

ACT No. 65

2023 Regular Session

HOUSE BILL NO. 441

BY REPRESENTATIVE BRYANT

1 AN ACT

2 To amend and reenact R.S. 14:37.5(B)(2) and (3), relative to assault; to provide relative to
3 the crime of aggravated assault upon a utility service employee with a firearm; to
4 amend definitions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:37.5(B)(2) and (3) are hereby amended and reenacted to read as
7 follows:

8 §37.5. Aggravated assault upon a utility service employee with a firearm

9 * * *

10 B. For purposes of this Section:

11 * * *

12 (2) "Utility service" means any electricity, gas, water, broadband, cable
13 television, heat, steam, ~~or~~ telecommunications service, or sewer services.

14 (3) "Utility service employee" means any uniformed, readily identified
15 employee ~~of any utility service,~~ including any person employed under contract, of
16 any utility service that provides electricity, gas, water, broadband, cable television,
17 heat, steam, telecommunications services, or sewer services, whether privately,
18 municipally, cooperatively, or investor-owned.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 85

2023 Regular Session

HOUSE BILL NO. 370

BY REPRESENTATIVES LANDRY, BACALA, CARRIER, ROBBY CARTER, EDMONSTON, FREEMAN, GOUDEAU, GREEN, HILFERTY, HORTON, JENKINS, KNOX, AND MOORE

1 AN ACT

2 To amend and reenact R.S. 14:107.3(B) and (C), to enact R.S. 14:107.3(H) and R.S.
3 15:1352(A)(70), and to repeal R.S. 14:107.3(D), relative to criminal blighting of
4 property; to provide relative to penalties for the offense; to provide relative to review
5 and appeal of declarations of certifications of blight; to provide for additional crimes
6 that are elements of racketeering activity; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:107.3(B) and (C) are hereby amended and reenacted and R.S.
9 14:107.3(H) is hereby enacted to read as follows:

10 §107.3. Criminal blighting of property

11 * * *

12 B. Criminal blighting of property is the intentional or criminally negligent
13 permitting of the existence of a condition of deterioration of property by the owner,
14 which is deemed to have occurred when the property has been declared or certified
15 as blighted after an administrative hearing, pursuant to R.S. 13:2575 or 2576, ~~and~~
16 ~~after all reviews or appeals have occurred.~~

17 C.(1) On ~~the~~ a first conviction, the offender shall be ~~punished by a fine~~ fin
18 ~~not to exceed~~ more than five hundred dollars per violation. Imposition of a fine may
19 be suspended and in lieu thereof, the court may require the offender to correct all
20 existing housing violations on the blighted property within a timely manner
21 determined by the court.

1 (2) On a second conviction, or if the offender fails to correct violations after
 2 ordered to do so by the court, the offender shall be ~~punished by a fine not to exceed~~
 3 ~~five hundred~~ fined not more than one thousand dollars per violation and ~~ordered to~~
 4 ~~perform not more than forty hours of community service~~ imprisoned for not more
 5 than six months. Additionally, the court shall require that the offender correct all
 6 existing housing violations on the blighted property.

7 (3) On any third or subsequent conviction, or if the offender fails to correct
 8 all violations after a second conviction, the offender shall be ~~punished by a fine not~~
 9 ~~to exceed~~ fined not more than two thousand dollars per violation, and ~~ordered to~~
 10 ~~perform not more than eighty hours of community service, or both~~. Additionally, the
 11 ~~court shall require that the offender correct all existing housing violations on the~~
 12 ~~blighted property~~ imprisoned for not more than one year, with or without hard labor.

13 (4) The penalty of imprisonment provided for in this Subsection shall not be
 14 imposed when the property is a single family residence occupied by the defendant
 15 at the time of the violation.

* * *

17 H. Prosecution pursuant to this Section may occur concurrently with review
 18 and appeal of declarations and certifications of blight.

19 Section 2. R.S. 15:1352(A)(70) is hereby enacted to read as follows:

20 §1352. Definitions

21 A. As used in this Chapter, "racketeering activity" means committing,
 22 attempting to commit, conspiring to commit, or soliciting, coercing, or intimidating
 23 another person to commit any crime that is punishable under the following
 24 provisions of Title 14 of the Louisiana Revised Statutes of 1950, the Uniform
 25 Controlled Dangerous Substances Law, or the Louisiana Securities Law:

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(70) R.S. 14:107.3 (Criminal blighting of property)

* * *

Section 3. R.S. 14:107.3(D) is hereby repealed in its entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 218

2023 Regular Session

HOUSE BILL NO. 94

BY REPRESENTATIVES BACALA, CARRIER, COUSSAN, DUBUISSON, ECHOLS, EDMONDS, EDMONSTON, FIRMENT, FONTENOT, GLOVER, HARRIS, HILFERTY, HORTON, ILLG, MIKE JOHNSON, MCMAHEN, MIGUEZ, ORGERON, CHARLES OWEN, PRESSLY, RISER, SCHLEGEL, STAGNI, THOMPSON, VILLIO, WHEAT, AND WHITE

1 AN ACT

2 To enact R.S. 14:67.13, relative to theft; to create the crime of theft or criminal access of an
3 automated teller machine; to provide for a definition; to provide for criminal
4 penalties; to provide relative to the payment of restitution for the crime; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:67.13 is hereby enacted to read as follows:

8 §67.13. Theft or criminal access of an automated teller machine

9 A.(1) Theft of an automated teller machine is the misappropriation or taking
10 of an automated teller machine which belongs to another without the consent of the
11 other to the misappropriation or taking with the intent to deprive the owner
12 permanently of the automated teller machine or its contents.

13 (2) Criminal access of an automated teller machine is the intentional
14 destroying, damaging, impairing, tampering with, or otherwise rendering inoperable
15 of an automated teller machine belonging to another with the intent to steal currency
16 or personal financial information of another, regardless of the pecuniary loss.

17 B. For purposes of this Section, "automated teller machine" means an
18 electronic information processing device located in this state which accepts or
19 dispenses cash in connection with an account or credit card.

