in R.S. 14:2(B),  
3 is imminent or in progress or that a circumstance dangerous to human life exists or  
4 is about to exist, when committed under any of the following circumstances:

5 (a) The actions of the offender cause members of the general public to be in  
6 sustained fear for their safety, and a reasonable person would have known that such  
7 actions could cause such sustained fear.

8 (b) The actions of the offender cause the evacuation of a building, a public  
9 structure, or a facility of transportation, and a reasonable person would have known  
10 that such actions could cause an evacuation.

11 (c) The actions of the offender cause any other serious disruption to the  
12 general public, and a reasonable person would have known that such actions could  
13 cause serious disruption to the general public.

14 (2) Whoever commits the offense of menacing shall be fined not more than  
15 one thousand dollars or imprisoned with or without hard labor for not more than two  
16 years, or both.

17 C. It shall be an affirmative defense that the person communicating the  
18 information provided for in Subsections A or B of this Section was not involved in  
19 the commission of a crime of violence or creation of a circumstance dangerous to  
20 human life and reasonably believed his actions were necessary to protect the welfare  
21 of the public.

22 \* \* \*

23 §107.2. Hate crimes

24 A. It shall be unlawful for any person to select the victim of the following  
25 offenses against person and property because of actual or perceived race, age,  
26 gender, religion, color, creed, disability, sexual orientation, national origin, or  
27 ancestry of that person or the owner or occupant of that property or because of actual  
28 or perceived membership or service in, or employment with, an organization, or  
29 because of actual or perceived employment as a law enforcement officer, firefighter,  
30 or emergency medical services personnel: first or second degree murder;

1           manslaughter; battery; aggravated battery; second degree battery; aggravated assault  
 2           with a firearm; terrorizing; menacing; mingling harmful substances; simple or third  
 3           degree rape, forcible or second degree rape, or aggravated or first degree rape; sexual  
 4           battery, second degree sexual battery; oral sexual battery; carnal knowledge of a  
 5           juvenile; indecent behavior with juveniles; molestation of a juvenile or a person with  
 6           a physical or mental disability; simple, second degree, or aggravated kidnapping;  
 7           simple or aggravated arson; communicating of false information of planned arson;  
 8           simple or aggravated criminal damage to property; contamination of water supplies;  
 9           simple or aggravated burglary; criminal trespass; simple, first degree, or armed  
 10          robbery; purse snatching; extortion; theft; desecration of graves; institutional  
 11          vandalism; or assault by drive-by shooting.

\* \* \*

13          Section 2. Code of Criminal Procedure Article 814(A)(69) is hereby enacted to read  
 14          as follows:

15          Art. 814. Responsive verdicts; in particular

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

18   \* \* \*

19                 69. Terrorizing:

20                 Guilty.

21                 Guilty of menacing.

22                 Not guilty.

23   \* \* \*

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

SENATE BILL NO. 342

BY SENATORS JACKSON, CLOUD, ROBERT MILLS, MIZELL, PEACOCK AND STINE AND REPRESENTATIVES AMEDEE, BAGLEY, BEAULLIEU, BISHOP, BUTLER, CARRIER, COUSSAN, CREWS, DAVIS, DESHOTEL, DEVILLIER, ECHOLS, EDMONDS, EDMONSTON, EMERSON, FARNUM, FIRMENT, FRIEMAN, GADBERRY, GAROFALO, GOUDEAU, HARRIS, HODGES, HORTON, HUVAL, TRAVIS JOHNSON, MCFARLAND, MCKNIGHT, MIGUEZ, CHARLES OWEN, ROMERO, SCHAMERHORN, SCHEXNAYDER, SCHLEGEL, SEABAUGH, STEFANSKI, THOMAS, THOMPSON, WHITE, WRIGHT AND ZERINGUE

1 AN ACT

2 To amend and reenact the heading of R.S. 14:32.9 and (A) and the introductory paragraph  
3 of (D), the heading of 32.9.1 and (A) and the introductory paragraph of (D), 87.1,  
4 87.2, and 87.5, R.S. 40:1061(A), (D), and (I), 1061.1(D) and (E), 1061.1.3(C),  
5 1061.8, 1061.11(A), 1061.12, 1061.22, 1061.23, 1061.24, 1061.26, 1061.28,  
6 1061.30, 2175.1, 2175.2, and 2175.3, to enact R.S. 1:18, R.S. 14:32.9(E), 87.1.1,  
7 87.7, and 87.8, and R.S. 40:1061.1(H), 1061.1.1(I), 1061.10(F), 1061.11(G),  
8 1061.11.1(G), 1061.13(D) and (E), 1061.14(E), 1061.14.1(C), 1061.15(E),  
9 1061.16(F), 1061.17(J)(3), 1061.19(H), 1061.20(D), 1061.21(F), 1061.25(F),  
10 2175.4(F), 2175.6(J), 2175.7(C), 2175.8, and 2175.9, and to repeal R.S. 14:32.9(B),  
11 32.9.1(B), 32.10, 32.11(B), 87, 87.3(B) and R.S. 40:1061.1.1(B), 1061.1.2(A),  
12 1061.1.3(B), 1061.9(1) through (11), 1061.12(A), 1061.27, and 1061.28(B), relative  
13 to abortion; to provide for legislative intent; to provide for the interpretation of  
14 multiple abortion statutes; to provide for the independent construction of each  
15 separate enactment of law related to abortion; to provide for the severability; to  
16 restrict certain ordinances enacted by local governing authorities; to provide with  
17 respect to the crime of abortion; to provide relative to a late term abortion; to provide  
18 with respect to partial birth abortion; to provide for penalties; to provide for  
19 definitions; to provide for effective dates; and to provide for related matters.

20 Be it enacted by the Legislature of Louisiana:

21 Section 1. R.S. 1:18 is hereby enacted to read as follows:

1           **§18. Construction of laws relative to abortion**

2                   **A. It is the intention of the Legislature of Louisiana to prohibit and**  
3                   **restrict abortion and to thereby preserve the life of each unborn child to the**  
4                   **fullest extent permitted by law.**

5                   **B.(1) All laws or parts of laws prohibiting or restricting abortion shall**  
6                   **not be negated or superseded by the laws regulating outpatient abortion**  
7                   **facilities or regulating the practice of abortion, as provided in R.S. 40:1061.8.**

8                   **(2) Laws regulating or prohibiting an abortion at a certain gestational**  
9                   **age of the unborn child shall not be in considered to be in conflict with other**  
10                   **laws that regulate or prohibit abortion at a different gestational age of the**  
11                   **unborn child.**

12                   **C. No governing authority of a political subdivision shall enact any**  
13                   **ordinance or regulation that authorizes or regulates abortion.**

14                   **D. Unless otherwise specifically provided therein, the provisions of each**  
15                   **act of the legislature prohibiting or regulating abortion are severable, whether**  
16                   **or not a provision to that effect is included in the act. If any provision or item**  
17                   **of an act prohibiting or regulating abortion, or the application thereof, is held**  
18                   **invalid, such invalidity shall not affect other provisions, items, or applications**  
19                   **of the act which can be given effect without the invalid provision, item, or**  
20                   **application.**

21                   **E. This Section shall apply to acts of the legislature affecting general**  
22                   **laws, and local and special laws, and statutes of the state, including the**  
23                   **Louisiana Revised Statutes of 1950, the Civil Code, the Code of Civil Procedure,**  
24                   **the Code of Criminal Procedure, the Code of Evidence, and the Children's**  
25                   **Code.**

26           Section 2. The heading of R.S. 14:32.9 and (A) and the introductory paragraph of  
27 (D), the heading of 32.9.1 and (A) and the introductory paragraph of (D), 87.1, 87.2, and  
28 87.5 are hereby amended and reenacted and R.S. 14:32.9(E), 87.1.1, 87.7, and 87.8 are  
29 hereby enacted to read as follows:

30           §32.9. ~~Criminal abortion~~ **Abortion by an unlicensed physician**

1           A. ~~Criminal abortion~~ **The crime of abortion by an unlicensed physician** is  
 2 an abortion performed, with or without the consent of the pregnant woman or her  
 3 legal guardian, that results in the death of an unborn child when the abortion is  
 4 performed by any individual who is not a physician licensed by the state of  
 5 Louisiana.

\* \* \*

7           D. Statutory Construction. None of the following shall be construed to create  
 8 the crime of ~~criminal abortion~~ **by an unlicensed physician**:

\* \* \*

10           **E. The provisions of R.S. 40:1061.8 shall apply to this Section.**

11           \* \* \*

12           §32.9.1. Aggravated ~~criminal~~ abortion by dismemberment

13           A. Aggravated ~~criminal~~ abortion by dismemberment is the commission of a  
 14 ~~criminal~~ **an** abortion, ~~as defined in R.S. 14:32.9(A)~~, when the unborn child is  
 15 intentionally dismembered, whether the act of dismemberment was in the course of  
 16 or following the death of the unborn child.

17           \* \* \*

18           D. Exceptions. None of the following shall be construed to create the crime  
 19 of ~~criminal~~ **aggravated** abortion **by dismemberment**:

20           \* \* \*

21           §87.1. **Definitions**

22           **Wherever used in this Subpart, unless a different meaning clearly**  
 23 **appears in the context, the following terms, whether used in the singular or**  
 24 **plural, shall have the following meanings:**

25           **(1)(a) "Abortion" or "induced abortion" means the performance of any**  
 26 **act with the intent to terminate a clinically diagnosable pregnancy with**  
 27 **knowledge that the termination by those means will, with reasonable likelihood,**  
 28 **cause the death of the unborn child by one or more of the following means:**

29           **(i) Administering, prescribing, or providing any abortion-inducing drug,**  
 30 **potion, medicine, or any other substance, device, or means to a pregnant female.**

1                    (ii) Using an instrument or external force on a pregnant female.

2                    (b) Abortion shall not mean any one or more of the following acts, if  
3 performed by a physician:

4                    (i) A medical procedure performed with the intention to save the life or  
5 preserve the health of an unborn child.

6                    (ii) The removal of a dead unborn child or the inducement or delivery of  
7 the uterine contents in case of a positive diagnosis, certified in writing in the  
8 woman's medical record along with the results of an obstetric ultrasound test,  
9 that the pregnancy has ended or is in the unavoidable and untreatable process  
10 of ending due to spontaneous miscarriage, also known in medical terminology  
11 as spontaneous abortion, missed abortion, inevitable abortion, incomplete  
12 abortion, or septic abortion.

13                    (iii) The removal of an ectopic pregnancy.

14                    (iv) The use of methotrexate to treat an ectopic pregnancy.

15                    (v) The performance of a medical procedure necessary in good faith  
16 medical judgment or reasonable medical judgment to prevent the death or  
17 substantial risk of death to the pregnant woman due to a physical condition, or  
18 to prevent the serious, permanent impairment of a life-sustaining organ of a  
19 pregnant woman. However, the physician shall make reasonable medical efforts  
20 under the circumstances to preserve both the life of the mother and the life of  
21 her unborn child in a manner consistent with reasonable medical practice.

22                    (vi) The removal of an unborn child who is deemed to be medically futile.  
23 The diagnosis shall be a medical judgment certified by two qualified physicians  
24 and recorded in the woman's medical record. The medical procedure shall be  
25 performed in a licensed ambulatory surgical center or hospital. Upon the  
26 completion of the procedure, the physician shall submit an individual abortion  
27 report consistent with R.S. 40:1061.21 that includes appropriate evidence of the  
28 certified diagnosis.

