www.gulfcoastlegalpublishing.com

2026 Regular Session

ACT No. 93

ENROLLED

SENATE BILL NO. 76

BY SENATOR MILLER (On Recommendation of the Louisiana State Law Institute)

AN ACT

To enact Civil Code Art. 138, relative to the modification of child custody; to provide with respect to the evidentiary burdens required to modify child custody; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Art. 138 is hereby enacted to read as follows:

Art. 138. Modification of custody award

A. When a court has awarded custody pursuant to a judgment rendered by considered decree, the award may be modified by the court within the period of five years after the date of the judgment, in accordance with the best interest of the child, only upon proof of either of the following:

(1) By clear and convincing evidence that the harm likely to be caused by a change of custody is substantially outweighed by the advantages to the child.

(2) That the continuation of the present custody award is so harmful to the child as to justify modification.

B. After five years have elapsed from the date of a judgment rendered by considered decree, and in all other cases, an award of custody may be modified by the court upon a change in circumstances that materially affects the welfare of the child if the modification is in the best interest of the child.

C. A judgment is "rendered by considered decree" when the trial court receives evidence of parental fitness to exercise care, custody, and control of a child and enters a final and appealable judgment based on its evaluation of that evidence.

Revision Comments – 2026

(a) This revision codifies the standard set by the Louisiana Supreme Court for modification of custody orders pursuant to considered decrees in *Bergeron v. Bergeron*, 492 So. 2d 1193, 1200 (La. 1986), with modifications. It also codifies the existing, and lesser, standard for modifying consent decrees. See, e.g., *McCorvey v.*

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

www.gulfcoastlegalpublishing.com

McCorvey, 916 So. 2d 357, 370-71 (La. App. 3 Cir. 2005). This revision is not intended to abrogate the jurisprudence interpreting *Bergeron*; rather, it is intended to add clarity by codifying the *Bergeron* standard and by calling attention to the often jurisprudentially overlooked alternative weighing standard set forth in *Bergeron*.

(b) Louisiana jurisprudence explains that a consent decree subject to the best interest standard is one made through "a stipulated judgment, such as when the parties consent to a custodial arrangement, and no evidence of parental fitness is taken." Alternatively, a considered decree is one "wherein the trial court receives evidence of parental fitness to exercise care, custody, and control of a child." *McCorvey v. McCorvey*, 916 So. 2d 357, 370-71 (La. App. 3 Cir. 2005); see also *Evans v. Lungrin*, 708 So. 2d 731 (La. 1998). Some Louisiana courts have noted that judgments may be the result of "hybrid" proceedings, as when the court received some evidence of parental fitness, but the parties enter into a stipulated judgment prior to the court's ruling. Such judgments should be treated under the modification standard applicable to consent decrees. *McCorvey, supra* at 371.

(c) The use of "in all other cases" in Paragraph B of this Article contemplates application of the lesser evidentiary standard to modification of a consent decree, a considered decree once five years have elapsed from the date of that decree, and a judgment as a result of hybrid proceedings.

(d) The change in circumstances described in Paragraph B of this Article refers to a change that materially affects the child's welfare. *Burns v. Burns*, 236 So. 3d 571, 574 (La. App. 1 Cir. 2017). A parent's remarriage, engagement, and similar life changes do not necessarily rise to such a level. See *id.*

(e) The standards set forth in this Article apply to modifications of judgments of custody rendered by consent decree or considered decree and generally apply to both physical and legal custody. They do not, however, apply to minor changes, such as a change in visitation of a parent from a Tuesday night to a Wednesday night.

(f) Interim, temporary, or interlocutory custodial orders are not governed by the standards set forth in this Article.

(g) Custodial orders entered by hearing officers, whether interim or otherwise, are not "considered decrees" in accordance with this Article, as they are not custodial awards made by a "trial court."

(h) On account of the enactment of this Article, Comment (d) of the 1993 Revision Comments to Article 131 has been superseded. This Article should be consulted, as it elaborates upon and modifies jurisprudential treatment of custody modification.

_____

PRESIDENT OF THE SENATE

_____

SPEAKER OF THE HOUSE OF REPRESENTATIVES

_____

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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

www.gulfcoastlegalpublishing.com

2026 Regular Session

ACT No. 240

ENROLLED

SENATE BILL NO. 77

BY SENATOR MILLER (On Recommendation of the Louisiana State Law Institute)

AN ACT

To amend and reenact Civil Code Arts. 2674, 2681, 2711, 2712, and 2713, and to enact Section 5 of Chapter 2 of Title IX of Book III of the Civil Code, to be comprised of Civil Code Arts. 2681.1 and 2681.2, and Civil Code Art. 2713.1, relative to leases of movable property; to provide for effects against third persons; to provide relative to delivery of leased goods; to provide for the effects of leases by nonowners; to provide relative to transfers of property subject to a lease; to provide relative to sublease and the assignment and encumbrance of lease interests; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Arts. 2674, 2681, 2711, 2712, and 2713 are hereby amended and reenacted and Section 5 of Chapter 2 of Title IX of Book III of the Civil Code, to be comprised of Civil Code Arts. 2681.1 and 2681.2, and Civil Code Art. 2713.1 are hereby enacted to read as follows:

Art. 2674. Ownership of the thing

A lease of a thing that does not belong to the lessor may nevertheless be binding on the parties.

A lease of a corporeal movable that does not belong to the lessor has effect against the owner if the lessor has possession of the thing with the consent of the owner, is a merchant customarily selling or leasing similar things, and leases the thing for fair value in the regular course of the lessor's business to a lessee in good faith.