1 C. Whoever violates the provisions of this Section shall be imprisoned with
2 or without hard labor for not less than five years nor more than ten years, and may,
3 in addition, be required to pay a fine of not more than ten thousand dollars.
4 Restitution shall be ordered pursuant to Code of Criminal Procedure Article 883.2.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 117

BY SENATOR HARRIS AND REPRESENTATIVES BACALA, COUSSAN, FISHER,
GAROFALO, HUGHES, TRAVIS JOHNSON, KNOX, MARCELLE,
PIERRE, SELDERS AND WILLARD

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

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AN ACT

To amend and reenact R.S. 14:37.1(B) and (C), relative to the crime of assault by drive-by shooting; to provide for certain penalties; to provide relative to the term "drive-by shooting"; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:37.1(B) and (C) are hereby amended and reenacted to read as follows:

§37.1. Assault by drive-by shooting

* * *

B. Whoever commits an assault by drive-by shooting shall be imprisoned for not less than ~~one year~~ **three years** nor more than ~~five~~ **ten** years, with or without hard labor, and without benefit of suspension of sentence.

C. As used in this Section and in R.S. 14:30(A)(1) and 30.1(A)(2), the term "drive-by shooting" means the discharge of a firearm from a motor vehicle on a public street, ~~or highway,~~ **or interstate highway** with the intent either to kill, cause harm to, or frighten another person.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 130

BY SENATOR MORRIS AND REPRESENTATIVES ECHOLS, EDMONSTON,
HUGHES, KNOX, LACOMBE, LAFLEUR AND SEABAUGH

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

1 AN ACT

2 To amend and reenact R.S. 14:95(G)(2) and to enact R.S. 14:95(G)(4), relative to the crime
3 of illegal carrying of weapons; to provide an exemption for retired law enforcement
4 officers and retired elected heads of law enforcement departments under certain
5 circumstances; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:95(G)(2) is hereby amended and reenacted and R.S. 14:95(G)(4)
8 is hereby enacted to read as follows:

9 §95. Illegal carrying of weapons

10 * * *

11 G. * * *

12 (2) The provisions of this Section shall not apply to any law enforcement
13 officer who is retired from full-time active law enforcement service with at least
14 twelve years service upon retirement, nor shall it apply to any enforcement officer
15 of the office of state parks; in the Department of Culture, Recreation and Tourism
16 who is retired from active duty as an enforcement officer, provided that ~~such~~:

17 (a) The retired ~~officers have~~ officer has ~~on their persons~~ his person valid
18 identification as a retired law enforcement ~~officers~~ officer, which identification shall
19 be provided by the entity ~~which~~ that employed the officer prior to his ~~or her~~ public
20 retirement. ~~The retired law enforcement officer must be qualified annually in the use~~
21 ~~of firearms by the Council on Peace Officer Standards and Training and have proof~~
22 ~~of such qualification.~~ This exception shall not apply to ~~such officers~~ an officer who
23 ~~are~~ is medically retired based upon any mental impairment.

1 **(b) The retired officer was properly certified by the Council on Peace**
 2 **Officer Standards and Training at the time of retirement, in accordance with**
 3 **R.S. 40:1379.3(D)(1)(f).**

* * *

5 **(4) The provisions of this Section shall not apply to any retired elected**
 6 **head of a law enforcement department, provided that he was qualified in the use**
 7 **of firearms by the Council on Peace Officer Standards and Training at the time**
 8 **of retirement.**

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2023 Regular Session

ACT No. 300

HOUSE BILL NO. 207

BY REPRESENTATIVES SCHAMERHORN, BACALA, CARRIER, EDMONSTON,
GAINES, GAROFALO, HODGES, HORTON, MIKE JOHNSON, CHARLES
OWEN, AND SEABAUGH

1 AN ACT

2 To enact R.S. 14:93.2.4, relative to criminal liability for certain acts of minors; to create the
3 crime of unlawful swimming in certain waterways; to provide for penalties; and to
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:93.2.4 is hereby enacted to read as follows:

7 §93.2.4. Unlawful swimming in certain waterways

8 A. It shall be unlawful for any parent or legal guardian who has care and
9 control of a minor, to permit a minor, either knowingly, wilfully, or through criminal
10 negligence to swim without wearing a Type I, Type II, Type III, or Type V personal
11 flotation device approved by the United States Coast Guard in the portion of any
12 river beginning from a water-controlled structure through which that river flows to
13 a point seventy miles downstream when that structure creates a reservoir used to
14 generate hydroelectric power. The distance provided for in this Subsection shall be
15 measured from the structure along a line drawn downstream in the middle of the
16 river bed.

17 B.(1) On a first conviction, the parent or legal guardian shall be issued a
18 warning ticket, fined not more than twenty-five dollars, or both.

19 (2) On a second conviction, the parent or legal guardian shall be fined not
20 more than fifty dollars, imprisoned for not more than seven days, or both.

1 (3) On a third or subsequent conviction, the parent or legal guardian shall be
2 fined not more than seventy-five dollars nor more than two hundred fifty dollars,
3 imprisoned for not more than thirty days, or both.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 302

2023 Regular Session

HOUSE BILL NO. 237

BY REPRESENTATIVES SCHAMERHORN AND FIRMENT

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AN ACT

To amend and reenact R.S. 14:402(A), (B), (C), (D)(1) through (5) and (7) through (10), (F), and (G)(1) and (2) and R.S. 15:1352(A)(66), to enact R.S. 14:402(D)(11), (12), (13), and (14) and (H), and to repeal R.S. 14:402(E), relative to contraband; to provide relative to contraband in correctional facilities; to provide relative to introducing contraband into or upon the grounds of any correctional facility; to provide for a definition of correctional facility; to classify certain items as contraband; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:402(A), (B), (C), (D)(1) through (5) and (7) through (10), (F), and (G)(1) and (2) are hereby amended and reenacted and R.S. 14:402(D)(11), (12), (13), and (14) and (H) are hereby enacted to read as follows:

§402. Contraband defined; certain activities regarding contraband in ~~penal institutions~~ correctional facilities prohibited; penalty; disposition of seized contraband

A. No person shall introduce or attempt to introduce contraband into or upon the grounds of any ~~state~~ correctional ~~institution~~ facility.

B. No person shall possess contraband upon the grounds of any ~~state~~ correctional ~~institution~~ facility.

1 C. No person shall send, or give or attempt to give, contraband to an inmate
2 of ~~contraband from~~ any state correctional ~~institution~~ facility.