29                    (2)(a) "Abortion-inducing drug" means any drug or chemical, or any  
30 combination of drugs or chemicals, or any other substance when used with the

1 intent to cause an abortion, including but not limited to RU-486, the Mifeprex  
2 regimen, misoprostol (Cytotec), or methotrexate.

3 (b) Abortion-inducing drug shall not mean a contraceptive, an  
4 emergency contraceptive, or the use of methotrexate to treat an ectopic  
5 pregnancy.

6 (3) "Bona fide medical reason" means a medical condition which is  
7 recognized by any medical licensing board as a standard of care, except that  
8 "bona fide medical reason" shall not include abortion, as defined in Paragraph  
9 (1) of this Section.

10 (4) "Clinically diagnosable pregnancy" means a pregnancy that is  
11 capable of being verified by one of the following conventional medical testing  
12 methods, whether or not any testing was in fact performed by any person:

13 (a) A blood or urine test, whether used at-home or in a medical setting,  
14 that tests for the human pregnancy hormone known as human chorionic  
15 gonadotropin (hCG) that medically indicates that implantation has occurred.

16 (b) An ultrasound examination.

17 (5) "Conception" or "fertilization" means the fusion of a human  
18 spermatozoon with a human ovum.

19 (6) "Contraceptive" means any device, measure, drug, chemical, or  
20 product, including single-ingredient levonorgestrel, that has been approved by  
21 the United States Food and Drug Administration for the purpose of preventing  
22 pregnancy and is intended to be administered prior to the time when a clinically  
23 diagnosable pregnancy can be determined, provided that the contraceptive is  
24 sold, prescribed, or administered in accordance with manufacturer's  
25 instructions.

26 (7) "Dismembered" or "dismemberment" means the use of a clamp,  
27 forceps, curette, suction cannula, or any other surgical tool or instrument with  
28 the intent to disarticulate the head or limbs from the body of the unborn child  
29 during an abortion, including but not limited to the common abortion methods  
30 known as suction curettage and dilation and evacuation.

1           (8) "Emergency contraceptive" means a drug, chemical, or product,  
2           including but not limited to single-ingredient levonorgestrel or ulipristal, that  
3           has been approved by the United States Food and Drug Administration  
4           designed or intended to be taken after sexual intercourse but prior to the time  
5           when a clinically diagnosable pregnancy can be determined, provided that the  
6           emergency contraceptive is sold, prescribed, or administered in accordance with  
7           manufacturer's instructions or is prescribed in accordance with the standard  
8           of care that generally accepted by the American College of Obstetricians and  
9           Gynecologists.

10           (9) "Fetal body part" means a cell, tissue, organ, or other part of an  
11           unborn child who is aborted by an induced abortion.

12           (10) "Fetal heartbeat" means cardiac activity or the steady and  
13           repetitive rhythmic contraction of the fetal heart within the gestational sac.

14           (11) "Fertilization" means the fusion of a human spermatozoon with a  
15           human ovum.

16           (12) "Gestational age" means the age of the unborn child as measured  
17           by the time elapsed since the first day of the last menstrual period as  
18           determined by a physician and confirmed through the use of an ultrasound test  
19           of a quality generally used in existing medical practice.

20           (13) "Genetic abnormality" means any defect, disease, or disorder that  
21           is inherited genetically. The term includes, without limitation, any physical  
22           disfigurement, scoliosis, dwarfism, Down syndrome, albinism, amelia, and any  
23           other type of physical, mental, or intellectual disability, abnormality, or disease.

24           (14) "Good faith medical judgment" or "reasonable medical judgment"  
25           means a physician's use of reasonable care and diligence, along with his best  
26           judgment, in the application of his skill. The standard of care required of every  
27           healthcare provider, in rendering professional services or health care to a  
28           patient, shall be to exercise that degree of skill ordinarily employed, under  
29           similar circumstances, by the members of his profession in good standing in the  
30           same community or locality.



1           (15) "Infant" means the offspring of human parents from the moment  
2           of live birth, regardless of the duration of gestation in the womb prior to live  
3           birth.

4           (16) "Late term abortion" means the performance of an abortion when  
5           the gestational age of the unborn child is fifteen weeks or more.

6           (17) "Live birth", "born alive", or "live born human being", means a  
7           member of the species homo sapiens that is expelled or extracted from its  
8           mother, at any stage of development, who after that expulsion or extraction  
9           breathes or shows signs of life such as beating of the heart, pulsation of the  
10           umbilical cord, or definite movement of voluntary muscles, whether or not the  
11           umbilical cord has been cut or the placenta is attached, and regardless of  
12           whether the expulsion or extraction occurs as a result of natural or induced  
13           labor, cesarean section, or induced abortion.

14           (18) "Medical emergency" means the existence of any physical condition,  
15           not including any emotional, psychological, or mental condition, within the  
16           reasonable medical judgment of a reasonably prudent physician, with  
17           knowledge of the case and treatment possibilities with respect to the medical  
18           conditions involved, would determine necessitates the immediate abortion of the  
19           pregnancy to avert the pregnant woman's death or to avert substantial and  
20           irreversible impairment of a major bodily function arising from continued  
21           pregnancy.

22           (19)(a) "Medically futile" means that, in reasonable medical judgment  
23           as certified by two physicians, the unborn child has a profound and  
24           irremediable congenital or chromosomal anomaly that is incompatible with  
25           sustaining life after birth.

26           (b) The Louisiana Department of Health shall promulgate, in accordance  
27           with the Administrative Procedure Act, administrative rules establishing an  
28           exclusive list of anomalies, diseases, disorders, and other conditions which shall  
29           be deemed "medically futile" for purposes of this Subpart. The rules may also  
30           encompass diagnostic methods and standards by which a medically futile

1 condition may be diagnosed, including but not limited to tests that are  
2 appropriate to the developmental stage and the condition of the unborn child.

3 (20) "Miscarriage" or "stillbirth" means the spontaneous or accidental  
4 death of an unborn child, whether the death occurred in the womb or in the  
5 process of birth. Death of the unborn child is indicated by the lack of signs of  
6 breathing or any other evidence of life, such as beating of the heart, pulsation  
7 of the umbilical cord, or definite movement of voluntary muscles.

8 (21) "Partial birth abortion" means an abortion in which:

9 (a) The person performing the abortion deliberately and intentionally  
10 vaginally delivers a living fetus until, in the case of a head-first presentation, the  
11 entire fetal head is outside the body of the mother, or, in the case of breech  
12 presentation, any part of the fetal trunk past the navel is outside the body of the  
13 mother, for the purpose of performing an overt act that the person knows will  
14 kill the partially delivered living fetus.

15 (b) The person performing the abortion performs the overt act, other  
16 than completion of delivery, that kills the partially delivered living fetus.

17 (22) "Physician" means a person licensed to practice medicine in the  
18 state of Louisiana.

19 (23) "Pregnant" means that female reproductive condition of having a  
20 developing embryo or fetus in the uterus which commences at fertilization and  
21 implantation.

22 (24) "Receive a fetal organ" means acquiring any fetal organ or fetal  
23 body part, or the rights to any fetal organ or fetal body part, through an act of  
24 donation or sale via any transaction prohibited by this Subpart.

25 (25) "Serious bodily injury" shall have the same meaning as defined in  
26 R.S. 14:2. For the purposes of this Section, "serious bodily injury" that includes  
27 the loss of an organ shall include a hysterectomy.

28 (26) "Serious health risk to the unborn child's mother" means that in  
29 reasonable medical judgment the mother has a condition that so complicates  
30 her medical condition that it necessitates the abortion of her pregnancy to avert

1 her death or to avert serious risk of substantial and irreversible physical  
 2 impairment of a major bodily function, not including psychological or  
 3 emotional conditions.

4 (27) "Unborn child", "unborn human being", or "fetus" shall have the  
 5 same meaning as "unborn child" as defined in R.S. 14:2.

6 (28) "Viable" or "viability" means that stage of fetal development when,  
 7 in the judgment of the physician based upon the particular facts of the case  
 8 before the physician, and in light of the most advanced medical technology and  
 9 information available to the physician, there is a reasonable likelihood of  
 10 sustained survival of the unborn child outside the body of his mother, with or  
 11 without artificial support.

12 (29) "Woman" or "mother" means a female human being, whether or  
 13 not she has reached the age of majority.

14 §87.1.1. Killing a child during delivery; penalties

15 A. Killing a child during delivery is the intentional destruction, during  
 16 parturition of the mother, of the vitality or life of a child in a state of being born and  
 17 before actual birth, which child would otherwise have been born alive; provided,  
 18 however, that the crime of killing a child during delivery shall not be construed to  
 19 include any case in which the death of a child results from the use by a physician of  
 20 a procedure during delivery which is necessary to save the life of the child or of the  
 21 mother and is used for the express purpose of and with the specific intent of saving  
 22 the life of the child or of the mother.

23 B. Whoever commits the crime of killing a child during delivery shall be  
 24 imprisoned at hard labor in the penitentiary for life.

25 §87.2. Human experimentation **on an infant born alive**

26 A. Human experimentation is the use of any ~~live born human being~~ **infant**  
 27 **who is born alive**, without consent of that live born human being, ~~as hereinafter~~  
 28 ~~defined~~, for any scientific or laboratory research or any other kind of  
 29 experimentation or study except to protect or preserve the life and health of the live  
 30 born human being, or the conduct, on a human embryo or fetus in utero, of any

1 experimentation or study except to preserve the life or to improve the health of the  
 2 human embryo or fetus.

3 ~~B. A human being is live born, or there is a live birth, whenever there is the~~  
 4 ~~complete expulsion or extraction from its mother of a human embryo or fetus,~~  
 5 ~~irrespective of the duration of pregnancy, which after such separation, breathes or~~  
 6 ~~shows any other evidence of life such as beating of the heart, pulsation of the~~  
 7 ~~umbilical cord, or movement of voluntary muscles, whether or not the umbilical cord~~  
 8 ~~has been cut or the placenta is attached.~~

9 ~~€.~~ Whoever commits the crime of human experimentation on an infant born  
 10 alive shall be imprisoned at hard labor for not less than five nor more than twenty  
 11 years, or fined not more than ten thousand dollars, or both.

12 \* \* \*

13 §87.5. Intentional failure to sustain life and health of aborted viable infant

14 A. The intentional failure to sustain the life and health of an aborted viable  
 15 infant shall be a crime. The intentional failure to sustain the life and health of an  
 16 aborted viable infant is the intentional failure, by any physician or person performing  
 17 or inducing an abortion, to exercise that degree of professional care and diligence,  
 18 and to perform such measures as constitute good medical practice, necessary to  
 19 sustain the life and health of an aborted viable infant, when the death of the infant  
 20 results.

21 ~~B.~~ For purposes of this Section, "viable" means that stage of fetal  
 22 development when the life of the unborn child may be continued indefinitely outside  
 23 the womb by natural or artificial life-supporting systems. Any person who commits  
 24 the crime of intentional failure to sustain the life and health of an aborted viable  
 25 infant shall be imprisoned at hard labor for not more than twenty-one years.

26 \* \* \*

27 §87.7. Abortion

28 A. It shall be unlawful for a physician or other person to perform an  
 29 abortion, with or without the consent of the pregnant female.

30 B. The terms used in this Section have the same meaning as the

1 definitions provided in R.S. 14:87.1.