Revision Comments – 2026

(a) The second paragraph of this Article is new. It articulates a rule that aligns with the principles set forth in Article 520 and with the doctrine of entrustment found in the Uniform Commercial Code. See U.C.C. Sections 2-403 and 2A-305(2). Under Article 520, a merchant in possession of a corporeal movable with the owner's consent may transfer ownership of the movable in the regular course of business to a transferee who is in good faith and pays fair value. That provision is designed to protect the rights of persons who reasonably and honestly believe that the person

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

www.gulfcoastlegalpublishing.com

with whom they are dealing has the power to transfer the movable. In the same vein, this Article protects a lessee who leases from someone who he reasonably and honestly believes has the power to lease the movable. For example, if the owner of a corporeal movable places it in the possession of a repairperson who also customarily sells or leases things of the same kind, and the repairperson leases the thing for fair value during the regular course of its business to a lessee in good faith, the lease has effect against the owner of the thing. Similarly, this Article protects a sublessee of a merchant who subleases a corporeal movable beyond the terms of the prime lease, provided that the sublease is executed for fair value in the regular course of the merchant's business to a sublessee in good faith. In this way, this Article operates as an exception to the general limitation on the rights of sublessees stated in Article 2713.1 and is consistent with U.C.C. Section 2A-305(2).

(b) The term "possession," as used in this Article and in Article 520, refers to precarious possession, which is defined in Article 3437 as the exercise of possession over a thing with the permission of or on behalf of the owner or possessor. See A.N. Yiannopoulos & Ronald J. Scalise, Jr., Louisiana Civil Law Treatise: Property §12:20.

(c) The concept of good faith adopted in this Article derives from Article 523, according to which an acquirer of a corporeal movable is in good faith unless he knows, or should have known, that the transferor was not the owner. Under that Article, good faith is presumed. See Brown and Root, Inc. v. Southeast Equipment Co., Inc. 470 So. 2d 516 (La. App. 1 Cir. 1985). If, however, the acquirer has notice of facts that would put a reasonably prudent person on inquiry, the acquirer is under a duty to investigate with the view of ascertaining the true situation. See Article 523, cmt. (b). By analogy, a lessee is in good faith unless he has actual or constructive knowledge that his lessor exceeds his right to lease the thing.

(d) When the lease of a thing that does not belong to the lessor has effect against the owner under the second paragraph of this Article, the owner may not evict the lessee. Absent an agreement to the contrary, however, the owner is not the lessor, is not personally bound by the lessor's obligations, and is not subrogated to the rights of the lessor under the lease. The owner may have a delictual or contractual action against the lessor, depending upon the circumstances, for any loss that the owner sustains as a result of the lease.

(e) The second paragraph of this Article does not apply when a lease is binding on the owner by operation of the law of mandate, according to which a lease made by someone other than the owner of the thing may be binding on the owner due to the lessor's actual or apparent authority to lease it. See Article 2989 et seq.

* * *

Art. 2681. Form

A lease may be made orally or in writing. ~~A lease of an immovable is not effective against third persons until filed for recordation in the manner prescribed by legislation.~~

SECTION 5. EFFECTS AGAINST THIRD PERSONS

Art. 2681.1. Lease of an immovable

A lease of an immovable has effect against third persons from the time that it is filed for registry in the manner prescribed by legislation.

Revision Comments – 2026

This revision does not change the law. In the civil law tradition, a lease is a contract that imposes personal obligations on the lessor and the lessee but does not

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

www.gulfcoastlegalpublishing.com

create real rights. A.N. Yiannopoulos & Ronald J. Scalise, Jr., Louisiana Civil Law Treatise: Property §9:26. Absent legislation to the contrary, a lease has no effect against one who is not a party to or bound by the lease. *Id.* With respect to immovables, Louisiana legislation and jurisprudence have long provided that a lease of an immovable has effect against third persons once it is filed for registry in the conveyance records of the parish where the immovable is located. See R.S. 9:2721(A) (repealed); Articles 3338 and 3346; Summers v. Clark, 30 La. Ann. 436 (La. 1878); Tate v. Fakouri, 118 So. 2d 464 (La. App. 1 Cir. 1959); Avenue Plaza, L.L.C. v. Falgoust, 654 So. 2d 838 (La. App. 4 Cir. 1995).

Art. 2681.2. Lease of a movable

A lease of a corporeal movable has effect against third persons upon actual delivery of the movable to the lessee who is in good faith and ceases to have that effect when the thing is returned to the lessor or his successor.

Revision Comments – 2026

(a) This Article is new. In the civil law tradition, a lease is a contract that imposes personal obligations on the lessor and the lessee but does not create real rights. A.N. Yiannopoulos & Ronald J. Scalise, Jr., Louisiana Civil Law Treatise: Property §9:26. Absent legislation to the contrary, a lease has no effect against one who is not a party to or bound by it. *Id.* Article 2733 of the Civil Code of 1870 provided that the purchaser of a leased thing "can not turn out the tenant before his lease has expired, unless the contrary has been stipulated in the contract." That article was repealed in the 2004 revision of the title on "Lease" and replaced with Article 2711, which provides instead that "[t]he transfer of the leased thing does not terminate the lease, unless the contrary had been agreed between the lessor and the lessee." While the 2004 Revision Comments to Article 2711 suggest that the lease of a movable has effect against third persons "because [a transferee's] right to use [the leased thing] has been alienated prior to his acquisition," the repeal of Article 2733 of the Civil Code of 1870 cast doubt on that proposition. This revision explicitly adopts a rule that a lease of a corporeal movable is effective against third persons upon actual delivery of the movable to the lessee, provided that the lessee is in good faith.