3 D. "Contraband" as used herein means:

4 (1) Any controlled dangerous substance as defined in R.S. 40:961 et seq., or
5 any other drug or substance that if taken internally, whether separately or in
6 combination with another drug or substance, produces or may produce a hypnotic
7 effect, including nasal inhalators of any variety, sleeping pills, or barbiturates of any
8 variety. The introduction or attempt of introduction by a person of any controlled
9 dangerous substance as defined in R.S. 40:961 et seq., upon the grounds of any ~~state~~
10 ~~correctional institution~~ facility shall constitute distribution of that controlled
11 dangerous substance and shall be subject to the penalties provided in R.S. 40:961 et
12 seq. The provisions of this Paragraph shall not apply to a drug or substance that has
13 been prescribed by a physician, if the drug or substance is in a container issued by
14 the pharmacy or other place of dispensation, the container identifies the prescription
15 number, prescribing physician, and issuing pharmacist or other person, and the
16 container is not concealed upon the body of the person.

17 (2) A dangerous weapon, or other instrumentality customarily used or
18 intended for probable use as a dangerous weapon or to aid in an escape, unless
19 authorized by the warden of the ~~institution~~ facility or his designee.

20 (3) Explosives or combustibles, unless authorized by the warden of the
21 ~~institution~~ facility or his designee.

22 (4) Plans for the making or manufacturing of a dangerous weapon or other
23 instrumentality customarily used or intended for probable use as a dangerous weapon
24 or to aid in an escape, or for the making or manufacturing of explosives or
25 combustibles, or for an escape from ~~an institution~~ a facility, unless authorized by the
26 warden of the ~~institution~~ facility or his designee.

27 (5) An alcoholic beverage or other beverage which produces or may produce
28 an intoxicating effect, unless authorized by the warden of the ~~institution~~ facility or
29 his designee for employee residential housing areas. However, employee residential
30 housing areas shall not include bachelor officer quarters located within the secure

1 perimeter of the ~~institution~~ facility. A reasonably small amount of sacramental wine
2 ~~shall~~ may be permitted by the warden or his designee to be brought onto the grounds
3 of a ~~state~~ correctional ~~institution~~ facility for use by a clergy member only, as part of
4 a religious service.

5 * * *

6 (7) Any currency or coin, unless authorized by the warden of the ~~institution~~
7 facility or his designee.

8 (8) Any article of food, toiletries, or clothing, unless authorized by the
9 warden of the ~~institution~~ facility or his designee.

10 (9) Any telecommunications equipment or component hardware, including
11 but not limited to cellular phones, pagers, beepers, global satellite system equipment,
12 subscriber identity module (SIM) cards, portable memory chips, batteries, and
13 chargers, whether or not such equipment may be intended for use in planning or
14 aiding an escape or attempt to escape from any ~~institution~~ facility, unless authorized
15 by the warden of the ~~institution~~ facility or his designee.

16 (10) Any sketch, painting, drawing or other pictorial rendering produced in
17 whole or in part by a capital offender, unless authorized by the warden of the
18 ~~institution~~ facility or his designee.

19 (11) Any tobacco product as defined in R.S. 14:91.6, unless authorized by
20 the warden of the facility or his designee.

21 (12) Any equipment, whether professionally made or homemade, intended
22 for use in tattooing.

23 (13) Any electronic device including but not limited to computers, telephoto
24 equipment, communications equipment, whether modified or not.

25 (14) Any hypodermic syringe, needle, or other object used or intended for
26 use, or designed for use in injecting controlled dangerous substances into the human
27 body.

28 * * *

29 F. Any contraband which is seized may be destroyed, donated to a charitable
30 organization, or put to lawful use within the ~~institution~~ facility, unless it is needed

1 as evidence in a criminal prosecution. However, any money seized which is legal
2 tender shall be placed in a fund at the ~~institution~~ facility at which the money was
3 seized to be used solely for the purchase of contraband detection and escape chase
4 team equipment. A record of the disposition of all contraband shall be maintained.

5 G.(1) Whoever violates any provision of this Section shall be fined not less
6 than five hundred dollars and not more than ten thousand dollars and shall be
7 imprisoned with or without hard labor for not more than ten years. Notwithstanding
8 any other law to the contrary, whoever introduces or attempts to introduce
9 contraband as defined in Paragraph (D)(1) of this Section, upon the grounds of any
10 ~~state correctional institution, or Paragraph (E)(5) of this Section, upon the grounds~~
11 ~~of any municipal or parish prison or jail,~~ facility shall be punished in accordance
12 with the penalties for the distribution of the controlled dangerous substance provided
13 in R.S. 40:961 et seq.

14 (2) If the person who violates any provision of this Section is incarcerated
15 in the ~~state correctional institution or the municipal or parish prison or jail~~ facility
16 in which the contraband is introduced, possessed, or sent from, the sentence imposed
17 pursuant to Paragraph (1) of this Subsection shall be served consecutively to the
18 sentence the person was serving at the time the violation of this Section occurred.

19 * * *

20 H. For purposes of this Section, "correctional facility" means any jail, prison,
21 penitentiary, juvenile institution, temporary holding center, or detention facility.

22 Section 2. R.S. 15:1352(A)(66) is hereby amended and reenacted to read as follows:
23 §1352. Definitions

24 A. As used in this Chapter, "racketeering activity" means committing,
25 attempting to commit, conspiring to commit, or soliciting, coercing, or intimidating
26 another person to commit any crime that is punishable under the following
27 provisions of Title 14 of the Louisiana Revised Statutes of 1950, the Uniform
28 Controlled Dangerous Substances Law, or the Louisiana Securities Law:

29 * * *

1 (66) R.S. 14:402 (Certain activities regarding contraband in ~~penal institutions~~
2 correctional facilities prohibited)

3 * * *

4 Section 3. R.S. 14:402(E) is hereby repealed in its entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 374

2023 Regular Session

HOUSE BILL NO. 556

BY REPRESENTATIVES DAVIS, CARRIER, EDMONDS, EDMONSTON, GAROFALO, HORTON, KNOX, MCKNIGHT, MCMAHEN, GREGORY MILLER, RISER, SCHLEGEL, SEABAUGH, STEFANSKI, THOMPSON, AND VILLIO

1 AN ACT

2 To amend and reenact R.S. 14:110.2(B) and to enact R.S. 15:571.36(A)(8) through (11), (B),
3 (C), and (D) and 835, relative to electronic monitoring equipment; to require the
4 Department of Public Safety and Corrections to develop additional policies and
5 procedures relative to electronic monitoring equipment; to provide for a reporting
6 requirement; to provide for penalties; to provide relative to the imposition of
7 electronic monitoring; to provide for registration; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:110.2(B) is hereby amended and reenacted to read as follows:

10 §110.2. Tampering with electronic monitoring equipment

11 * * *

12 B.(1) Whoever commits the crime of tampering with electronic monitoring
13 equipment shall be fined not more than five hundred dollars and shall be imprisoned
14 for not more than six months.