2 C. Whoever commits the crime of abortion shall be imprisoned at hard  
3 labor for not less than one year nor more than ten years and shall be fined not  
4 less than ten thousand dollars nor more than one hundred thousand dollars.

5 D. This Section does not apply to a pregnant female upon whom an  
6 abortion is committed or performed in violation of this Section and the  
7 pregnant female shall not be held responsible for the criminal consequences of  
8 any violation of this Section.

9 E. This Section shall not apply to the sale, use, prescription, or  
10 administration of a contraceptive or an emergency contraceptive.

11 F. The provisions of this Section shall become effective immediately  
12 upon, and to the extent permitted, by the occurrence of any of the following  
13 circumstances:

14 (1) Any decision of the Supreme Court of the United States which  
15 overrules, in whole or in part, Roe v. Wade, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed.  
16 2d 147 (1973), thereby restoring to the state of Louisiana the authority to  
17 prohibit or limit abortion.

18 (2) Adoption of an amendment to the United States Constitution which,  
19 in whole or in part, restores to the state of Louisiana the authority to prohibit  
20 or limit abortion.

21 (3) A decision of the Supreme Court of the United States in the case of  
22 Dobbs v. Jackson Women's Health Organization, Docket No. 19-1392, which  
23 overrules, in whole or in part, Roe v. Wade, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed.  
24 2d 147 (1973), thereby restoring to the state of Louisiana the authority to  
25 prohibit or limit abortion.

26 §87.8. Late term abortion

27 A. It shall be unlawful for a physician or other person to perform a late  
28 term abortion, with or without the consent of the pregnant female.

29 B. Whoever commits the crime of late term abortion shall be imprisoned  
30 at hard labor for not less than one year nor more than fifteen years and shall be

1 fined not less than twenty thousand dollars nor more than two hundred  
 2 thousand dollars.

3 C. This Section does not apply to a pregnant female upon whom an  
 4 abortion is committed or performed in violation of this Section and the  
 5 pregnant female shall not be held responsible for the criminal consequences of  
 6 any violation of this Section.

7 D. This Section shall not apply to the sale, use, prescription, or  
 8 administration of a contraceptive or an emergency contraceptive.

9 F. The provisions of this Section shall become effective immediately  
 10 upon, and to the extent permitted, by the occurrence of any of the following  
 11 circumstances:

12 (1) Any decision of the Supreme Court of the United States which  
 13 overrules, in whole or in part, Roe v. Wade, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed.  
 14 2d 147 (1973), thereby restoring to the state of Louisiana the authority to  
 15 prohibit, limit, or regulate abortion.

16 (2) Adoption of an amendment to the United States Constitution which,  
 17 in whole or in part, restores to the state of Louisiana the authority to prohibit  
 18 or limit abortion.

19 (3) A decision of the Supreme Court of the United States in the case of  
 20 Dobbs v. Jackson Women's Health Organization, Docket No. 19-1392, which  
 21 overrules, in whole or in part, Roe v. Wade, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed.  
 22 2d 147 (1973), thereby restoring to the state of Louisiana the authority to  
 23 prohibit or limit abortion.

24 Section 3. R.S. 40:1061(A), (D), and (I), 1061.1(D) and (E), 1061.1.3(C), 1061.8,  
 25 1061.11(A), 1061.12, 1061.22, 1061.23, 1061.24, 1061.26, 1061.28, 1061.30, 2175.1,  
 26 2175.2, and 2175.3 are hereby amended and reenacted and R.S. 40:1061.1(H), 1061.1.1(D),  
 27 1061.10(F), 1061.11(G), 1061.11.1(G), 1061.13(D) and (E), 1061.14(E), 1061.14.1(C),  
 28 1061.15(E), 1061.16(F), 1061.17(J)(3), 1061.19(H), 1061.20(D), 1061.21(F), 1061.25(F),  
 29 2175.4(F), 2175.6(J), 2175.7(C), 2175.8, and 2175.9 are hereby enacted to read as follows:

30 §1061. Abortion; prohibition



1 §1061.1. Pain-Capable Unborn Child Protection Act

2 \* \* \*

3 D. Determination of ~~postfertilization~~ **post fertilization** age.

4 (1) Except in the case of a medical emergency or when a pregnancy is  
5 diagnosed as medically futile, no abortion shall be performed or induced or be  
6 attempted to be performed or induced unless the physician performing or inducing  
7 it has first made a determination of the probable ~~postfertilization~~ **post fertilization**  
8 age of the unborn child or relied upon such a determination made by another  
9 physician. In making such a determination, the physician shall make such inquiries  
10 of the woman and perform or cause to be performed such medical examinations and  
11 tests as a reasonably prudent physician, knowledgeable about the case and the  
12 medical conditions involved, would consider necessary to perform in making an  
13 accurate diagnosis with respect to ~~postfertilization~~ **post fertilization** age.

14 (2) Failure by any physician to conform to any requirement of this Section  
15 constitutes "unprofessional conduct" pursuant to R.S. 37:1261.

16 E. Abortion of unborn child of twenty or more weeks ~~postfertilization~~ **post**  
17 **fertilization** age prohibited.

18 (1) No person shall perform or induce or attempt to perform or induce an  
19 abortion upon a woman when it has been determined, by the physician performing  
20 or inducing or attempting to perform or induce the abortion or by another physician  
21 upon whose determination that physician relies, that the probable ~~postfertilization~~  
22 **post fertilization** age of the woman's unborn child is twenty or more weeks, unless  
23 the pregnancy is diagnosed as medically futile or, in reasonable medical judgment,  
24 she has a condition which so complicates her medical condition as to necessitate the  
25 abortion of her pregnancy to avert her death or to avert serious risk of substantial and  
26 irreversible physical impairment of a major bodily function, not including  
27 psychological or emotional conditions. ~~No such greater risk shall be deemed to exist~~  
28 ~~if it is based on a claim or diagnosis that the woman will engage in conduct which~~  
29 ~~she intends to result in her death or in substantial and irreversible physical~~  
30 ~~impairment of a major bodily function.~~



1           (2) When an abortion upon a woman whose unborn child has been  
 2 determined to have a probable ~~postfertilization~~ **post fertilization** of twenty or more  
 3 weeks is not prohibited by Paragraph (1) of this Subsection, the physician shall  
 4 terminate the pregnancy in the manner which, in reasonable medical judgment,  
 5 provides the best opportunity for the unborn child to survive, unless, in reasonable  
 6 medical judgment, termination of the pregnancy in that manner would pose a greater  
 7 risk either of the death of the pregnant woman or of the substantial and irreversible  
 8 physical impairment of a major bodily function, not including psychological or  
 9 emotional conditions, of the woman than would other available methods. ~~No such~~  
 10 ~~greater risk shall be deemed to exist if it is based on a claim or diagnosis that the~~  
 11 ~~woman will engage in conduct which she intends to result in her death or in~~  
 12 ~~substantial and irreversible physical impairment of a major bodily function.~~

\* \* \*

**H. The provisions of R.S. 40:1061.8 shall apply to this Section.**

§1061.1.1. Louisiana Unborn Child Protection from Dismemberment Abortion Act

\* \* \*

**I. The provisions of R.S. 40:1061.8 shall apply to this Section.**

\* \* \*

§1061.1.3. Abortion prohibited; detectable fetal heartbeat; ultrasound required

\* \* \*

21           C. Whoever violates this Section shall be prosecuted pursuant to the effective  
 22 provisions of R.S. ~~14:87~~ **R.S. 14:87.7** and shall be subject to the penalties provided  
 23 in R.S. 40:1061.29.

\* \* \*

25 §1061.8. Legislative intent, **construction of abortion provisions law regulating**  
 26 **abortion**

27           **A.(1)** It is the intention of the Legislature of ~~the State of~~ Louisiana to  
 28 regulate, **prohibit, or restrict** abortion to the **fullest** extent permitted by the  
 29 decisions of the ~~United States~~ Supreme Court **of the United States**. The ~~Legislature~~  
 30 **legislature** does solemnly declare, ~~and find,~~ **and** in reaffirmation of **reaffirm** the

1 longstanding **public** policy of this State, ~~state~~ that ~~the~~ **every** unborn child is a human  
 2 being from the ~~time~~ **moment** of conception and is, therefore, a legal person for  
 3 purposes ~~of the unborn child's right to life and is entitled to the right to life from~~  
 4 ~~conception~~ under the laws **of this state** and Constitution of ~~this State~~ **Louisiana**.  
 5 Further, ~~the Legislature~~

6 **(2) The legislature further** finds and declares that the longstanding policy  
 7 of this state is to protect the right to life of ~~the~~ **every** unborn child from conception  
 8 by prohibiting abortion **is** impermissible only because of the decisions of the ~~United~~  
 9 ~~States~~ Supreme Court **of the United States** and that, therefore, if those decisions of  
 10 the United States Supreme Court are ever reversed or modified or the United States  
 11 Constitution is amended to allow protection of the unborn then the former **public**  
 12 policy of this State ~~state~~ to prohibit abortions shall be enforced.

13 **B.(1) The provisions of this Chapter that regulate the practice of**  
 14 **abortion shall not be construed to repeal any other provision of law that**  
 15 **restricts or prohibits abortion.**

16 **(2) The provisions of this Chapter that regulate the practice of abortion**  
 17 **are enacted to provide for the health, safety, and welfare of women in outpatient**  
 18 **abortion facilities until such time and to the extent that the state of Louisiana**  
 19 **no longer regulates outpatient abortion facilities.**

20 **C. The provisions of this Chapter that regulate the practice of abortion**  
 21 **are subject to R.S. 40:2175.9.**

22 §1061.9. Definitions

23 ~~As used in R.S. 40:1061.8 through 1061.29, the following words have the~~  
 24 ~~following meanings:~~ **Wherever used in this Chapter, unless a different meaning**  
 25 **clearly appears in the context, the terms, whether singular or plural, have the**  
 26 **same meaning as the definitions provided in R.S. 14:87.1.**

27 §1061.10. Abortion by physician; determination of viability; ultrasound test  
 28 required; exceptions; penalties

29 \* \* \*

30 **F. The provisions of R.S. 40:1061.8 shall apply to this Section.**

1 §1061.11. Drugs or chemicals used; penalties

2 A. When any drug or chemical is used for the purpose of inducing an  
3 abortion ~~as defined in R.S. 40:1061.9~~, the physician who prescribed the drug or  
4 chemical shall be in the same room and in the physical presence of the pregnant  
5 woman when the drug or chemical is initially administered, dispensed, or otherwise  
6 provided to the pregnant woman.