(b) This rule is consistent with the modern civil law approach to leases of movables, which affords some protections for the lessee against third persons. For example, in France a good faith lessee in actual possession is preferred over a subsequent lessee of the movable. See 20 Baudry-Lacantinerie & Wahl, Traité théorique et pratique de droit civil français Nos 138–45 (3d ed. 1906); cf. Fr. C. Civ. Art. 1198. While French law generally adheres to the traditional view that a lease of a movable is not enforceable against a subsequent purchaser of the thing, modern commentators take the view that the purchaser of a leased movable ought to be bound to the lease if the lease was by authentic act or if the lease was made known to the purchaser. See, e.g., Philippe Malaurie et al., Droit civil – Contrats spéciaux No. 621 (10th ed. 2018); 10 Planiol & Ripert, Traité pratique de droit civil français No. 732 (2d ed. 1956); 5 Aubry & Rau, Droit civil français §369 at 278 n.31 (6th ed. 1952). Under German and Greek law, in the case of successive leases of the same thing, the person who first takes delivery in good faith prevails. In the event of an alienation of the leased thing, if the lessee has taken delivery in good faith before the alienation, the new owner is relegated to the possession of the thing subject to the lessee's right of detention. See 2 Karl Larenz, Lehrbuch des Schuldrechts (Besonderer Teil) 240-41 (13th ed. 1986); 1 Ioannis Delegiannis & Panagiotis Kornilakis, Special Law of Obligations 453 n.1, 454 (1992).

(c) The Uniform Commercial Code also provides for the enforceability of a lease of goods against third persons. U.C.C. Section 2A-301 provides: "Except as otherwise provided…a lease contract is effective and enforceable according to its terms between the parties, against purchasers of the goods and against creditors of

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

www.gulfcoastlegalpublishing.com

the parties." Moreover, under U.C.C. Section 2A-302, a lease is effective "whether the lessor, the lessee, or a third party has possession of the goods." Thus, under U.C.C. Article 2A, a lease of goods is effective against third persons by virtue of the very existence of the lease contract. The rule adopted in this Article is narrower than the U.C.C. approach, as the protections conferred by this Article are dependent upon the lessee's good faith and actual delivery to the lessee.

(d) This Article requires "actual delivery" of the movable to the lessee for the lease to be effective against third persons. "Actual delivery," which occurs when the movable is physically handed over to the lessee, is contrasted with "constructive delivery," which occurs when the transfer of possession is not physical but is instead symbolized by other actions or agreements, such as handing over the key to the place where the item is stored, negotiating a document of title, or even by the mere consent of the parties if the thing cannot be transported at the time of the lease. See Article 2477 and cmt. (b).

(e) The effectiveness of the lease against third persons is dependent upon the lessee's good faith. For example, in the case of successive leases, a subsequent lease is enforceable against the first lessee if the subsequent lessee takes actual delivery first in time and is in good faith. The concept of good faith adopted in this Article derives from Article 523, according to which an acquirer of a corporeal movable is in good faith unless he knows, or should have known, that the transferor was not the owner. Under that Article, good faith is presumed. See Brown and Root, Inc. v. Southeast Equipment Co., Inc, 470 So.2d 516 (La. App. 1 Cir. 1985). If, however, the acquirer has notice of facts that would put a reasonably prudent person on inquiry, the acquirer is under a duty to investigate with the view of ascertaining the true situation. See Article 523, cmt. (b). By analogy, a lessee is in good faith unless he has actual or constructive knowledge of conflicting rights of a third person to the leased thing.

(f) Under this Article, the effectiveness of the lease against third persons ceases when the thing is returned to the lessor, whether voluntarily or involuntarily. If, for example, the lessee temporarily returns the movable to the lessor for repairs, and, while the thing is in the possession of the lessor, the lessor enters into a new lease with a subsequent lessee in good faith to whom the lessor actually delivers the leased movable, the subsequent lessee takes the movable free of the existing lease. This Article adopts an approach to this problem that is different from that found in the Uniform Commercial Code. U.C.C. Section 2A-304(2) provides that when the leased goods are "entrusted" to the lessor, a subsequent lessee in the ordinary course of business from the lessor obtains the goods free of the existing contract if the lessor was a merchant dealing in goods of that kind. U.C.C. Section 2-403 provides for the same result if the lessor, having been "entrusted" with the goods during the lease, sells them to a third person. By contrast, under this Article, a subsequent lessee or transferee of a lessor to whom the thing has been returned acquires the thing free of the existing lease regardless of whether the lessor is a merchant and irrespective of whether the subsequent transfer was made in the regular course of the lessor's business. The rule set forth in this Article applies whether the thing is returned to the lessor or the lessor's successor. In this context, "successor" has the meaning provided in Article 3506.

(g) This Article alone does not address all possible disputes that may arise between a lessee of a corporeal movable and a third person to the lease. For example, to resolve contests between a lessee and a transferee of the same corporeal movable, this Article must be read *in pari materia* with Article 518, which provides that the transfer of ownership of a corporeal movable takes place against third persons when the possession of the movable is delivered to the transferee, and if possession has not yet been delivered, then a subsequent transferee in good faith to whom possession is delivered acquires ownership. If the lessee takes actual delivery of the thing in good faith before the transferee takes possession of it, then the lessee prevails. By contrast, if the transferee takes possession of the thing in good faith before the lessee takes actual delivery of it, then the transferee prevails. Contests may also arise between the lessee and a third person who claims a right in the thing by virtue of the dissolution, simulation, or nullity of the contract by which the lessor obtained the

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

www.gulfcoastlegalpublishing.com

thing. In those cases, this Article must be read *in pari materia* with Articles 2021, 2028, and 2035. For example, under Article 2035, the nullity of a contract does not impair the rights acquired through an onerous contract by a third person in good faith. Thus, if the lessor's seller annuls the sale by which the lessor obtained ownership of the leased thing on grounds of fraud or error, the lease is enforceable against the seller only if the lessee took actual delivery of the thing in good faith before the sale was declared null. This result is in line with the Uniform Commercial Code, according to which a lessor with "voidable title" has the power to transfer a good leasehold interest to a "good faith subsequent lessee for value." See U.C.C. Section 2A-304(1).

(h) This Article does not address the rights of a sublessee against a prime lessor, as those rights are instead governed by Article 2713.1.