15 (2) If the offender violates the provisions of this Section while he is involved
16 in the commission of a felony, he shall be fined not more than one thousand dollars
17 and shall be imprisoned at hard labor for not more than one year.

18 (3) If the offender violates the provisions of this Section after being released
19 pursuant to a bail undertaking for a felony crime of violence enumerated or defined
20 in R.S. 14:2(B), he shall be fined not more than one thousand dollars and shall be
21 imprisoned at hard labor for not more than a year.

22 (4) At least seventy-two hours of the sentence shall be served without benefit
23 of probation, parole, or suspension of sentence.

1 Section 2. R.S. 15:571.36(A)(8) through (11), (B), (C), and (D) and 835 are hereby
2 enacted to read as follows:

3 §571.36. Electronic monitoring equipment

4 A. The Department of Public Safety and Corrections, corrections services,
5 the office of state police, and the Louisiana Commission on Law Enforcement and
6 Administration of Criminal Justice shall develop written policies and procedures in
7 the manner provided in the Administrative Procedure Act for the promulgation of
8 rules governing mandatory requirements for electronic monitoring service providers,
9 including governing the availability, storage, and use of, and operational capacity for
10 electronic monitoring equipment; utilized for pre-trial, post-conviction, or
11 monitoring, which shall include all of the following requirements:

12 * * *

13 (8) Location accuracy of a monitored individual for all of the following:

14 (a) The indoor location of a monitored individual.

15 (b) The outdoor location of a monitored individual.

16 (c) On-demand location, which is the most recent location of a monitored
17 individual, and the ability to provide this location accuracy within three minutes of
18 a request.

19 (9) Development of zoning capabilities for both of the following:

20 (a) Inclusion zones, which are geographic areas where a monitored
21 individual is scheduled to be.

22 (b) Exclusion zones, which are geographic areas where a monitored
23 individual is not permitted to visit.

24 (10) Alert notifications from the applicable local, municipal, and parish
25 authorities and the office of technology services to an authorizing judge or law
26 enforcement agency for all of the following:

27 (a) The tampering of the electronic monitoring equipment and the ability to
28 provide an alert of this violation within three minutes of the violation.

1 **(b) The presence of the electronic monitoring equipment in an exclusion**
2 **zone and the ability to provide an alert of this violation within four minutes of the**
3 **violation.**

4 **(c) Low battery alert prior to the complete discharge of the battery within the**
5 **electronic monitoring equipment.**

6 **(11) Simultaneous access to an authorizing judge or law enforcement agency**
7 **for all monitoring records of an electronic monitoring provider.**

8 **B.(1) When an individual has been placed under electronic monitoring, the**
9 **provider of the electronic monitoring service shall, by noon of the following day,**
10 **provide law enforcement agencies within the appropriate jurisdiction all of the**
11 **following information:**

12 **(a) The name and any aliases used by the monitored individual.**

13 **(b) The physical address or addresses of residence of the monitored**
14 **individual.**

15 **(c) The name and physical address of place of employment. If the monitored**
16 **individual does not have a fixed place of employment, he shall provide information**
17 **with as much specificity as possible regarding the places where he works, including**
18 **but not limited to travel routes used by the monitored offender.**

19 **(d) The pending criminal charges against the monitored individual.**

20 **(e) The reason why the monitored individual has been placed under**
21 **electronic monitoring.**

22 **(2) After an individual has been placed under electronic monitoring, the**
23 **court exercising jurisdiction over the monitored individual shall report the**
24 **information provided in Paragraph (1) of this Subsection to all law enforcement**
25 **agencies within its jurisdiction.**

26 **C.(1) Any provider of an electronic monitoring service who intentionally**
27 **withholds or intentionally fails to timely report information as required by this**
28 **Section shall be subject to a civil fine of not more than one thousand dollars and shall**
29 **be prohibited from registering to provide electronic monitoring services in this state**
30 **for a period of five years.**

1 (2) The attorney general shall have the authority to pursue the civil fine
 2 imposed pursuant to this Subsection and may institute any civil action to prohibit any
 3 violator of this Subsection from providing or registering to provide electronic
 4 monitoring services in this state for a period of five years.

5 D. The Integrated Criminal Justice Information System Policy Board, in
 6 consultation with the Department of Public Safety and Corrections, corrections
 7 services, the office of state police, the office of the attorney general, the office of
 8 information and technology systems, and the Louisiana Commission on Law
 9 Enforcement and Administration of Criminal Justice shall evaluate the feasibility of
 10 all of the following:

11 (1) Development of a statewide system for the use of global position system
 12 monitoring and other electronic methods of monitoring as an alternative to
 13 incarceration for persons who have been arrested, who are awaiting trial, or who
 14 have been convicted.

15 (2) Development of guidelines and criteria for contracts between a local
 16 government and a person or entity that provides electronic monitoring services.

17 (3) Development and maintenance of a centralized registry that can assist the
 18 state in the collection of the following data:

- 19 (a) The number of persons who are electronically monitored by jurisdiction.
- 20 (b) The number of violations that occur within each jurisdiction.

21 * * *

22 §835. Registration of electronic monitoring service providers

23 A. Any person or entity who provides electronic monitoring services for the
 24 purpose of monitoring, tracking, or supervising pretrial or post-conviction persons
 25 within the state shall certify in writing that the provider meets the criteria provided
 26 in R.S. 15:571.36 and shall register with the department no later than December 1,
 27 2024.

28 B. No person or entity shall provide electronic monitoring services in this
 29 state without having first complied with the registration requirements as provided in
 30 Subsection A of this Section. The application for registration shall be submitted on

1 forms provided by the department and shall contain all the information required by
2 such forms and any accompanying instructions.

3 C. The department shall remove from its registry any person or entity that
4 provides electronic monitoring services in this state if the department determines that
5 the person or entity has violated the provisions of R.S. 15:571.36(C).