7 \* \* \*

8 **G. The provisions of R.S. 40:1061.8 shall apply to this Section.**

9 §1061.11.1. Chemically-induced abortion; required disclosure

10 \* \* \*

11 **G. The provisions of R.S. 40:1061.8 shall apply to this Section.**

12 §1061.12. Born-Alive Infant Protection Act

13 A. ~~In determining the meaning of any statute or of any rule, regulation, or~~  
14 ~~interpretation of the various administrative agencies of this state, the words "person",~~  
15 ~~"human being", "child", and "individual" include every infant member of the species~~  
16 ~~homo sapiens who is born alive at any stage of development.~~

17 B. An infant at any stage of development who has survived an abortion  
18 procedure resulting in his or her live birth shall be given reasonable and immediate  
19 medical care as provided in R.S. 40:1061.13(C), **whether the abortion was**  
20 **considered legal or illegal under the law at the time that the abortion was**  
21 **performed.**

22 **B. The provisions of R.S. 40:1061.8 shall apply to this Section.**

23 §1061.13. Abortion after viability; second attendant physician required; duties

24 \* \* \*

25 **D. The provisions of this Section shall apply to an infant born alive and**  
26 **the infant born alive shall be given immediate medical care regardless of**  
27 **whether the abortion was considered legal or illegal under the law at the time**  
28 **the abortion was performed.**

29 **E. The provisions of R.S. 40:1061.8 shall apply to this Section.**

30 §1061.14. Minors

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**E. The provisions of R.S. 40:1061.8 shall apply to this Section.**

§1061.14.1. Fraudulent interference with parental consent

\* \* \*

**C. The provisions of R.S. 40:1061.8 shall apply to this Section.**

§1061.15. Prevention of forced abortion; signage in abortion facilities

\* \* \*

**E. The provisions of R.S. 40:1061.8 shall apply to this Section.**

§1061.16. Information on psychological impacts, illegal coercion, abuse, and human trafficking required prior to abortion; task force on information resources

\* \* \*

**F. The provisions of R.S. 40:1061.8 shall apply to this Section.**

\* \* \*

§1061.17. Woman's right to know

\* \* \*

**J. Construction.**

\* \* \*

**(3) The provisions of R.S. 40:1061.8 shall apply to this Section.**

\* \* \*

§1061.19. Records

\* \* \*

**H. The provisions of R.S. 40:1061.8 shall apply to this Section.**

§1061.20. Conscience in health care protection; definitions

\* \* \*

**D. The provisions of R.S. 40:1061.8 shall apply to this Section.**

§1061.21. Reports

\* \* \*

**F. The provisions of R.S. 40:1061.8 shall apply to this Section.**

§1061.22. Forms



1 medical emergency or to save the life of the female mother, because her life is  
2 endangered by a physical disorder, physical illness or physical injury, including a  
3 life-endangering physical condition caused by or arising from the pregnancy itself.

4 \* \* \*

5 §1061.30. ~~Standing~~ **Suspension or revocation of license; grounds**; action to close  
6 outpatient abortion clinic

7 A. In addition to any violation of this Chapter, the following acts shall subject  
8 licensed outpatient abortion facilities to the provisions of R.S. 40:2175.6 regarding  
9 license suspension or revocation:

10 (1) Systematically, intentionally, or deliberately falsifying or destroying  
11 patient files or records in violation of R.S. 40:1061.17.

12 (2) Completing in advance of an appointment with a woman seeking abortion  
13 any portion of patient records or forms required by R.S. 40:1061.17 to include  
14 patient-specific data or a physician's signature.

15 **B. The provisions of R.S. 40:2175.8 and R.S. 40:2175.9 shall apply to this**  
16 **Chapter.**

17 \* \* \*

18 §2175.1. Short title

19 A. This Part may be cited as the "Outpatient Abortion Facility Licensing  
20 Law".

21 **B. The provisions of R.S. 40:1061.8 shall apply to this Part.**

22 §2175.2. Purpose

23 The purpose of this Part is to authorize the Louisiana Department of Health  
24 to promulgate and publish rules and regulations to provide for the health, safety, and  
25 welfare of women in outpatient abortion facilities and for the safe operation of such  
26 facilities. The rules shall be reasonably related to the purpose expressed in this  
27 Section and shall not impose a legally significant burden on a woman's freedom to  
28 decide whether to terminate her pregnancy, **except when the provisions of R.S.**  
29 **40:1061.8 apply.**

30 §2175.3. Definitions

1                    **A. Except as provided in Subsection B of this Section, the terms used in**  
 2                    **this Part, unless a different meaning clearly appears in the context, whether**  
 3                    **singular or plural, have the same meaning as the definitions provided in R.S.**  
 4                    **14:87.8.**

5                    **B.** For purposes of this Part, the following definitions apply:

6                    (1) "~~Abortion~~" shall have the meaning set forth in ~~R.S. 40:1061.9~~.

7                    (2) "Abortion facility professional" or "outpatient abortion facility  
 8                    professional" means an individual who is a physician, surgeon, resident, intern,  
 9                    licensed nurse, nursing aide, emergency medical technician, or a paramedic who  
 10                    diagnoses, examines, or treats a female patient at an outpatient abortion facility.

11                    (3) "Abortion facility staff member" or "outpatient abortion facility staff  
 12                    member" means an individual who is not an abortion facility professional but who  
 13                    is employed by or contracts with an outpatient abortion facility to provide services  
 14                    and who has any contact with patients at the facility.

15                    (4) "First trimester" means the time period up to fourteen weeks after the  
 16                    first day of the last menstrual period.

17                    (5) "Licensee" means the person, partnership, corporation, association,  
 18                    organization, or professional entity on whom rests the ultimate responsibility and  
 19                    authority for the conduct of the outpatient abortion facility.

20                    (6) "Licensing agency" means the Louisiana Department of Health.

21                    (7) "Mandatory reporter to law enforcement" means any abortion facility  
 22                    staff member or any abortion facility professional.

23                    (8) "Outpatient abortion facility" means any outpatient facility, other than  
 24                    a hospital as defined in R.S. 40:2102 or an ambulatory surgical center as defined in  
 25                    R.S. 40:2133, in which any second trimester or five or more first trimester abortions  
 26                    per calendar year are performed.

27                    (9) "Second trimester" means the time period from fourteen to twenty-  
 28                    three weeks after the first day of the last menstrual period.

29                    (10) "Secretary" means the secretary of the Louisiana Department of  
 30                    Health.

1 §2175.4. License required

2 \* \* \*

3 **F. The provisions of R.S. 40:1061.8 shall apply to this Part.**

4 \* \* \*

5 §2175.6. License issuance; application; on-site inspection

6 \* \* \*

7 **J. The provisions of R.S. 40:1061.8 shall apply to this Part.**

8 §2175.7. Mandatory reports to law enforcement; human trafficking awareness and  
9 prevention training

10 \* \* \*

11 **C. The provisions of R.S. 40:1061.8 shall apply to this Part.**

12 **§2175.8. Cease and desist order; due process rights; penalty for violation**

13 **A. In addition to the provisions of R.S. 40:2175.6(H), the secretary is**  
14 **empowered to issue a written cease and desist order to prevent or terminate an**  
15 **unsafe condition or an illegal practice or for a violation of this Chapter or**  
16 **Chapter 5 of this Title or a violation of any regulation or order of the**  
17 **department issued pursuant thereto whenever the secretary knows or has**  
18 **reasonable cause to believe that such unsafe condition or illegal practice exists**  
19 **or is likely to occur related to an outpatient abortion facility.**

20 **B.(1) An aggrieved party, who is licensed by this Part and who is affected**  
21 **by the secretary's decision or order, may seek an appeal in the same manner as**  
22 **provided for in R.S. 40:2175.6(H).**

23 **(2) An aggrieved party, who is not licensed by this Part, may seek a de**  
24 **novo review of the secretary's decision or order by filing a petition for review**  
25 **in the Nineteenth Judicial District Court for the parish of East Baton Rouge.**

26 **C. Any order issued pursuant to this Section shall become effective upon**  
27 **service thereof in person or by registered mail on the violator, and shall remain**  
28 **effective except to the extent modified, stayed, terminated, or set aside by action**  
29 **of the secretary or by Nineteenth Judicial District Court in parish of East Baton**  
30 **Rouge.**



1            **D. If no timely appeal is demanded by the aggrieved party pursuant to**  
 2            **Subsection B of this Section, the cease and desist order shall become final.**

3            **E. If the violator subsequently engages in activities that violate a final**  
 4            **cease and desist order, the secretary may seek the enforcement of such order by**  
 5            **civil action filed in the Nineteenth Judicial District Court for the parish of East**  
 6            **Baton Rouge.**

7            **F. Except as provided in R.S. 40:2175.9, any person who violates a cease**  
 8            **and desist order of the secretary after it has become final and while such order**  
 9            **is in effect shall, upon proof thereof to the satisfaction of the court, be ordered**  
 10           **by the court to forfeit and pay to the attorney general a sum not less than five**  
 11           **hundred dollars nor more than five thousand dollars per violation.**

12           **§2175.9. Procedure for closing outpatient abortion clinics in the event abortion**  
 13           **is declared illegal**

14           **A. Except as provided in Subsection C of this Section, the secretary shall**  
 15           **apply the provisions of R.S. 40:1061.8 and R.S. 40:2175.8 and based upon the**  
 16           **final decision of the Supreme Court of the United States in the case of Dobbs v.**  
 17           **Jackson Women's Health Organization, Docket No. 19-1392, the secretary shall**  
 18           **issue whichever one of the applicable cease and desist orders apply, as follows:**

19           **(1) The outpatient abortion facility shall be ordered closed and the**  
 20           **facility shall immediately cease and desist performing abortions because the**  
 21           **Human Life Protection Act, R.S. 40:1061, or R.S. 14:87.7 has been enacted and**  
 22           **the practice of abortion in Louisiana has been prohibited by law.**

23           **(2) The outpatient abortion facility shall be ordered to cease and desist**  
 24           **performing late term abortions, as is prohibited in R.S. 14:87.8, because the**  
 25           **Supreme Court of the United States has provided for the states to prohibit**  
 26           **abortions when the gestational age of the unborn child is fifteen weeks or more.**

27           **B.(1) Any person who violates a cease and desist order of the secretary**  
 28           **after it has become final and while such order is in effect shall, upon proof**  
 29           **thereof to the satisfaction of the court, be ordered by the court to forfeit and pay**  
 30           **to the attorney general a sum not less than ten thousand dollars nor more than**

1 fifty thousand dollars per violation.

2 (2) Each abortion performed in violation of the cease and desist order  
 3 issued pursuant to this Section shall constitute a separate violation.

4 C. The provisions of Subsection A and B of this Section shall not apply  
 5 if the decision rendered by the United States Supreme Court in the case of  
 6 Dobbs v. Jackson Women's Health Organization, Docket No. 19-1392, which  
 7 overrules, in whole or in part, Roe v. Wade, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed.  
 8 2d 147 (1973), does not restore to the states the authority to prohibit or limit  
 9 abortion.

10 Section 4. R.S. 14:32.9(B), 32.9.1(B), 32.10, 32.11(B), 87, 87.3(B), and R.S.  
 11 40:1061.1.1(B), 1061.1.2(A), 1061.1.3(B), 1061.9(1) through (11), 1061.12(A), 1061.27, and  
 12 1061.28(B) are hereby repealed.

13 Section 5. If the bill that originated as Senate Bill No. 388 of the 2022 Regular  
 14 Session of the Legislature is enacted and becomes law, the provisions containing definitions  
 15 in R.S. 14:87.9(B) in Section 1 of the Act which originated as Senate Bill No. 388 and R.S.  
 16 40:962.2(B) of Section 2 of the Act which originated as Senate Bill No. 388 shall be null and  
 17 void.

18 Section 6. The Louisiana State Law Institute, pursuant to its statutory authority, is  
 19 hereby authorized and directed to make the following technical changes:

20 (A) Redesignate the provisions of R.S. 14:32.9, 32.9.1, 32.11 and relocate the  
 21 provisions to Subpart A.3. Abortion. of Part V of Title 14 of the Louisiana Revised Statutes  
 22 of 1950.

23 (B) Redesignate R.S. 40:1061.8 (Legislative intent) and 1061.9 (Definitions) and  
 24 relocate those same provisions of law to follow directly after R.S. 40:1061.1.