* * *

Art. 2711. Transfer of thing **by lessor** does not terminate lease

The transfer of the leased thing **by the lessor** does not terminate the lease~~,~~ ~~unless the contrary had been agreed between the lessor and the lessee~~. **The lessee has an action against the lessor for any loss that the lessee sustains as a result of the transfer.**

Revision Comments – 2026

(a) This revision does not change the law. This Article combines former Articles 2711 and 2712 to make clear that the principle stated in the second sentence of former Article 2712 applies equally to movables and immovables. As under prior law, the transfer of the leased thing does not terminate the lease, which continues to have effects between the lessor and lessee. This is consistent with the principle that "[a] lease of a thing that does not belong to the lessor may nevertheless be binding on the parties," Article 2674, and that "ownership of the thing by the lessor is not an essential element of the contract of lease." *Id.*, cmt. (c).

(b) Following a transfer of a leased thing, the lessee has an action against the lessor for any loss that the lessee sustains as a result of the transfer. For example, if the lease was not enforceable against third persons at the time of the transfer and the lessor transfers the leased thing to a person who exercises the right to evict the lessee before the end of the term, the lessor has failed to perform obligations under the warranty of peaceful possession. See Article 2700. The consequences of this breach are determined under the law of conventional obligations and may consist of injunctive relief, dissolution of the lease, or damages, according to the circumstances. See *id.*, cmt. (b).

(c) As under prior law, the continuation of the lease following transfer of the leased thing and the lessee's rights against the lessor following the transfer are matters of suppletive law and may be modified or negated by the parties' agreement.

Art. 2712. Transfer of ~~immovable subject to unrecorded lease~~ **thing does not transfer rights and obligations of lease**

~~A third person who acquires an immovable that is subject to an unrecorded lease is not bound by the lease.~~

~~In the absence of a contrary provision in the lease contract, the lessee has an action against the lessor for any loss the lessee sustained as a result of the transfer.~~

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

www.gulfcoastlegalpublishing.com

The transferee of a thing that is subject to a lease is not legally subrogated to the rights of his transferor and is not personally bound by the transferor's obligations under the lease unless the transferee assumes them.

Revision Comments – 2026

This revision does not change the law. This Article restates the principle of Article 1764 that a particular successor, that is, one who acquires a thing by particular title, is not bound by the personal obligations of the transferor with respect to the thing, unless the particular successor has assumed those obligations. A particular successor likewise does not acquire any personal rights of the transferor in the absence of a conventional subrogation to those rights by the transferor. See Article 1764, cmt. (d). In the context of lease, this means that, unless there is an agreement to the contrary, the transferee of a thing that is subject to lease does not become the lessor, is not bound by the lessor's obligations, and does not enjoy the lessor's rights in the lease. If the lessor has not assigned the right to the rent to the transferee, the lessee remains obligated to pay rent to the lessor and may not refuse to pay rent or perform his other obligations because of the lessor's lack of ownership.

Art. 2713. ~~Lessee's right~~ **Right** to sublease, assign, or encumber

~~The~~ **Each party has the right to assign or encumber his rights in the lease, and the** lessee has the right to sublease the leased thing ~~or to assign or encumber his rights in the lease, unless~~**. These rights may be** expressly prohibited by the contract of lease**, except as otherwise provided by legislation**.

A provision **in a lease of an immovable** that prohibits ~~one of these rights~~ **the right of the lessee to assign, encumber, or sublease** is deemed to prohibit the others, unless a contrary intent is expressed. In all other respects, a provision that prohibits ~~subleasing,~~ **the lessee of an immovable from** assigning, ~~or~~ encumbering**, or subleasing** is to be strictly construed against the lessor.

Revision Comments – 2026

(a) This revision makes explicit that the lessor has the right to assign or encumber his rights in the lease, unless expressly prohibited by the contract of lease. Prior law addressed only the right of the lessee to assign or encumber his rights in the lease or to sublease the leased thing.

(b) The parties' freedom to restrict the lessor's rights under this Article may be curtailed by other law. See, e.g., Article 3163 (leases of immovables); R.S. 10:9-407 (leases of movables).

(c) The second paragraph of this Article changes the law in part. Under the previous version of this Article, a provision in the lease, whether of movables or immovables, that prohibited subleasing, assigning, or encumbering was deemed to prohibit the others, unless a contrary intent was expressed, and in all other respects, a provision prohibiting subleasing, assigning, or encumbering was to be strictly construed against the lessor. This revision continues that rule of construction of leases of immovables, but such a construction does not apply to leases of movables. The interpretation of a lease of movables, like any contract, is governed by the general rules governing the interpretation of conventional obligations. See Articles 2045 through 2057.

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

www.gulfcoastlegalpublishing.com

Art. 2713.1. Rights of sublessee or assignee

Except as otherwise provided by legislation, a person to whom a lessee subleases the thing or assigns his rights in the lease acquires no greater rights than the lessee to the use and enjoyment of the thing.

Revision Comments – 2026

(a) This Article restates a principle that has long been recognized in the Louisiana jurisprudence. See Standard Oil Co. of Louisiana v. Joy, 150 So. 443 (La. App. Orl. 1933); Scott v. Kalip, 197 So. 205 (La. App. 2 Cir. 1940); Ogden v. John Jay Esthetic Salons, Inc., 470 So. 2d 521 (La. App. 1 Cir. 1985); Brown v. Mayfield, 488 So. 2d 322 (La. App. 3 Cir. 1986). With respect to movable things, the rule set forth in this Article is equivalent to that set forth in U.C.C Section 2A-305(1): "[A] buyer or sublessee from the lessee of goods under an existing lease contract obtains, to the extent of the interest transferred, the leasehold interest in the goods that the lessee had or had power to transfer, and…takes subject to the existing lease contract."

(b) As an exception to the general rule found in this Article, Article 2674 allows a good faith sublessee of a corporeal movable to acquire greater rights than those provided by the prime lease under the limited circumstances described in that article. This exception is designed to protect the rights of a sublessee who reasonably and honestly believes that the person with whom he is dealing is not restricted in his power to lease the movable. See also Article 520.