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 399

BY REPRESENTATIVES STEFANSKI, AMEDEE, BACALA, BAGLEY, BEAULLIEU, BRYANT, BUTLER, CARRIER, COUSSAN, CREWS, DAVIS, DESHOTEL, DEVILLIER, ECHOLS, EDMONDS, EDMONSTON, EMERSON, FARNUM, FIRMENT, FONTENOT, FRIEMAN, GADBERRY, GAROFALO, GOUDEAU, HARRIS, HODGES, HORTON, ILLG, MIKE JOHNSON, MCFARLAND, MCKNIGHT, MIGUEZ, MINCEY, ORGERON, CHARLES OWEN, ROBERT OWEN, ROMERO, SCHAMERHORN, SCHLEGEL, SEABAUGH, STAGNI, THOMPSON, VILLIO, WHITE, WRIGHT, AND ZERINGUE AND SENATORS FOIL, HEWITT, KLEINPETER, MIZELL, AND WHITE

1 AN ACT

2 To amend and reenact R.S. 14:2(B)(58) and R.S. 40:967(B)(4) and (E)(1), relative to the
3 Uniform Controlled Dangerous Substances Law; to provide relative to penalties for
4 fentanyl or carfentanil; to provide relative to penalties for distribution or possession
5 with intent to distribute fentanyl or carfentanil; to provide for aggregate weights; to
6 provide for enhanced penalties; to provide relative to the distribution of fentanyl or
7 carfentanil which causes serious bodily injury; to provide relative to treatment for
8 fentanyl or carfentanil as a condition of probation; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

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

12 §967. Prohibited acts - Schedule II; penalties

13 * * *

14 B. Violations of Subsection A. Any person who violates Subsection A of
15 this 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 punished as follows:

1 (a) On conviction of an aggregate weight of less than twenty-eight grams,
2 ~~shall be imprisoned~~ imprisonment at hard labor for not less than five years nor more
3 than forty years, at least five years of which shall be served without benefit of parole,
4 probation, or suspension of sentence, and may, in addition, be required to pay a fine
5 of not more than fifty thousand dollars.

6 (b) On a first conviction of an aggregate weight of twenty-eight grams or
7 more but less than two hundred fifty grams, imprisonment at hard labor for not less
8 than seven years nor more than forty years, at least seven years of which shall be
9 served without benefit of parole, probation, or suspension of sentence, and may, in
10 addition, be required to pay a fine of not more than fifty thousand dollars.

11 (c) On a second conviction of an aggregate weight of twenty eight grams or
12 more but less than two hundred fifty grams, imprisonment at hard labor for not less
13 than thirty years nor more than forty years, at least ten years of which shall be served
14 without benefit of parole, probation, or suspension of sentence, and may, in addition,
15 be required to pay a fine of not more than five hundred thousand dollars.

16 (d) On a third conviction of an aggregate weight of twenty eight grams or
17 more but less than two hundred fifty grams, imprisonment at hard labor for not less
18 than ninety-nine years without benefit of parole, probation, or suspension of
19 sentence, and may, in addition, be required to pay a fine of not more than five
20 hundred thousand dollars.

21 (e) On conviction of an aggregate weight of two hundred fifty grams or
22 more, life imprisonment at hard labor, at least twenty-five years of which shall be
23 served without benefit of parole, probation, or suspension of sentence.

24 ~~(b)~~ (f)(i) If the offender unlawfully distributes or dispenses fentanyl or a
25 mixture or substance containing a detectable amount of fentanyl or its analogues, or
26 carfentanil or a mixture or substance containing a detectable amount of carfentanil
27 or its analogues, which is the direct cause of serious bodily injury to the person who
28 ingested or consumed the substance, the offense shall be classified as a crime of
29 violence, and the offender shall be imprisoned at hard labor for ~~not less than an~~ an
30 additional period of five years ~~nor more than forty years.~~ ~~At least five years of the~~

1 ~~sentence of imprisonment shall be imposed~~ without benefit of probation, parole, or
 2 suspension of sentence. ~~In addition, the offender may be required to pay a fine of not~~
 3 ~~more than fifty thousand dollars.~~ The additional penalty imposed pursuant to this
 4 Subparagraph shall be served consecutively to the sentence imposed under Paragraph
 5 (4) of this Subsection.

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

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

9 * * *

10 E. Treatment for fentanyl or carfentanil addiction as a condition for
 11 probation.

12 (1) Upon conviction of Paragraph ~~(B)(4)~~ or (C)(4) of this Section, ~~possession~~
 13 ~~with intent to distribute fentanyl or carfentanil or~~ possession of fentanyl or
 14 carfentanil, the court may suspend any sentence which it imposes and place the
 15 defendant on probation pursuant to Article 893 of the Code of Criminal Procedure.
 16 The court may order the division of probation and parole of the Department of Public
 17 Safety and Corrections to conduct a presentence investigation, or may order the
 18 defendant to obtain a substance abuse evaluation, for the purpose of determining
 19 whether the defendant has a substance abuse disorder.

20 * * *

21 Section 2. R.S. 14:2(B)(58) is hereby amended and reenacted to read as follows:

22 §2. Definitions

23 * * *

24 B. In this Code, "crime of violence" means an offense that has, as an
 25 element, the use, attempted use, or threatened use of physical force against the
 26 person or property of another, and that, by its very nature, involves a substantial risk
 27 that physical force against the person or property of another may be used in the
 28 course of committing the offense or an offense that involves the possession or use

1 of a dangerous weapon. The following enumerated offenses and attempts to commit
2 any of them are included as "crimes of violence":

3 * * *

4 (58) Distribution of fentanyl or carfentanil punishable under R.S.
5 40:967(B)(4)(~~b~~)(f).