25 (C) Redesignate R.S. 40:1061.1 (Pain-capable Unborn Child Protection Act) and  
 26 1061.1.1 (Louisiana Unborn Child Protection from Dismemberment Abortion Act) and  
 27 relocate those same provisions of law to follow directly after the provisions that have been  
 28 redesignated and relocated pursuant to Subsection (B) of this Section.

29 (D) Make changes to any internal citation references in this Act to reflect the changes  
 30 made pursuant to Subsections (B) and (C) of this Section.

1 (E) Arrange in alphabetical order and renumber the provisions of law, in particular  
 2 arrange in alphabetical order and renumber those provisions of law to reflect that the  
 3 provisions of law contained in Section 5 of this Act were repealed in favor of the  
 4 consolidated "Definitions" provisions of law in R.S. 14:87.1 in Section 1 of this Act and R.S.  
 5 40:1061.1 in Section 2 of this Act.

6 (F) Make changes to any references in the Codes or Louisiana Revised Statutes of  
 7 1950 to reflect the citation changes contained in this Act.

8 (G) If the provisions of Section 5 of this Act are in effect because the bill that  
 9 originated as Senate Bill No. 388 of the 2022 Regular Session of the Legislature is enacted  
 10 and becomes law, arrange in alphabetical order and renumber the Subsections of R.S.  
 11 14:87.9 and R.S. 40:962.2.

12 Section 7. The provisions of Section 1 of this Act shall become effective upon  
 13 signature by the governor or, if not signed by the governor, upon expiration of the time for  
 14 bills to become law without signature by the governor, as provided by Article III, Section  
 15 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved  
 16 by the legislature, this Act shall become effective on the day following such approval.

---

PRESIDENT OF THE SENATE

---

SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

SENATE BILL NO. 388

BY SENATORS HEWITT, ABRAHAM, ALLAIN, BARROW, CATHEY, CLOUD, CONNICK, CORTEZ, FESI, JACKSON, MCMATH, MILLIGAN, FRED MILLS, ROBERT MILLS, MORRIS, PEACOCK, POPE, REESE, STINE, TALBOT, TARVER, WARD AND WOMACK AND REPRESENTATIVES CREWS, EDMONDS, EDMONSTON, FIRMENT, GAROFALO, HORTON, MOORE, CHARLES OWEN, SCHLEGEL, SEABAUGH AND THOMPSON

1 AN ACT

2 To amend and reenact R.S. 51:1402(10) and R.S. 40:1061(A), to enact R.S. 14:87.9 and R.S.  
3 40:962.2, to repeal R.S. 14:88, and to amend and reenact certain provisions if and as  
4 enacted by the Act which originated as Senate Bill No. 104 of this 2022 Regular  
5 Session of the Legislature, relative to abortion-inducing drugs and abortion; to define  
6 criminal abortion; to prohibit criminal abortion by means of the use of an abortion-  
7 inducing drug without the prescribing physician being physically present during the  
8 administration of the drug; to provide criminal penalties; to provide for defenses; to  
9 prohibit the selling, prescribing, distributing, dispensing, or delivering of certain  
10 abortion-inducing drugs under certain circumstances; to define abortion-inducing  
11 drugs; to provide for exceptions; to provide for the promulgation of rules; to provide  
12 for unfair trade practices; to provide for the interpretation of multiple abortion  
13 statutes; and to provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 14:87.9 is hereby enacted to read as follows:

16 **§87.9. Criminal abortion by means of abortion-inducing drugs**

17 **A. Criminal abortion by means of an abortion-inducing drug is**  
18 **committed when a person knowingly causes an abortion to occur by means of**  
19 **delivering, dispensing, distributing, or providing a pregnant woman with an**  
20 **abortion-inducing drug.**

21 **B.(1) Except as provided in Paragraph (2) of this Subsection, the terms**  
22 **used in this Section, unless a different meaning clearly appears in the context,**  
23 **whether singular or plural, have the same meaning as the definitions provided**  
24 **in R.S. 14:32.9.**

1                   **(2) For purposes of this Section, the following definitions apply:**

2                   **(a)(i) "Abortion-inducing drug" means any drug or chemical, or any**  
3                   **combination of drugs or chemicals, or any other substance when used with the**  
4                   **intent to cause an abortion, including but not limited to RU-486, the Mifeprex**  
5                   **regimen, misoprostol (Cytotec), or methotrexate.**

6                   **(ii) Abortion-inducing drug shall not mean a contraceptive, an**  
7                   **emergency contraceptive, or the use of methotrexate to treat an ectopic**  
8                   **pregnancy.**

9                   **(b) "Contraceptive" means any device, measure, drug, chemical, or**  
10                   **product, including single-ingredient levonorgestrel, that has been approved by**  
11                   **the United States Food and Drug Administration for the purpose of preventing**  
12                   **pregnancy and is intended to be administered prior to the time when a clinically**  
13                   **diagnosable pregnancy can be determined, provided that the contraceptive is**  
14                   **sold, prescribed, or administered in accordance with manufacturer's**  
15                   **instructions.**

16                   **(c) "Emergency contraceptive" means a drug, chemical, or product,**  
17                   **including single-ingredient levonorgestrel, that has been approved by the United**  
18                   **States Food and Drug Administration designed or intended to be taken after**  
19                   **sexual intercourse but prior to the time when a clinically diagnosable pregnancy**  
20                   **can be determined, provided that the emergency contraceptive is sold,**  
21                   **prescribed, or administered in accordance with manufacturer's instructions.**

22                   **C.(1) Any person who knowingly performs an abortion by means of an**  
23                   **abortion-inducing drug in violation of this Section shall be imprisoned at hard**  
24                   **labor for not less than one nor more than five years, fined not less than five**  
25                   **thousand nor more than fifty thousand dollars, or both.**

26                   **(2) Any person who knowingly performs an abortion by means of**  
27                   **abortion-inducing drug in violation of this Section that results in the death or**  
28                   **serious bodily injury of the pregnant woman shall be imprisoned at hard labor**  
29                   **for not less than five nor more than ten years, fined not less than ten thousand**  
30                   **nor more than seventy-five thousand dollars, or both.**

1           (3) Any person who knowingly performs or induces an abortion that  
2           results in the death or serious bodily injury of a pregnant woman under the age  
3           of eighteen in violation of this Section shall be imprisoned at hard labor for not  
4           less than fifteen nor more than fifty years, fined not less than fifteen thousand  
5           nor more than one hundred thousand dollars, or both.

6           D. Statutory Construction. None of the following shall be construed to  
7           create the crime of criminal abortion by means of an abortion-inducing drug:

8           (1) Any action taken when a physician or other licensed medical  
9           professional is acting in the course of administering lawful medical care.

10          (2) Any act taken or omission by a pregnant woman with regard to her  
11          own unborn child.

12          (3) Possessing for her own consumption or consuming an  
13          abortion-inducing drug by a pregnant woman in violation of this Section.

14          (4) Lawfully prescribing, dispensing, or distributing a drug, medicine,  
15          or other substance for a bona fide medical reason that is not intended to cause  
16          an abortion in violation of this Section.

17          (5) Any act by a licensed pharmacist or pharmacy related to filling a  
18          prescription for a drug, medicine, or other substance prescribed for a bona fide  
19          medical reason shall not subject the pharmacist or the pharmacy to the criminal  
20          consequences of this Section. A diagnosis or a diagnosis code shall be written on  
21          the prescription by the prescriber indicating that the drug, medicine, or other  
22          substance is intended for a purpose other than to cause an abortion in violation  
23          of this Section.

24          (6)(a) The act of administering an abortion-inducing drug when the  
25          drug is administered by a physician licensed by the state of Louisiana who  
26          administers the abortion-inducing drug in person to the pregnant woman.

27          (b) The provisions of Subparagraph (a) of this Paragraph shall not be  
28          a defense against prosecution under any other provision of law that makes the  
29          abortion unlawful, whether the other provision of law is in effect on the effective  
30          date of this Act or becomes unlawful at a later date.

1           (7) Any act by a licensed pharmacist or pharmacy related to filling a  
2           prescription for a drug, medicine, or other substance prescribed for a bona fide  
3           medical reason shall not subject the pharmacist or the pharmacy to the criminal  
4           consequences of this Section. A diagnosis or a diagnosis code shall be written on  
5           the prescription by the prescriber indicating that the drug, medicine, or other  
6           substance is intended for a purpose other than to cause an abortion in violation  
7           of this Section.

8           Section 2. R.S. 40:1061(A) is hereby amended and reenacted and R.S. 40:962.2 is  
9 hereby enacted to read as follows:

10           §962.2. Abortion-inducing drugs; restrictions of sales; exceptions; penalties

11           A. Except as provided in R.S. 40:1061.11, no abortion-inducing drug may  
12           be sold, prescribed, dispensed, distributed, or delivered in this state in violation  
13           of this Section.

14           B. As used in this Section, "abortion-inducing drug" shall have the same  
15           meaning and exclusions as provided in R.S. 14:87.9.

16           C. Notwithstanding any other provision of law to the contrary, delivery  
17           to a person in Louisiana by mail-order, courier, or as a result of a sale made via  
18           the internet in violation of this Section is strictly prohibited.

19           D.(1) The Louisiana Department of Health may promulgate rules  
20           pursuant to the Administrative Procedure Act to provide for exemptions from  
21           this Section for products using an abortion-inducing drug which are distributed  
22           for other purposes that do not include causing an abortion.

23           (2) A physician or other healthcare provider who is licensed to prescribe  
24           medications or drugs that are subject to the provisions of Paragraph (1) of this  
25           Subsection shall write a diagnosis or a diagnosis code on the prescription that  
26           clearly indicates that the prescription is not intended to cause an abortion in  
27           violation of this Section.

28           E.(1) Whoever violates any provision of this Section shall be fined not  
29           more than one thousand dollars or imprisoned for not more than six months,  
30           or both.





1 Section 3. R.S. 51:1402(10) is hereby amended and reenacted to read as follows:

2 §1402. Definitions

3 As used in this Chapter, the following words and phrases shall have the  
4 meanings hereinafter ascribed to them:

5 \* \* \*

6 (10)(a) "Trade" or "commerce" means the advertising, offering for sale, sale,  
7 or distribution of any services and any property, corporeal or incorporeal, immovable  
8 or movable, and any other article, commodity, or thing of value wherever situated,  
9 and includes any trade or commerce directly or indirectly affecting the people of the  
10 state.

11 **(b) "Trade" or "commerce" shall include the advertising, offering for**  
12 **sale, sale, or distribution of an abortion-inducing drug in violation of R.S.**  
13 **40:962.2.**

14 Section 4. R.S. 14:88 is hereby repealed.

15 Section 5. If any provision or item of this Act, or the application thereof, is held  
16 invalid, such invalidity shall not affect other provisions, items, or applications of the Act  
17 which can be given effect without the invalid provision, item, or application and to this end  
18 the provisions of this Act are hereby declared severable in accordance with R.S. 24:175.

19 Section 6. If the bill that originated as Senate Bill No. 342 of this 2022 Regular  
20 Session of the legislature is enacted and becomes law, the provisions containing definitions  
21 in R.S. 14:87.9(B) in Section 1 of this Act and R.S. 40:962.2(B) in Section 2 of this Act shall  
22 be null and void.