(c) This Article does not displace other provisions of Louisiana law that address the rights of a sublessee of a thing vis-à-vis the prime lessor. First, this Article must be read *in pari materia* with Article 2681.2, under which a sublease, like any lease, has effect against third persons, including the prime lessor, upon actual delivery of the movable to the sublessee in good faith. In cases of dissolution, simulation, or nullity of the contract by which the sublessor obtained the thing, this Article must also be read *in pari materia* with Articles 2021, 2028, and 2035. For example, under Article 2035, the nullity of a contract does not impair the rights acquired through an onerous contract by a third person in good faith. Thus, if the sublessor's lessor annuls the prime lease on grounds of fraud or error, the sublease remains effective if the sublessee took delivery of the thing in good faith before the prime lease was declared null. This result is consistent with the Uniform Commercial Code, according to which a sublessor with a "voidable leasehold interest" has the power to transfer a good leasehold interest to a "good faith sublessee for value." See U.C.C. Section 2A-305(1).

_____
PRESIDENT OF THE SENATE

_____
SPEAKER OF THE HOUSE OF REPRESENTATIVES

_____
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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

www.gulfcoastlegalpublishing.com

2026 Regular Session

ACT No. 379

ENROLLED

SENATE BILL NO. 306

BY SENATORS EDMONDS, ALLAIN, BASS, CATHEY, CONNICK, FESI, FOIL, HENRY, HODGES, LAMBERT, MCMATH, MIGUEZ, MIZELL, MORRIS, MYERS, OWEN, PRESSLY, REESE, SEABAUGH, STINE, TALBOT, WHEAT AND WOMACK AND REPRESENTATIVES ADAMS, BOUDREAUX, BOYER, CHENEVERT, COX, HORTON AND WILEY

AN ACT

To enact R.S. 14:38.6 and Civil Code Art. 2315.14, relative to offenses affecting the free exercise of religion; to create the crime of obstruction or interference with the freedom of worship at a church or other place of worship; to provide for elements of the offense; to provide for penalties; to provide for definitions; to provide for liability for damages for offenses related to the obstruction of the freedom of worship in a church or other place of worship; to provide for injunctive relief; to provide for legislative intent; to provide for legislative purposes; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:38.6 is hereby enacted to read as follows:

§38.6. Obstruction of the freedom of worship in a church or other place of worship

A. Obstruction of the freedom of worship at a church or other place of worship is committed when a person does any of the following:

(1) Uses force, the threat of force, physical obstruction, intentional injury, or attempted intentional injury, to intimidate or interfere with any person lawfully exercising or seeking to exercise the right of the free exercise of religion at a church or other place of worship that is protected by the First Amendment to the Constitution of the United States of America and by Article XII, Section 17 of the Constitution of Louisiana.

(2) Intentionally damages or destroys the property of a church or other place of worship.

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

www.gulfcoastlegalpublishing.com

(3) Willfully denies an attendee, clergy, or member of the staff of a church or other place of worship any of the following:

(a) Lawful freedom of movement on the property of the church or other place of worship.

(b) Lawful use of any property or facilities of a church or other place of worship.

(c) Lawful ingress and egress to and from the physical facilities of a church or other place of worship.

(4) Willfully refuses or fails to leave the private property of the church or other place of worship when requested to do so by the clergy, when the person is committing, threatening to commit, or inciting others to commit any disruptive activity that is intended to disrupt, impair, interfere with or obstruct the worship service in a church or other place of worship.

(5) Engages in a disruptive activity at a church or other place of worship.

B. For purposes of this Section:

(1) "Attendee" means a person who is lawfully present in a church or other place of worship, or is engaging in the lawful ingress and egress thereto.

(2) "Church or other place of worship" means any building, structure, or defined outdoor area that is owned, leased, or otherwise lawfully possessed by a religious organization that is used for organized religious worship or other religious activities.

(3) "Clergy" means the pastor of the church, a deacon, or other member of the religious organization who has authority over the administration of the church or other place of worship or has been designated by the religious organization with such authority.

(4)(a) "Disruptive activity" means intentional conduct occurring on the property of a church or other place of worship during a worship service that materially and substantially interferes with the service, including interruption of the service or obstruction of access to any area used in connection with the service, such as a sanctuary, chapel, nursery, children's ministry area, or other

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

www.gulfcoastlegalpublishing.com

designated worship-related space.

(b) "Disruptive activity" does not include behavior otherwise prohibited by Subsection A of this Section.

(5) "Religious organization" means an entity that is operated for religious purposes and qualifies for exemption from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. Section 501).

(6) "Worship service" means a regularly scheduled religious meeting or assembly held at a church or other place of worship for the purpose of worship or religious observance.

C.(1) Whoever commits obstruction of the freedom of worship in a church or other place of worship shall be fined not more than two thousand five hundred dollars, or imprisoned for not less than fifteen days nor more than six months, or both.

(2) For a second or subsequent offense, the offender shall be fined not more than twenty-five thousand dollars, or imprisoned with or without hard labor for not less than one year nor more than eighteen months, or both.

(3) In addition to any other penalty imposed pursuant to this Subsection, when the offense results in bodily injury of a lawful attendee, member of the clergy, or staff member, the offender shall be sentenced to not less than two years and not more than ten years at hard labor.

D. Any person who knowingly finances, funds, or otherwise provides material support or assistance to another person with the intent to facilitate, promote, or cause a violation of this Section shall be deemed to be a principal pursuant to R.S. 14:24 and shall be subject to the same penalties as the person who directly commits the violation of this Section.