6 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 409

2023 Regular Session

HOUSE BILL NO. 484

BY REPRESENTATIVES EDMONDS, BRYANT, KNOX, AND LAFLEUR AND
SENATOR KLEINPETER

1 AN ACT

2 To amend and reenact R.S. 14:98.1(A)(2) and (3)(b) and 98.2(A)(2) and (3)(b) and R.S.
3 32:378.2(B)(1)(a)(ii), 414(A)(1)(c), and 667(B)(1)(b) and (c) and (3) and (H)(1) and
4 to enact R.S. 32:414(A)(1)(d), relative to operating a vehicle while intoxicated; to
5 provide relative to suspension of a driver's license for a first and second offense of
6 operating a vehicle while intoxicated; to provide relative to eligibility for a hardship
7 license; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:98.1(A)(2) and (3)(b) and 98.2(A)(2) and (3)(b) are hereby
10 amended and reenacted to read as follows:

11 §98.1. Operating while intoxicated; first offense; penalties

12 A.

13 * * *

14 (2)(a) If the offender had a blood alcohol concentration of 0.15 percent or
15 more but less than 0.20 percent by weight based on grams of alcohol per one hundred
16 cubic centimeters of blood, at least forty-eight hours of the sentence imposed
17 pursuant to Paragraph (1) of this Subsection shall be served without the benefit of
18 parole, probation, or suspension of sentence, and is to be served in addition to any
19 sentence of imprisonment imposed pursuant to Subparagraph (1)(a) of this
20 Subsection, provided that the total period of imprisonment upon conviction of the
21 offense, including imprisonment for default in payment of a fine or costs, shall not
22 exceed six months.

1 (b) In addition to any penalties imposed under this Section and except as
 2 provided in R.S. 32:414(A)(1)(d) or 667(H)(1)(b), upon conviction of a first offense,
 3 if the offender had a blood alcohol concentration of 0.15 percent or more by weight
 4 based on grams of alcohol per one hundred cubic centimeters of blood, the driver's
 5 license of the offender shall be suspended for two years.

6 (3)

7 * * *

8 (b) In addition to any penalties imposed under this Section and except as
 9 provided in R.S. 32:414(A)(1)(d) or 667(H)(1)(b), upon conviction of a first offense,
 10 if the offender had a blood alcohol concentration of ~~0.20~~ 0.15 percent or more by
 11 weight based on grams of alcohol per one hundred cubic centimeters of blood, the
 12 driver's license of the offender shall be suspended for two years.

13 * * *

14 §98.2. Operating while intoxicated; second offense; penalties

15 A.

16 * * *

17 (2)(a) If the offender had a blood alcohol concentration of 0.15 percent or
 18 more but less than 0.20 percent by weight based on grams of alcohol per one hundred
 19 cubic centimeters of blood, at least ninety-six hours of the sentence imposed
 20 pursuant to Paragraph (1) of this Subsection shall be served without the benefit of
 21 parole, probation, or suspension of sentence.

22 (b) In addition to any penalties imposed under this Section, upon conviction
 23 of a second offense violation of R.S. 14:98, if the offender had a blood alcohol
 24 concentration of 0.15 percent or more by weight based on grams of alcohol per one
 25 hundred cubic centimeters of blood, the driver's license of the offender shall be
 26 suspended for four years.

27 (3)

28 * * *

29 (b) In addition to any penalties imposed under this Section, upon conviction
 30 of a second offense violation of R.S. 14:98, if the offender had a blood alcohol

1 concentration of ~~0.20~~ 0.15 percent or more by weight based on grams of alcohol per
2 one hundred cubic centimeters of blood, the driver's license of the offender shall be
3 suspended for four years.

4 * * *

5 Section 2. R.S. 32:378.2(B)(1)(a)(ii), 414(A)(1)(c), and 667(B)(1)(b) and (c) and (3)
6 and (H)(1) are hereby amended and reenacted and R.S. 32:414(A)(1)(d) is hereby enacted
7 to read as follows:

8 §378.2. Ignition interlock devices; condition of probation for certain DWI
9 offenders; restricted license

10 * * *

11 B.(1) Any person who has had his driver's license suspended, revoked, or
12 canceled under any of the following conditions shall, upon proof to the Department
13 of Public Safety and Corrections that his motor vehicle has been equipped with a
14 functioning ignition interlock device as provided in this Section, be issued a
15 restricted driver's license:

16 (a)

17 * * *

18 (ii) However, if the offender had a blood alcohol concentration of ~~0.20~~ 0.15
19 percent or more by weight based on grams of alcohol per one hundred cubic
20 centimeters of blood the following restrictions shall apply:

21 (aa) Upon first offense, if the offender had a blood alcohol concentration of
22 ~~0.20~~ 0.15 percent or greater, he shall be issued a restricted driver's license during the
23 entire period of the two-year driver's license suspension imposed under the
24 provisions of ~~R.S. 14:98(K)(1)~~ R.S. 14:98.1(A)(3)(b) and (c) and shall be required
25 to have a functioning ignition interlock device installed on his vehicle during the first
26 twelve-month period of the suspension.

27 (bb) Upon second offense, if the offender has a blood alcohol concentration
28 of ~~0.20~~ 0.15 percent or greater, he shall be eligible for a restricted driver's license for
29 the period of suspension as imposed under the provisions of ~~R.S. 14:98(K)(2)(b)~~ R.S.
30 14:98.2(A)(3)(b) and (c). The offender may be issued a restricted license during the

1 entire four years on his suspension and shall be required to have a functioning
2 ignition interlock device installed on his vehicle during the first three years of the
3 four-year suspension.

4 * * *

5 §414. Suspension, revocation, renewal, and cancellation of licenses; judicial review

6 A.(1)

7 * * *

8 (c) Notwithstanding the provisions of Subparagraphs (a) and (b) of this
9 Paragraph, upon first or second conviction, or a plea of guilty or nolo contendere and
10 sentence thereupon or forfeiture of bail of any person charged with the offense of
11 driving while intoxicated when the offender had a blood alcohol concentration of
12 ~~0.20~~ 0.15 percent or more by weight based on grams of alcohol per one hundred
13 cubic centimeters of blood, the following restrictions on suspension and issuance of
14 a restricted driver's license shall apply:

15 (i) Upon first conviction, if the offender had a blood alcohol concentration
16 of ~~0.20~~ 0.15 percent or greater, his driver's license shall be suspended for two years
17 and he shall be issued a restricted driver's license for the entire period of the
18 suspension after he has provided proof to the department that his motor vehicle is
19 equipped with a functioning ignition interlock device. A functioning ignition
20 interlock device shall remain installed on his vehicle during the first twelve-month
21 period of the suspension of his driver's license.

22 (ii) Upon second conviction, if the offender has a blood alcohol
23 concentration of ~~0.20~~ 0.15 percent or greater, his driver's license shall be suspended
24 for four years. The offender shall be eligible for a restricted license ~~after a period of~~
25 ~~forty-five days of suspension for the remainder of~~ for the four-year period of
26 suspension after he has provided proof to the department that his motor vehicle is
27 equipped with a functioning ignition interlock device. A functioning ignition
28 interlock device shall remain installed on his vehicle during the first three-year
29 period of the four-year period of the suspension of his driver's license.