23 Section 7. If Senate Bill No.104 of this 2022 Regular Session of the legislature is  
24 enacted, R.S. 40:2175.8 as enacted in Section 1 of Senate Bill No.104 is hereby amended  
25 and reenacted to read as follows:

26 §2175.8. Patient's right to unimpeded, private, and uncensored telephone  
27 communications; condition of facility licensing; penalties

28 \* \* \*

29 **C.(1) The provisions of this Section shall not be construed to provide a**  
30 **right to an abortion and are superseded by other provisions of law that restrict**

1 or prohibit abortion.

2 (2) The provisions of this Section are intended to regulate the practice  
3 of abortion to provide for the health, safety, and welfare of women in outpatient  
4 abortion facilities until such time and to the extent that the state of Louisiana  
5 no longer regulates outpatient abortion facilities.

6 Section 8. It is the intention of the legislature that all of the following apply to this  
7 Act:

8 (A) This Act shall not be construed to repeal any other provision of law that restricts  
9 or prohibits abortion.

10 (B) The legislature reaffirms its long-standing public policy that every unborn child  
11 is a human being and has the inalienable right to life.

12 (C) The provisions of this Act are enacted to provide for the health, safety, and  
13 welfare of women until such time and to the extent that the state of Louisiana no longer  
14 regulates the practice of abortion or because Roe v. Wade, 410 U.S. 113, 93 S.Ct. 705, 35  
15 L.Ed. 2d 147 (1973) and its progeny have been overturned or because an amendment to the  
16 Constitution of the United States of America has been enacted which restores to the state of  
17 Louisiana the authority to restrict abortion and prohibit abortions.

18 (D) A decision of the Supreme Court in the case of Dobbs v. Jackson Women's  
19 Health Organization, Docket No. 19-1392, which overrules, in whole or in part, Roe v.  
20 Wade, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed. 2d 147 (1973), thereby restoring to the state of  
21 Louisiana the authority to prohibit or limit abortion shall apply to the provisions of R.S.  
22 40:1061 or Act No. 468 of the 2018 Regular Session or both, or whichever one is applicable.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2022 Regular Session  
HOUSE BILL NO. 904

# ACT No. 560

BY REPRESENTATIVES PHELPS AND LANDRY

1 AN ACT

2 To amend and reenact R.S. 14:134.1(A)(introductory paragraph), relative to malfeasance in  
3 office; to provide with respect to malfeasance in office involving prohibited sexual  
4 conduct; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:134.1(A)(introductory paragraph) is hereby amended and  
7 reenacted to read as follows:

8 §134.1. Malfeasance in office; sexual conduct prohibited with persons in the  
9 custody and supervision of the Department of Public Safety and Corrections

10 A. It shall be unlawful and constitute malfeasance in office for any of the  
11 following persons to engage in sexual intercourse or any other sexual conduct with  
12 a person who is under their supervision and who is confined in a prison, jail, work  
13 release facility, or correctional institution, or who is under the supervision of the  
14 division of probation and parole, or who is detained or arrested:

15 \* \* \*

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2022 Regular Session

# ACT No. 587

HOUSE BILL NO. 463

BY REPRESENTATIVES SEABAUGH, AMEDEE, CREWS, EDMONSTON, FRIEMAN,  
HORTON, MCCORMICK, MIGUEZ, AND WRIGHT

1 AN ACT

2 To amend and reenact R.S. 14:95(A)(4), (G), and (H)(1) and to repeal R.S. 14:95(A)(5),  
3 relative to the illegal carrying of weapons; to provide for the removal of knives as  
4 illegally carried weapons; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:95(A)(4), (G), and (H)(1) are hereby amended and reenacted to  
7 read as follows:

8 §95. Illegal carrying of weapons

9 A. Illegal carrying of weapons is any of the following:

10 \* \* \*

11 ~~(4)(a) The intentional concealment on one's person of any switchblade knife,~~  
12 ~~spring knife, or other knife or similar instrument having a blade which may be~~  
13 ~~automatically unfolded or extended from a handle by the manipulation of a button,~~  
14 ~~switch, latch, or similar contrivance located on the handle.~~

15 ~~(b) The provisions of this Paragraph shall not apply to the following:~~

16 ~~(i) Any knife that may be opened with one hand by manual pressure applied~~  
17 ~~to the blade or any projection of the blade.~~

18 ~~(ii) Any knife that may be opened by means of inertia produced by the hand,~~  
19 ~~wrist, or other movement, provided the knife has either a detent or other structure~~  
20 ~~that provides resistance that shall be overcome in opening or initiating the opening~~  
21 ~~movement of the blade or a bias or spring load toward the closed position.~~



1           entity which employed the officer prior to his or her public retirement. The retired  
 2           law enforcement officer must be qualified annually in the use of firearms by the  
 3           Council on Peace Officer Standards and Training and have proof of such  
 4           qualification. This exception shall not apply to such officers who are medically  
 5           retired based upon any mental impairment.

6                     (3)(a) The provisions of this Section ~~except Paragraph (A)(4) of this Section~~  
 7           shall not apply to active or retired reserve or auxiliary law enforcement officers  
 8           qualified annually by the Council on Peace Officer Standards and Training and who  
 9           have on their person valid identification as active or retired reserve law or auxiliary  
 10          municipal police officers. The active or retired reserve or auxiliary municipal police  
 11          officer shall be qualified annually in the use of firearms by the Council on Peace  
 12          Officer Standards and Training and have proof of such certification.

13                    (b) For the purposes of this Paragraph, a reserve or auxiliary municipal police  
 14          officer shall be defined as a volunteer, non-regular, sworn member of a law  
 15          enforcement agency who serves with or without compensation and has regular police  
 16          powers while functioning as such agency's representative, and who participates on  
 17          a regular basis in agency activities including, but not limited to those pertaining to  
 18          crime prevention or control, and the preservation of the peace and enforcement of the  
 19          law.

20                    H.(1) Except as provided in Paragraph (A)~~(5)~~ (4) of this Section and in  
 21          Paragraph (2) of this Subsection, the provisions of this Section shall not prohibit  
 22          active justices or judges of the supreme court, courts of appeal, district courts, parish  
 23          courts, juvenile courts, family courts, city courts, federal courts domiciled in the state  
 24          of Louisiana, and traffic courts, members of either house of the legislature, officers  
 25          of either house of the legislature, the legislative auditor, designated investigative  
 26          auditors, constables, coroners, designated coroner investigators, district attorneys and  
 27          designated assistant district attorneys, United States attorneys and assistant United  
 28          States attorneys and investigators, the attorney general, designated assistant attorneys  
 29          general, and justices of the peace from possessing and concealing a handgun on their

1 person when such persons are qualified annually in the use of firearms by the  
2 Council on Peace Officer Standards and Training.

3 \* \* \*

4 Section 2. R.S. 14:95(A)(5) is hereby repealed in its entirety.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2022 Regular Session  
HOUSE BILL NO. 42

# ACT No. 602

BY REPRESENTATIVE FRIEMAN

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AN ACT

To amend and reenact R.S. 14:95(K), relative to carrying of weapons; to provide relative to the crime of illegal carrying of weapons; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:95(K) is hereby amended and reenacted to read as follows:

§95. Illegal carrying of weapons

\* \* \*

K.(1) The provisions of this Section shall not prohibit a retired justice or judge of the supreme court, courts of appeal, district courts, parish courts, juvenile courts, family courts, city courts, retired attorney general, retired assistant attorneys general, retired district attorneys, retired assistant district attorneys, retired justices of the peace, and former members of either house of the legislature from possessing and concealing a handgun on their person provided that such retired person or former member of the legislature is qualified annually, at their expense, in the use of firearms by the Council on Peace Officer Standards and Training and has on their person valid identification showing proof of their status as a former member of the legislature or as a retired justice, judge, attorney general, assistant attorney general, district attorney, ~~or assistant district attorney,~~ or retired justice of the peace. For a former member of the legislature, the valid identification showing proof of status as a former legislator required by the provisions of this Paragraph shall be a legislative badge issued by the Louisiana Legislature that shall include the former member's name, the number of the district that the former member was elected to represent, the





2022 Regular Session  
HOUSE BILL NO. 607  
BY REPRESENTATIVES GEYMANN AND MCKNIGHT

# ACT No. 629

1 AN ACT

2 To amend and reenact R.S. 14:102.1(A)(2)(a), relative to cruelty to animals; to provide  
3 relative to the penalties for a first offense of the crime of cruelty to animals; to  
4 provide relative to payments for expenses incurred for the animal; and to provide for  
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:102.1(A)(2)(a) is hereby amended and reenacted to read as  
8 follows:

9 §102.1. Cruelty to animals; simple and aggravated

10 A.

11 \* \* \*

12 (2)(a) Whoever commits the crime of simple cruelty to animals shall be fined  
13 not more than one thousand dollars, or imprisoned for not more than six months, or  
14 both. In addition, the court may order the offender to pay for any expenses incurred  
15 for the housing of the animal and for medical treatment of the animal, pursuant to  
16 Code of Criminal Procedure Article 883.2.

17 \* \* \*

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

SENATE BILL NO. 182

BY SENATOR FIELDS

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AN ACT

To amend and reenact R.S. 14:134(A)(3) and R.S. 40:2405(J)(2)(a) and to enact R.S. 14:134(A)(4), relative to mandatory P.O.S.T. certification revocation; to provide relative to malfeasance in office by public officers and employees; to provide for a revocation hearing to determine whether a peace officer's P.O.S.T. certification will be revoked; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:134(A)(3) is hereby amended and reenacted and R.S. 14:134(A)(4) is hereby enacted to read as follows:

§134. Malfeasance in office

A. Malfeasance in office is committed when any public officer or public employee shall:

\* \* \*

(3) Knowingly permit any other public officer or public employee, under his authority, to intentionally refuse or fail to perform any duty lawfully required of him, or to perform any such duty in an unlawful manner; or

(4) Willfully and knowingly subject any person to the deprivation of any right, privilege, or immunity secured or protected by the United States Constitution and laws, if serious bodily injury or death results.