Section 2. Civil Code Art. 2315.14 is hereby enacted to read as follows:

Art. 2315.14. Liability for damages caused by offenses related to obstruction of freedom of worship in a church or other place of worship

A. In addition to general and special damages, a prevailing plaintiff shall

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

www.gulfcoastlegalpublishing.com

be awarded court costs and reasonable attorney fees upon proof that the injuries on which the action is based were caused by conduct prohibited by R.S. 14:38.6 resulting in the injury to the person, obstruction of the freedom of worship in a church or other place of worship, or damage to property, regardless of whether the defendant was arrested, charged, or prosecuted for such conduct.

B. Nothing in this Article shall be construed to limit any other cause of action or remedy provided by law.

C. As used in this Article, a defendant includes any person who knowingly aided, abetted, financed, funded, solicited, conspired, or otherwise provided material support or assistance for conduct prohibited by R.S. 14:38.6.

D.(1) Recoverable damages pursuant to this Article may include but are not limited to damages for physical injury, mental anguish, emotional distress, property damage, lost income, interference with the free exercise of religion, and any other damages authorized by law.

(2) In addition to any other remedy provided by law, a court may grant temporary restraining orders, preliminary injunctions, permanent injunctions, or declaratory relief, as well as court costs and reasonable attorney fees, to prevent the conduct, or to prevent the continuation of the conduct, that is prohibited by R.S. 14:38.6.

Section 3. The legislature finds and declares that:

(1) The free exercise of religion and the right of individuals to assemble for worship services is protected by the First Amendment to the Constitution of the United States of America and Article I, Section 8 of the Constitution of Louisiana.

(2) In 2023, the legislature and the people of Louisiana adopted Article XII, Section 17 of the Constitution of Louisiana which provides that "(t)he freedom to worship in a church or other place of worship is a fundamental right that is worthy of the highest order of protection".

(3) The intentional interference with a scheduled worship service undermines these fundamental rights to the free exercise of religion and the freedom to worship in a church

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

www.gulfcoastlegalpublishing.com

or other place of worship by disrupting the orderly practice of religion and can create a danger to persons attending the worship service.

(4) The right to engage in a peaceful protest is essential to a free society of people, and that right extends to public places that are traditionally open to political speech and debate, including public streets, sidewalks, and parks with minimal constitutional restrictions; however, that right has never been interpreted to authorize the trespass or disruptive activity on private property, such as a church or other place of worship or at a home.

(5) Prevention of the willful disruption of worship services and religious activities is a matter of statewide concern.

(6) It is a compelling interest of this state to protect the ability of its people to meet and assemble for the exercise of religious worship and other religious activities guaranteed by the Free Exercise Clause of the First Amendment to the Constitution of the United States of America as well as Article I, Section 8 and Article XII, Section 17 of the Constitution of Louisiana.

(7) It is imperative to a free society and the survival of a constitutional republic that the state of Louisiana protects attendees in churches or other places of worship so that the attendees are free from intentional acts that materially interfere or disrupt a scheduled worship service or other religious activity that is conducted on the private property that is set aside by the religious organization for constitutionally protected religious assemblies.

Section 4. The legislature declares that the purpose of this Act is to enact protections that may be enforced at the state level, by state law enforcement authorities, in a similar manner that federal law enforcement authorities, pursuant to 18 U.S.C. 248(a)(2), are able to protect the free exercise of religion at a place of religious worship by prohibiting the use of force, threats of force, or physical obstruction to injure, intimidate, or interfere with any person exercising their right to worship at a church or other place of worship.

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

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

www.gulfcoastlegalpublishing.com

Section 6. 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: _____

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

www.gulfcoastlegalpublishing.com

ENROLLED

2026 Regular Session

ACT No. 814

HOUSE BILL NO. 578

BY REPRESENTATIVES MIKE JOHNSON, AMEDEE, BAYHAM, BUTLER, CHENEVERT, CREWS, DEWITT, DICKERSON, EDMONSTON, EGAN, FARNUM, FIRMENT, HORTON, OWEN, SAWYER, SCHAMERHORN, SCHLEGEL, AND WILDER

AN ACT

To amend and reenact Civil Code Article 14, Code of Civil Procedure Article 5055, Code of Criminal Procedure Articles 4, 795(C), (D), and (E), 989, 992, 994, 997, 998, and 999.1, Children's Code Articles 106, 720(B)(1), 725, 1217.1(A)(4), and 1239.1(A)(4), R.S. 1:8, R.S. 3:1493(E) and 2074(E), R.S. 4:158.2(A)(2) and 193(B), R.S. 9:2720(D), R.S. 11:3390 and 3662, R.S. 13:1856(1) and 1857(A)(8)(d)(ii) and (iii), R.S. 14:107.2(A), R.S. 15:827.3(A)(2)(c)(i), 832(A), 905(F)(13)(b) and (14)(a)(ii) and (d)(ii), 933(D)(4)(introductory paragraph) and (E)(1)(introductory paragraph), 934(B)(4), 1110(D)(3), 1204.2(B)(4), and 1228.9(D)(1)(a), R.S. 17:17.5(B)(2), 100.13(G)(2)(f) and (J), 221.3(B)(2)(d), 416(M), 416.21(N)(3)(a) and (b)(i)(aa) and(bb), 1519.7(C), 1871(A)(3), 1998, 3047.7(B)(2)(a), 3351(B)(2)(b)(ii), 3399.12(5)(i), 3911(B)(1)(i)(introductory paragraph) and (4)(a)(introductory paragraph), 3991(A)(1)(c)(iv) and (B)(3), and 5067(B)(7), R.S. 22:1204(A)(10)(b), 1504(1), 1545(I)(1)(introductory paragraph) and (J), 1808.2(H), 2161(B), 2187(D)(4), and 2503(9)(b)(introductory paragraph), R.S. 23:2043(B)(1), R.S. 27:46(B), R.S. 32:398.10(A)(2) and 429.3, R.S. 33:130.302(A)(2), 130.882(A)(2), 363(D), 2740.70.3(B)(2), 4071(A)(6), and 4720.301(G)(2), R.S. 36:108(B)(5), R.S. 37:832(A)(2), 914(B)(3), 962(C), 1042(B)(1)(b), 1104(A), 1172(A), 2102(A)(2), 2353(A)(2), 2403(H), 2407(D), 2455(B)(1), 2704(A)(introductory paragraph), 3061(A)(2)(c), 3084(B)(2), 3201(B)(2), 3386.2(C), 3389(C), 3444(A), 3463(B)(1),