1 (d) When any person's driver's license has been suspended in connection to
 2 a first offense violation of R.S. 14:98, the office of motor vehicles shall suspend the
 3 person's driver's license consistent with the blood alcohol concentration reflected in
 4 the final case disposition and sentencing minutes. The administrative suspension for
 5 any chemical test submission shall be updated to be consistent with the blood alcohol
 6 concentration reflected in the final case disposition and sentencing minutes.

7 * * *

8 §667. Seizure of license; circumstances; temporary license

9 * * *

10 B. If such written request is not made by the end of the thirty-day period, the
 11 person's license shall be suspended as follows:

12 (1)

13 * * *

14 (b) ~~On or after September 30, 2003, if~~ If the person submitted to the test and
 15 the test results show a blood alcohol level of 0.08 percent or above by weight, his
 16 driving privileges shall be suspended for ninety days from the date of suspension on
 17 first offense violation, ~~without eligibility for a hardship license for the first thirty~~
 18 ~~days,~~ and for three hundred sixty-five days from the date of suspension, ~~without~~
 19 ~~eligibility for a hardship license,~~ on second and subsequent violations occurring
 20 within five years of the first offense. If the person was under the age of twenty-one
 21 years on the date of the test and the test results show a blood alcohol level of 0.02
 22 percent or above by weight, his driving privileges shall be suspended for one
 23 hundred eighty days from the date of suspension.

24 (c) If the person submitted to the test and the test results show a blood
 25 alcohol level of ~~0.20~~ 0.15 percent or above by weight, his driving privileges shall be
 26 suspended for two years from the date of suspension on first offense violation and
 27 for four years from the date of suspension for second offense violation.

28 * * *

29 (3)(a) However, any licensee who has had his license suspended for a first
 30 or second offense of operating a motor vehicle while under the influence of alcoholic

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

1 beverages under the provisions of this Subsection and who either refused to submit
 2 to the test or who submitted to the test and the test showed a blood alcohol level of
 3 less than ~~0.20~~ 0.15 percent shall, upon proof to the Department of Public Safety and
 4 Corrections that his motor vehicle has been equipped with a functioning ignition
 5 interlock device, be immediately eligible for and shall be granted a restricted license.
 6 In the event that the department fails or refuses to issue the restricted driver's license,
 7 the district court for the parish in which the licensee resides may issue an order
 8 directing the department to issue the restricted license either by ex parte order or
 9 after contradictory hearing.

10 (b) If the person submitted to the test as a result of a first violation and the
 11 test results show a blood alcohol level of ~~0.20~~ 0.15 percent or above by weight, he
 12 shall be eligible for a hardship license during the entire period of the imposed two-
 13 year suspension after he has provided proof that his motor vehicle has been equipped
 14 with an ignition interlock device. A functioning ignition interlock device shall
 15 remain installed on his motor vehicle during the first twelve-month period of his
 16 driver's license suspension.

17 (c) If the person submitted to the test as a result of a second violation and the
 18 test results show a blood alcohol level of ~~0.20~~ 0.15 percent or above by weight, he
 19 shall be eligible for a hardship license during the entire four-year period of the
 20 suspension after he has provided proof that his motor vehicle has been equipped with
 21 an ignition interlock device. A functioning ignition interlock device shall remain
 22 installed on his motor vehicle during the first three-years of the four-year period of
 23 his driver's license suspension.

24 * * *

25 H.(1)(a) When any person's driver's license has been seized, suspended, or
 26 revoked, and the seizure, suspension, or revocation is connected to a charge or
 27 charges of violation of a criminal law, and the charge or charges do not result in a
 28 conviction, plea of guilty, or bond forfeiture, the person charged shall have his
 29 license immediately reinstated and shall not be required to pay any reinstatement fee
 30 if at the time for reinstatement of driver's license, it can be shown that the criminal

1 charges have been dismissed or that there has been a permanent refusal to charge a
 2 crime by the appropriate prosecutor or there has been an acquittal. If, however, at
 3 the time for reinstatement, the licensee has pending against him criminal charges
 4 arising from the arrest which led to his suspension or revocation of driver's license,
 5 the reinstatement fee shall be collected. Upon subsequent proof of final dismissal
 6 or acquittal, other than under Article 893 or 894 of the Code of Criminal Procedure,
 7 the licensee shall be entitled to a reimbursement of the reinstatement fee previously
 8 paid. In no event shall exemption from this reinstatement fee or reimbursement of
 9 a reinstatement fee affect the validity of the underlying suspension or revocation.

10 (b) When any person's driver's license has been suspended in connection to
 11 a first offense violation of R.S. 14:98, the office of motor vehicles shall suspend the
 12 person's driver's license consistent with the blood alcohol concentration reflected in
 13 the final case disposition and sentencing minutes. The administrative suspension for
 14 any chemical test submission shall be updated to be consistent with the blood alcohol
 15 concentration reflected in the final case disposition and sentencing minutes.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 94

BY SENATOR KLEINPETER

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

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AN ACT

To enact R.S. 14:91.10 and Chapter 5-G of Title 40, to be comprised of R.S. 40:1300.51 through 1300.53, and to repeal Act No. 231 of the 2019 Regular Session of the Legislature, relative to the Uniform Controlled Dangerous Substances Law; to provide relative to mitragynine speciosa; to prohibit the sale or distribution of mitragynine speciosa to persons under the age of twenty-one; to provide relative to local ordinances with respect to mitragynine speciosa; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:91.10 is hereby enacted to read as follows:

§91.10. Unlawful sale or distribution of mitragynine speciosa to persons under age twenty-one; penalty

A. No person shall sell or distribute or cause to be sold or distributed a product containing mitragynine speciosa to any person under the age of twenty-one.

B. For purposes of this Section, "mitragynine speciosa" means a product containing either or both of the following:

(a) Mitragynine.

(b) 7-Hydroxy-mitragynine.

C. Whoever violates the provisions of this Section shall be fined not more than five hundred dollars, imprisoned for not more than six months, or both.

Section 2. Part VI of Chapter 5-G of Title 40, comprised of R.S. 40:1300.51 through 1300.53, is hereby enacted to read as follows:

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PART VI. LOCAL OPTION FOR
CONTROL OF MITRAGYNINE SPECIOSA

§1300.51. Short title

This Part shall be known and may be cited as the "Local Option for
Mitragynine Speciosa".