\* \* \*

Section 2. R.S. 40:2405(J)(2)(a) is hereby amended and reenacted to read as follows:

§2405. Peace officer training requirements; reimbursement by peace officer

\* \* \*

J.(1) \* \* \*

1 (2) The Council on Peace Officer Standards and Training may conduct a  
2 revocation hearing to determine whether the P.O.S.T. certification of any qualified  
3 peace officer, whether employed full-time, part-time, or reserve, shall be revoked if  
4 any of the following conditions occur:

5 (a) ~~The officer has been involuntarily terminated by his employing law~~  
6 ~~enforcement agency for disciplinary reasons involving an adjudication of civil rights~~  
7 ~~violations and the officer has exhausted all administrative remedies.~~ **The officer has**  
8 **been terminated by his employing law enforcement agency and has exhausted**  
9 **all administrative remedies, or allowed to retire or resign, as a result of**  
10 **disciplinary action taken against the officer for any conduct during the course**  
11 **and scope of employment that would constitute an unreasonable use of force.**

12 \* \* \*

13 Section 3. This Act shall become effective upon signature by the governor or, if not  
14 signed by the governor, upon expiration of the time for bills to become law without signature  
15 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
16 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
17 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. 315

BY SENATORS WOMACK, ABRAHAM, BERNARD, BOUIE, CATHEY, CONNICK, CORTEZ, FESI, FOIL, JACKSON, LAMBERT, MCMATH, FRED MILLS, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, POPE, SMITH, STINE, TALBOT, TARVER AND WHITE AND REPRESENTATIVES ADAMS, BACALA, BRYANT, BUTLER, CARRIER, CORMIER, COUSSAN, DESHOTEL, DEVILLIER, ECHOLS, EDMONDS, EDMONSTON, FIRMENT, GADBERRY, GAROFALO, HARRIS, ILLG, LARVADAIN, ORGERON, PRESSLY, ROMERO, SCHLEGEL, SELDERS, STEFANSKI, THOMPSON, VILLIO AND WHEAT

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AN ACT

To amend and reenact R.S. 40:966(B)(3) and 967(B)(4) and to enact R.S. 14:2(B)(8) and (29), relative to the Uniform Controlled Dangerous Substances Law; to provide relative to penalties for the distribution of heroin and fentanyl or carfentanil; to provide for penalties when the distribution causes serious bodily injury; to add the offenses of distribution of heroin and distribution of fentanyl or carfentanil which is the direct cause of serious bodily injury to the list of crimes of violence; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:966(B)(3) and 967(B)(4) are hereby amended and reenacted to read as follows:

§966. Penalty for distribution or possession with intent to distribute narcotic drugs listed in Schedule I; possession of marijuana, synthetic cannabinoids, and heroin

\* \* \*

B. Violations of Subsection A. Any person who violates Subsection A of this Section with respect to:

\* \* \*

(3)(a) A substance classified in Schedule I that is the narcotic drug heroin or a mixture or substance containing a detectable amount of heroin or its analogues, upon conviction for any amount, shall be imprisoned at hard labor for not less than five years nor more than forty years and may, in addition, be required to pay a fine of not more than fifty thousand dollars.

(b)(i) If the offender unlawfully distributes or dispenses heroin or a

1 mixture or substance containing a detectable amount of heroin or its analogues,  
 2 which is the direct cause of serious bodily injury to the person who ingested or  
 3 consumed the substance, the offense shall be classified as a crime of violence,  
 4 and the offender shall be imprisoned at hard labor for not less than five years  
 5 nor more than forty years. At least five years of the sentence of imprisonment  
 6 shall be imposed without benefit of probation, parole, or suspension of sentence.  
 7 In addition, the offender may be required to pay a fine of not more than fifty  
 8 thousand dollars.

9 (ii) For purposes of this Subparagraph, "serious bodily injury" shall  
 10 have the same meaning as provided by R.S. 14:2(C).

11 \* \* \*

12 §967. Prohibited acts - Schedule II, penalties

13 \* \* \*

14 B. Violations of Subsection A. Any person who violates Subsection A of this  
 15 Section with respect to:

16 \* \* \*

17 (4)(a) Fentanyl or a mixture or substance containing a detectable amount of  
 18 fentanyl or its analogues, or carfentanil or a mixture or substance containing a  
 19 detectable amount of carfentanil or its analogues, upon conviction for any amount,  
 20 shall be imprisoned at hard labor for not less than five years nor more than forty  
 21 years and may, in addition, be required to pay a fine of not more than fifty thousand  
 22 dollars.

23 (b)(i) If the offender unlawfully distributes or dispenses fentanyl or a  
 24 mixture or substance containing a detectable amount of fentanyl or its  
 25 analogues, or carfentanil or a mixture or substance containing a detectable  
 26 amount of carfentanil or its analogues, which is the direct cause of serious  
 27 bodily injury to the person who ingested or consumed the substance, the offense  
 28 shall be classified as a crime of violence, and the offender shall be imprisoned  
 29 at hard labor for not less than five years nor more than forty years. At least five  
 30 years of the sentence of imprisonment shall be imposed without benefit of

1 probation, parole, or suspension of sentence. In addition, the offender may be  
2 required to pay a fine of not more than fifty thousand dollars.

3 (ii) For purposes of this Subparagraph, "serious bodily injury" shall  
4 have the same meaning as provided by R.S. 14:2(C).

5 (iii) This Subsection shall be known and may be cited as "Millie's Law".

6 \* \* \*

7 Section 2. R.S. 14:2(B)(8) and (29) are hereby enacted to read as follows:

8 §2. Definitions

9 \* \* \*

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

17 \* \* \*

18 (8) Distribution of fentanyl or carfentanil punishable under R.S.  
19 40:967(B)(4)(c).

20 \* \* \*

21 (29) Distribution of heroin punishable under R.S. 40:966(B)(3)(b).

22 \* \* \*

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

SENATE BILL NO. 337

BY SENATOR SMITH AND REPRESENTATIVES BRYANT, CARRIER, WILFORD  
CARTER, FIRMENT, FONTENOT, ILLG, IVEY, MAGEE, GREGORY  
MILLER, ROBERT OWEN, SCHLEGEL AND ZERINGUE

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AN ACT

To amend and reenact R.S. 14:98.8(C), relative to driving offenses; to provide relative to operating a vehicle while under suspension for certain prior offenses; to provide for enhanced penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:98.8(C) is hereby amended and reenacted to read as follows:

§98.8. Operating a vehicle while under suspension for certain prior offenses

\* \* \*

C. ~~When~~ **In addition to other penalties imposed pursuant to this Title,**  
**when** the operator's driving privileges were suspended for manslaughter, vehicular  
homicide, ~~or~~ negligent homicide, **first degree vehicular negligent injuring, or a**  
**third or subsequent violation of operating a vehicle while intoxicated,** the  
offender shall be imprisoned for not less than ~~sixty~~ **ninety** days nor more than ~~six~~  
~~months~~ **one year** without benefit of suspension of imposition or execution of  
sentence.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_



SENATE BILL NO. 143

BY SENATORS MORRIS, CATHEY AND BERNARD AND REPRESENTATIVES THOMPSON AND GAROFALO

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AN ACT

To amend and reenact R.S. 40:1379.3(B)(2) and (I)(1) and (2), and to enact R.S. 14:95(M) and R.S. 40:1379.3.3, relative to the illegal carrying of weapons; to exempt certain persons from the crime of illegal carrying of weapons under certain circumstances; to provide for concealed weapon permits; to provide for exceptions; to provide relative to an online education course; to provide relative to a database of licensed firearm and handgun instructors; relative to an to provide relative to blood alcohol readings; to provide for promulgation of rules; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§95. Illegal carrying of weapons

\* \* \*

**M. The provisions of Paragraph (A)(1) of this Section shall not apply to a resident of Louisiana if all of the following conditions are met:**

- (1) The person is twenty-one years of age or older.**
- (2) The person is not prohibited from possessing a firearm under R.S. 14:95.1, R.S. 40:1379.3(C)(5) through (17), 18 U.S.C. 922(g), or any other state or federal law.**
- (3)(a) The person is a reserve or active-duty member of any branch of the United States Armed Forces; a member of the Louisiana National Guard or the Louisiana Air National Guard; or a former member of any branch of the United States Armed Forces, the Louisiana National Guard, or the Louisiana Air National Guard who has been honorably discharged from service.**
- (b) At all times that a person is in possession of a concealed handgun pursuant to R.S. 40:1379.3(B)(2), that person shall have on his person proof that he meets the qualifications of Subparagraph (a) of this Paragraph demonstrated**

1 by one of the following:

2 (i) A valid military identification card.

3 (ii) A valid driver's license issued by the state of Louisiana displaying the  
4 word "Veteran" pursuant to R.S. 32:412(K).

5 (iii) A valid special identification card issued by the state of Louisiana  
6 displaying the word "Veteran" pursuant to R.S. 40:1321(K).

7 (iv) For a member released from service who does not qualify to have the  
8 word "Veteran" displayed on a state issued driver's license or special  
9 identification card, a Department of Defense Form 214 (DD-214) indicating the  
10 character of service as "Honorable" or "Under Honorable Conditions  
11 (General)" and a valid driver's license or special identification card issued by the  
12 state of Louisiana.

13 Section 2. R.S. 40:1379.3(B)(2) and (I)(1) and (2) are hereby amended and reenacted  
14 and R.S. 40:1379.3.3 is hereby enacted to read as follows:

15 §1379.3. Statewide permits for concealed handguns; application procedures;  
16 definitions

17 \* \* \*

18 B. \* \* \*

19 (2)(a) ~~A Louisiana resident shall be required to possess a valid concealed~~  
20 ~~handgun permit issued by the state of Louisiana pursuant to the provisions of this~~  
21 ~~Section in order to carry a concealed handgun in the state of Louisiana~~ who meets the  
22 qualifications of R.S. 14:95(M) shall not be required to possess a valid concealed  
23 handgun permit issued by the state of Louisiana pursuant to the provisions of  
24 this Section in order to carry a concealed handgun in the state of Louisiana. The  
25 provisions of this Paragraph shall not affect the requirements of reciprocity as  
26 provided in Subsection T of this Section.

27 (b) Any person carrying a concealed firearm pursuant to this Paragraph  
28 shall be deemed to have certified that he meets all of the conditions required in  
29 R.S. 14:95(M).

30 \* \* \*

1 I.(1) No individual to whom a concealed handgun permit is issued **or a person**  
 2 **carrying a weapon pursuant to R.S. 14:95(M)** may carry and conceal such handgun  
 3 while under the influence of alcohol or a controlled dangerous substance. While a  
 4 permittee is under the influence of alcohol or a controlled dangerous substance, an  
 5 otherwise lawful permit is considered automatically suspended and is not valid. A  
 6 permittee shall be considered under the influence as evidenced by a blood alcohol  
 7 reading of .05 percent or greater by weight of alcohol in the blood, or when a blood  
 8 test or urine test shows any confirmed presence of a controlled dangerous substance  
 9 as defined in R.S. 40:961 and 964.

10 (2) A permittee armed with a handgun in accordance with this Section **or a**  
 11 **person carrying a weapon pursuant to R.S. 14:95(M)** shall notify any police officer  
 12 who approaches the permittee in an official manner or with an identified official  
 13 purpose that he has a weapon on his person, submit to a pat down, and allow the  
 14 officer to temporarily disarm him. Whenever a law enforcement officer is made aware  
 15 that an individual is carrying a concealed handgun and the law enforcement officer  
 16 has reasonable grounds to believe that the individual is under the influence of either  
 17 alcohol or a controlled dangerous substance, the law enforcement officer may take  
 18 temporary possession of the handgun and request submission of the individual to a  
 19 department certified chemical test for determination of the chemical status of the  
 20 individual. Whenever a law enforcement officer is made aware that an individual is  
 21 behaving in a criminally negligent manner as defined under the provisions of this  
 22 Section, or is negligent in the carrying of a concealed handgun as provided for in R.S.  
 23 40:1382, the law enforcement officer may seize the handgun, until adjudication by a  
 24 judge, if the individual is issued a summons or arrested under the provisions of R.S.  
 25 40:1382. Failure by the permittee to comply with the provisions of this Paragraph  
 26 shall result in a six-month automatic suspension of the permit.

27 \* \* \*

28 **§1379.3.3. Louisiana permitless carry**

29 **A. The Department of Public Safety and Corrections, office of state**  
 30 **police, shall provide a two-hour online concealed handgun education course at**

1           no cost to Louisiana residents.

2                   B. The purpose of this online education course is to educate the public on  
3                   firearm safety and use. The course is optional and shall not be a requirement for  
4                   obtaining a concealed handgun permit under R.S. 40:1379.3. Completion of this  
5                   course shall not grant any person the right to carry a concealed handgun unless  
6                   otherwise provided by law.