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

www.gulfcoastlegalpublishing.com

3554(A)(2), and 3703(B)(3), R.S. 40:31.61, 101(D)(1), 600.151(D)(1)(l)(ii)(hh) and (m)(iv), and 2403(H)(1), R.S. 42:2.1(A) and 1132(B)(1)(a) through (c), R.S. 46:153.3(D)(1), 288.5(1), 460.37(B)(10), 1095(A), and 1941.8(A)(introductory paragraph), R.S. 47:337.14(E)(2) and 1702(6), R.S. 48:2134(C)(introductory paragraph), R.S. 49:1112(B)(1), R.S. 51:942(A) and 1762(A)(8)(a)(iii), R.S. 56:108(A) and 1705(C), relative to use of terms; to provide for the Restoring Biological Truth Act; to change references from gender to sex; to provide with respect to definitions; to provide for the use of gender and number; to provide for boards, commissions, and councils; to provide for statistical data collection and reporting; to provide for various technical revisions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Article 14 is hereby amended and reenacted to read as follows:

Art. 14. Use of ~~gender~~ sex

Unless the context indicates otherwise, words used with reference to one ~~gender~~ sex apply to the other ~~genders~~ sex.

Section 2. R.S. 1:8 is hereby amended and reenacted to read as follows:

§8. One ~~gender~~ sex may denote ~~others~~ the other; definition of sex

A. Words used in reference to one ~~gender~~ sex apply also to the other ~~genders~~ sex, except as otherwise clearly indicated by the context.

B. "Sex" means an individual's biological sex, either male or female, as observed or clinically certified at birth. "Gender identity" and other subjective terms shall not be used as synonyms or substitutes for the term "sex".

Section 3. R.S. 3:1493(E) and 2074(E) are hereby amended and reenacted to read as follows:

§1493. Louisiana Industrial Hemp Promotion and Research Advisory Board; creation and organization

* * *

E. Appointments to the board shall be made no later than September 1, 2022. Each appointing authority shall notify the commissioner of the appointment. The

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

www.gulfcoastlegalpublishing.com

board should be representative of the state's population by race and ~~gender~~ sex to ensure diversity.

* * *

§2074. Louisiana Equine Promotion and Research Advisory Board; creation and organization

* * *

E. An organization authorized to make nominations for appointment to the board shall submit its list of nominees within thirty days after the commissioner requests the list. The commissioner shall make all appointments to the board no later than thirty days after receiving the list of nominees. The board should be representative of the state's population by race and ~~gender~~ sex to ensure diversity.

* * *

Section 4. R.S. 4:158.2(A)(2) and 193(B) are hereby amended and reenacted to read as follows:

§158.2. Quarterly reporting of professional services information

A. Each association or licensee as defined in R.S. 4:143 shall submit to the commission, the Senate Committee on Judiciary B, and the House Committee on Commerce all of the following:

* * *

(2) A report on the demographic information of the association's or licensee's workforce, including but not limited to race, ~~gender~~ sex, and Louisiana residency.

* * *

§193. Categories of persons subject to exclusion and ejection; civil liberties

* * *

B. No person may be excluded or ejected on account of race, color, creed, national origin, ancestry, disability, as defined in R.S. 51:2232, or ~~gender~~ sex.

* * *

Section 5. R.S. 9:2720(D) is hereby amended and reenacted to read as follows:

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

www.gulfcoastlegalpublishing.com

§2720. Enforceability of gestational carrier contract

* * *

D. No person shall enter into a gestational carrier contract that requires the gestational carrier to consent to terminate a pregnancy resulting from in utero embryo transfer for any reason, including a prenatal diagnosis of an actual or potential disability, impairment, genetic variation, or any other health condition or a discrimination based on ~~gender~~ sex, or for the purposes of the reduction of multiple fetuses. Any such provision in a contract executed in the state of Louisiana or any other state shall be absolutely null and unenforceable in the state of Louisiana as contrary to public policy.

Section 6. R.S. 11:3390 and 3662 are hereby amended and reenacted to read as follows:

§3390. Beneficiaries

For the purposes of this Part, whenever reference is made to ~~gender~~ sex, the masculine shall include the feminine, the feminine shall include the masculine, and in particular with reference to Sections 3363, 3378, 3379, 3385, and 3388 without limiting the generality of the above, whenever reference is made to widows of members of the fire department, it shall also apply to widowers of said members.

* * *

§3662. One ~~gender~~ sex may denote ~~others~~ the other

For the purposes of this Subpart, whenever reference is made to ~~gender~~ sex, the masculine shall include the feminine, the feminine shall include the masculine, and in particular with reference to Sections 3631, 3648, 3656, and 3660; without limiting the generality of the above, whenever reference is made to widows of members, it shall also apply to widowers of said members.

Section 7. R.S. 13:1856(1) and 1857(A)(8)(d)(ii) and (iii) are hereby amended and reenacted to read as follows:

§1856. Contents of petition

A petition under this Part shall be verified and include a copy of any existing child-custody determination, if available. The petition shall specify the risk factors

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

www.gulfcoastlegalpublishing.com

for abduction, including the relevant factors described in R.S. 13:1857. Subject to the provisions of R.S. 13:1821(E), if reasonably ascertainable, the petition shall contain:

(1) The name, date of birth, and ~~gender~~ sex of the child.