§1300.52. Definitions

As used in this Part, the following terms have the following meanings
ascribed to them unless the context clearly indicates otherwise:

(1) "Local government" means a parish or municipality, as provided
pursuant to Article VI, Part I, Sections 1 and 2 of the Constitution of Louisiana.

(2) "Mitragynine speciosa" shall have the same meaning as defined in
R.S. 14:91.10.

§1300.53. Local government prohibition or regulation

Notwithstanding any other provision of law to the contrary, a local
government may enact an ordinance to prohibit the sale or distribution of
mitragynine speciosa products or to regulate the sale or distribution of
mitragynine speciosa products in a manner that is more restrictive than
provided for in R.S. 14:91.10.

Section 3. Act No. 231 of the 2019 Regular Session of the Legislature is hereby
repealed in its entirety.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 417

2023 Regular Session

HOUSE BILL NO. 16

BY REPRESENTATIVES SCHLEGEL, GAROFALO, AND VILLIO

1 AN ACT

2 To amend and reenact R.S. 14:62(B)(1) and to enact R.S. 14:62(B)(3), relative to simple
3 burglary; to provide for an additional penalty; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 14:62(B)(1) is hereby amended and reenacted and R.S. 14:62(B)(3)
6 is hereby enacted to read as follows:

7 §62. Simple burglary

8 B.(1) Except as provided in ~~Paragraph (2)~~ Paragraphs (2) and (3) of this
9 Subsection, whoever commits the crime of simple burglary shall be fined not more
10 than two thousand dollars, imprisoned with or without hard labor for not more than
11 twelve years, or both.

12 * * *

13 (3) If the offender commits multiple simple burglaries as a part of a
14 continuous sequence of events, the offender shall be imprisoned with or without hard
15 labor for not less than one nor more than twelve years. At least one year of the
16 sentence of imprisonment shall be imposed without benefit of probation or
suspension of sentence.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 419

2023 Regular Session

HOUSE BILL NO. 65

BY REPRESENTATIVE VILLIO

1 AN ACT

2 To enact R.S. 14:2(B)(60), relative to crimes of violence; to designate the crime of simple
3 burglary of an inhabited dwelling as a crime of violence when a person is present in
4 the dwelling, house, apartment, or other structure; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:2(B)(60) is hereby enacted to read as follows:

7 §2. Definitions

8 * * *

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

16 * * *

17 (60) Simple burglary of an inhabited dwelling when a person is present in
18 the dwelling, house, apartment, or other structure.

19 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 175

BY SENATOR STINE AND REPRESENTATIVE KNOX

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

1 AN ACT

2 To enact R.S. 14:73.13, relative to computer related crime; to create the crime of unlawful
3 deepfakes; to provide for definitions; to provide penalties; and to provide for related
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:73.13 is hereby enacted to read as follows:

7 **§73.13. Unlawful deepfakes**

8 **A. Any person who, with knowledge that the material is a deepfake**
9 **depicting a minor, knowingly creates or possesses material that depicts a minor**
10 **engaging in sexual conduct shall be punished by imprisonment at hard labor for**
11 **not less than five nor more than twenty years, or a fine of not more than ten**
12 **thousand dollars, or both. At least five years of the sentence of imprisonment**
13 **imposed shall be served without benefit of parole, probation or suspension of**
14 **sentence.**

15 **B.(1) Except as provided in Paragraph (2) of this Subsection, any person**
16 **who, with knowledge that the material is a deepfake that depicts another**
17 **person, without consent of the person depicted, engaging in sexual conduct,**
18 **knowingly advertises, distributes, exhibits, exchanges with, promotes, or sells**
19 **any sexual material shall be punished by imprisonment at hard labor for not**
20 **less than ten nor more than thirty years, a fine of not more than fifty thousand**
21 **dollars, or both.**

22 **(2) Any person who, with knowledge that the material is a deepfake**
23 **depicting a minor, knowingly advertises, distributes, exhibits, exchanges with,**
24 **promotes, or sells any sexual material that depicts a minor engaging in sexual**
25 **conduct shall be punished by imprisonment at hard labor for not less than ten**
26 **nor more than thirty years, a fine of not more than fifty thousand dollars, or**

1 both. At least ten years of the sentence of imprisonment imposed shall be served
2 without benefit of probation, parole, or suspension of sentence.

3 C. For the purposes of this Section:

4 (1) "Deepfake" means any audio or visual media in an electronic format,
5 including any motion picture film or video recording, that is created, altered,
6 or digitally manipulated in a manner that would falsely appear to a reasonable
7 observer to be an authentic record of the actual speech or conduct of the
8 individual or replace an individual's likeness with another individual and
9 depicted in the recording. "Deepfake" does not include any material that
10 constitutes a work of political, public interest, or newsworthy value, including
11 commentary, criticism, satire, or parody, or that includes content, context, or
12 a clear disclosure visible throughout the duration of the recording that would
13 cause a reasonable person to understand that the audio or visual media is not
14 a record of a real event.

15 (2) "Distribute" means to publish or make available to another person
16 but does not include any alteration of a recording, including altering the length
17 of the recording, so long as such alteration does not knowingly remove any
18 content, context, or clear disclosure visible throughout the duration of the
19 recording that would cause a reasonable person to believe that the audio or
20 visual media is not a record of a real event.

21 (3) "Minor" means a person under the age of eighteen years.

22 (4) "Sexual conduct" means any of the following, whether actual or
23 simulated: sexual intercourse, oral copulation, anal intercourse, anal oral
24 copulation, masturbation, bestiality, sexual sadism, sexual masochism,
25 penetration of the vagina or rectum by any object in a lewd or lascivious
26 manner, exhibition of the genitals or pubic or rectal area for the purpose of
27 sexual stimulation of the viewer, or excretory functions performed in a lewd or
28 lascivious manner, whether or not any of the conduct is performed alone or
29 between members of the same or opposite sex or between humans and animals.
30 An act is simulated when it gives the appearance of being actual sexual conduct.

1 Section 2. If any provision or item of this Act, or the application thereof, is held
2 invalid, such invalidity shall not affect other provisions, items, or applications of the Act
3 which can be given effect without the invalid provision, item, or application and to this end
4 the provisions of this Act are hereby declared severable.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____