7                   C. The concealed handgun education course shall include instruction on  
8                   the following topics:

9                           (1) Concealed handgun basics and nomenclature.

10                           (2) Firearm-free zones.

11                           (3) Use of deadly force.

12                           (4) Interactions with law enforcement officers.

13                           (5) Conflict resolution.

14                           (6) Accident prevention.

15                           (7) Unauthorized access prevention.

16                           (8) Safe handling of a handgun.

17                   D. State police shall maintain an online database of all licensed handgun  
18                   and firearm instructors to allow the public to search for classes.

19                   E. State police shall post prominently on its website all conditions  
20                   required to be met to authorize the carrying of a concealed handgun without a  
21                   valid concealed handgun permit pursuant to R.S. 14:95(M) and R.S.  
22                   40:1379.3(B)(2).

23                           F.(1) The content, structure, accessibility, and all other related matters  
24                           of the online handgun education shall be developed and promulgated by the  
25                           Department of Public Safety and Corrections, office of state police, in accordance  
26                           with the rules and regulations of the Administrative Procedure Act.

27                           (2) In accordance with Paragraph (1) of this Subsection, the Department  
28                           of Public Safety and Corrections, office of state police, shall divide the topics  
29                           provided in Subsection C of this Section into eight video segments that shall  
30                           broadcast for no less than fifteen minutes per segment.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

SENATE BILL NO. 393

BY SENATOR WHITE AND REPRESENTATIVES BACALA, GAROFALO AND SEABAUGH

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AN ACT

To amend and reenact R.S. 14:95.1(D) and to enact R.S. 14:2(B)(29) and 95.1(E), relative to crimes of violence; to designate the crime of possession of firearm or carrying concealed weapon by a person convicted of certain felonies as a crime of violence; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:95.1(D) is hereby amended and reenacted and R.S. 14:2(B)(29) and 95.1(E) are hereby enacted to read as follows:

§2. Definitions

\* \* \*

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

\* \* \*

~~(29) Repealed by Acts 2017, No. 281, §3, eff. August 1, 2017. Possession of a firearm or carrying of a concealed weapon by a person convicted of certain felonies in violation of R.S. 14:95.1(D).~~

\* \* \*

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

\* \* \*

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**D. If a violation of this Section is committed during the commission of a crime of violence as defined in R.S. 14:2(B), and the defendant has a prior conviction of a crime of violence, then the violation of this Section shall be designated as a crime of violence.**

**E.** For the purposes of this Section, "firearm" means any pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, or assault rifle which is designed to fire or is capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive.

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

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2022 Regular Session  
HOUSE BILL NO. 491  
BY REPRESENTATIVES BACALA AND GAROFALO

# ACT No. 731

1 AN ACT

2 To amend and reenact R.S. 14:65(A), relative to simple robbery; to amend the definition of  
3 simple robbery; to provide relative to when a person is part of a group of individuals  
4 and the person has the intent to take anything of value from a retail establishment;  
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:65(A) is hereby amended and reenacted to read as follows:

8 §65. Simple robbery

9 A. Simple robbery is either of the following:

10 (a) ~~the~~ The taking of anything of value belonging to another from the person  
11 of another or that is in the immediate control of another, by use of force or  
12 intimidation, but not armed with a dangerous weapon.

13 (b) The taking of anything of value when a person is part of a group of three  
14 or more individuals and the person has the intent to take anything of value from a  
15 retail establishment that is in the immediate control of a retail employee or employer  
16 and there is a reasonable belief that a reasonable person would not intercede because  
17 of fear.

18 \* \* \*

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_



2022 Regular Session  
HOUSE BILL NO. 568

# ACT No. 736

BY REPRESENTATIVES EDMONDS AND VILLIO

1 AN ACT

2 To enact R.S. 14:67.5(A)(3) and (C), relative to misappropriation without violence; to  
3 provide relative to adoption deception; to provide relative to elements of the offense;  
4 and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:67.5(A)(3) and (C) are hereby enacted to read as follows:

7 §67.5. Adoption deception

8 A. Any person who is a birth mother, or who holds herself out to be a birth  
9 mother, who is interested in making an adoption plan and who knowingly or  
10 intentionally benefits from payment of adoption-related expenses in connection with  
11 that adoption plan commits adoption deception if any of the following occur:

12 \* \* \*

13 (3) The person has the specific intent to make false representations to induce  
14 the payment of living expenses or other benefits in connection with a purported  
15 adoption placement.

16 \* \* \*

17 C. The provisions of this Section shall not apply to a person who agrees to  
18 an adoption plan agreement and subsequently, in good faith, declines to proceed with  
19 the prospective adoption in favor of parenting the child.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2022 Regular Session  
HOUSE BILL NO. 627

# ACT No. 746

BY REPRESENTATIVE BRYANT

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AN ACT

To enact R.S. 14:68.4(C), relative to the crime of unauthorized use of a motor vehicle; to provide relative to criminal penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:68.4(C) is hereby enacted to read as follows:

§68.4. Unauthorized use of a motor vehicle

\* \* \*

C. When the misappropriation or taking amounts to less than a value of one thousand dollars, the offender shall be imprisoned for not more than six months, or fined not more than one thousand dollars, or both.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2022 Regular Session  
HOUSE BILL NO. 820  
BY REPRESENTATIVE VILLIO

# ACT No. 747

1 AN ACT

2 To enact R.S. 14:230.1, relative to forfeiture; to provide for definitions; to provide relative  
3 to seizure and forfeiture; to provide relative to criminal offenses; to provide for  
4 exceptions; to provide for court proceedings; to provide relative to actions of law  
5 enforcement; to provide relative to court judgments; to provide for certain time  
6 periods; to provide relative to the applicability of remedies; to provide for the  
7 allocation of proceeds; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:230.1 is hereby enacted to read as follows:

10 §230.1. Civil remedies

11 A. As used in this Section:

12 (1) "Commingled funds" means the combination of legitimate funds and  
13 proceeds derived from criminal activity.

14 (2) "Criminal activity" means any of the offenses listed in Subsection B of  
15 this Section, including conspiracy, principals, and attempts to commit any of the  
16 listed offenses that are classified as a felony under the laws of this state or of the  
17 United States.

18 (3) "Facilitating property" means any property used to commit the offense.

19 (4) "Proceeds" means funds acquired or derived directly or indirectly from  
20 or produced or realized through an act.

21 B. All facilitating property, proceeds, and commingled funds, without  
22 limitation to commingled funds of persons who knowingly or should have  
23 reasonably known of the foregoing criminal activity, shall be subject to seizure and  
24 forfeiture if involved in or derived from any of the following offenses:

- 1                   (1) Identity theft (R.S. 14:67.16).
- 2                   (2) Access device fraud (R.S. 14:70.4).
- 3                   (3) Illegal transmission of monetary funds (R.S. 14:70.8).
- 4                   (4) Bank fraud (R.S. 14:71.1).
- 5                   (5) Monetary instrument abuse (R.S. 14:72.2).
- 6                   (6) Computer fraud (R.S. 14:73.5).
- 7                   (7) Money laundering; transactions involving proceeds derived from  
 8 criminal activity (R.S. 14:230).

9                   C.(1) Any facilitating property, proceeds, and commingled funds subject to  
 10 forfeiture under this Section may be seized under process issued by any court of  
 11 record having jurisdiction over the facilitating property, proceeds, and commingled  
 12 funds except that seizure without such process may be made when either of the  
 13 following exists:

14                   (a) The seizure is incident to an arrest with probable cause or a search under  
 15 a valid search warrant or with probable cause or an inspection under valid  
 16 administrative inspection warrant.

17                   (b) The facilitating property, proceeds, and commingled funds subject to  
 18 seizure have been the subject of a prior judgment in favor of the state in a criminal  
 19 injunction or forfeiture proceeding under this Section.

20                   (2)(a) All forfeitures or dispositions under this Section shall be made with  
 21 due provisions for the rights of factually innocent persons. No mortgage, lien,  
 22 privilege, or other security interest recognized under the laws of Louisiana and no  
 23 ownership interest in indivision shall be affected by a forfeiture if the owner of such  
 24 mortgage, lien, privilege, or other security interest, or owner in indivision establishes  
 25 that he is a factually innocent person. No forfeiture or disposition under this Section  
 26 shall affect the rights of factually innocent persons.

27                   (b) Notwithstanding any provision of law to the contrary, a mortgage, lien,  
 28 or security interest held by a federally-insured financial institution shall not be  
 29 affected by the seizure and forfeiture provisions of this Section.

1           (c) Notice of pending forfeiture or disposition shall be provided by the  
2           district attorney in accordance with the requirements of R.S. 40:2608(3) or R.S.  
3           14:90.1(B)(3).

4           D. In the event of a seizure under Subsection C of this Section, a forfeiture  
5           proceeding shall be instituted promptly. Any facilitating property, proceeds, and  
6           commingled funds taken or detained under this Section shall not be subject to  
7           sequestration or attachment but are deemed to be in the custody of the law  
8           enforcement officer making the seizure, subject only to the order of the court. When  
9           property is seized under this Section, pending forfeiture and final disposition, the law  
10          enforcement officer making the seizure may do any of the following:

11                   (1) Place the property under seal.

12                   (2) Remove the property to a place designated by the court.

13                   (3) Request another agency authorized by law to take custody of the property  
14                   and remove it to an appropriate location.

15           E. The district attorney may institute civil proceedings under this Section.  
16           In any action brought under this Section, the district court shall proceed as soon as  
17           practicable to the hearing and determination following conviction or agreement  
18           between the parties. Pending final determination, the court may at any time enter  
19           such injunctions or restraining orders or take such actions, including the acceptance  
20           of satisfactory performance bonds, as the court may deem proper.

21           F. A final judgment or decree rendered in favor of the state in any criminal  
22           proceeding shall preclude the defendant from denying the essential facts established  
23           in that proceeding in any subsequent civil action.

24           G. Notwithstanding any other provision of law, a criminal or civil action or  
25           proceeding under this Chapter may be commenced at any time within five years after  
26           the conduct in violation of a provision of this Chapter terminates or the cause of  
27           action accrues. If a criminal prosecution or civil action is brought under the  
28           provisions of this Chapter, the running of the period prescribed by this Section with  
29           respect to any cause of action arising under Subsection E of this Section which is  
30           based in whole or in part upon any matter complained of in any such prosecution or

1 action shall be suspended during the pendency of such prosecution or action and for  
2 two years following its termination.

3 H. The application of one civil remedy under any provision of this Section  
4 shall not preclude the application of any other remedy, civil or criminal, under any  
5 other provision of law. Civil remedies under this Section are supplemental and not  
6 mutually exclusive.

7 I. The allocation of proceeds from forfeitures or dispositions under this  
8 Section shall be determined by the court in accordance with each law enforcement  
9 entity's participation in the investigation, seizure, and forfeiture process. Proceeds  
10 shall be distributed in the following order of priority:

- 11 (1) Satisfaction of any bona fide security interest or lien.
- 12 (2) Payment of all proper expenses of the proceedings for forfeiture and sale,  
13 including expenses of seizure, maintenance of custody, advertising, and court costs.
- 14 (3) The remaining funds shall be allocated as follows:
  - 15 (a) Sixty percent to the law enforcement agency or agencies making the  
16 seizure.
  - 17 (b) Twenty percent to the criminal court fund.
  - 18 (c) Twenty percent to the district attorney's office pursuing the forfeiture.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_