* * *

§1857. Factors to determine risk of abduction

A. In determining whether there is a credible risk of abduction of a child, the court shall consider all of the following factors and any evidence that the petitioner or respondent:

* * *

(8) Is likely to take the child to a country that either:

* * *

(d) Has laws or practices that would either:

* * *

(ii) Restrict the petitioner from freely traveling to or exiting from the country because of the petitioner's ~~gender~~ sex, nationality, marital status, or religion.

(iii) Restrict the child's ability legally to leave the country after the child reaches the age of majority because of a child's ~~gender~~ sex, nationality, or religion.

* * *

Section 8. R.S. 14:107.2(A) is hereby amended and reenacted to read as follows:

§107.2. Hate crimes

A. It shall be unlawful for any person to select the victim of the following offenses against person and property because of actual or perceived race, age, ~~gender~~ sex, religion, color, creed, disability, sexual orientation, national origin, or ancestry of that person or the owner or occupant of that property or because of actual or perceived membership or service in, or employment with, an organization, or because of actual or perceived employment as a law enforcement officer, firefighter, or emergency medical services personnel: first or second degree murder; manslaughter; battery; aggravated battery; second degree battery; aggravated assault with a firearm; terrorizing; menacing; mingling harmful substances; simple or third

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

www.gulfcoastlegalpublishing.com

degree rape, forcible or second degree rape, or aggravated or first degree rape; sexual battery; second degree sexual battery; oral sexual battery; carnal knowledge of a juvenile; indecent behavior with juveniles; molestation of a juvenile or a person with a physical or mental disability; simple, second degree, or aggravated kidnapping; simple or aggravated arson; communicating of false information of planned arson; simple or aggravated criminal damage to property; contamination of water supplies; simple or aggravated burglary; criminal trespass; simple, first degree, or armed robbery; purse snatching; extortion; theft; desecration of graves; institutional vandalism; or assault by drive-by shooting.

* * *

Section 9. R.S. 15:827.3(A)(2)(c)(i), 832(A), 905(F)(13)(b) and (14)(a)(ii) and (d)(ii), 933(D)(4)(introductory paragraph) and (E)(1)(introductory paragraph), 934(B)(4), 1110(D)(3), 1204.2(B)(4), and 1228.9(D)(1)(a) are hereby amended and reenacted to read as follows:

§827.3. Savings attributable to criminal justice reforms; data collection and reporting requirements to the Joint Legislative Committee on the Budget

A.

* * *

(2) Each fiscal year, the annual savings shall be allocated as follows:

* * *

(c) Forty-five percent shall be allocated to the Louisiana Community and Technical College System for targeted investments in educational and vocational training aimed at recidivism reduction programming for adult and juvenile offenders. Such funds shall be utilized in connection with any other available sources of federal or state aid or training funds. The Louisiana Community and Technical College System shall provide a report to the legislature by December fifteenth of each year which shall include but not be limited to the following:

(i) A detailed description of the number of people trained categorized by age, race, ~~gender~~ sex, and geographic region.

* * *

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

www.gulfcoastlegalpublishing.com

§832. Work by inmates; allowance

A. The department shall provide employment opportunities and vocational training for all inmates, regardless of ~~gender~~ sex, consistent with available resources, physical custody, and appropriate classification criteria. Insofar as is possible, the equipment used in such programs, the conditions of employment, the management practices, and the general operating procedures thereof shall approximate those of private industry. The provisions of Part IX of Chapter 2 of Title 51 of the Louisiana Revised Statutes of 1950 with respect to prison-made goods shall be applicable to goods made, manufactured, or produced by the inmates of all institutions and facilities, under the jurisdiction of the department.

* * *

§905. Rules and regulations; education; training and discipline; work opportunities; vocational training; contracts and agreements; solitary confinement

* * *

F.

* * *

(13) Every instance of solitary confinement shall be documented electronically and in the aggregate. Unidentified data on the frequency and length of time that the juvenile spends in solitary confinement shall be available upon request as a public record. Documentation of the solitary confinement shall include all of the following:

* * *

(b) The race, ethnicity, age, ~~gender~~ sex, and disability status of the juvenile.

* * *

(14)(a) The office of juvenile justice shall submit a report on the use of solitary confinement quarterly to the Juvenile Justice Reform Act Commission. This report shall include all of the following:

* * *

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

www.gulfcoastlegalpublishing.com

(ii) The race, ethnicity, age, ~~gender~~ sex, and disability status of each juvenile placed in solitary confinement.

* * *

(d) The office of juvenile justice shall post a report on the use of solitary confinement on its website quarterly with deidentified aggregate data including but not limited to all of the following:

* * *

(ii) Race and ethnicity, age, and ~~gender~~ sex of juveniles placed in solitary confinement.

* * *

§933. Office of juvenile justice; statistical data collection; reporting

* * *

D. Data to be collected and maintained. The data collected and maintained under this Section shall include but not be limited to the following data points for each child served:

* * *

(4) ~~Gender~~ Sex.

* * *

E. Data to be reported. The reports mandated by the office of juvenile justice shall include but not be limited to the following data:

(1) Disaggregated by race, ethnicity, ~~gender~~ sex, parish of prosecution, and most serious offense of adjudication, data including:

* * *

§934. Detention centers

* * *

B. The data collected and maintained shall include but not be limited to the following information for each child:

* * *

(4) ~~Gender~~ Sex.

* * *

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

www.gulfcoastlegalpublishing.com

§1110. Purpose and reasons for detention; detention standards; licensing; fees

* * *

D.

* * *

(3) A copy of the completed detention screening instrument shall be provided to the juvenile detention facility for any child who is admitted into its custody. The juvenile detention facility shall keep a record of the results of the detention screening instrument and the recommendation made based upon the instrument to either detain the child, release the child with conditions, or release the child without conditions. This record shall include the parish in which the child was taken into custody, the most serious charge for which the child was taken into custody, and demographic information about the child including but not limited to race, ethnicity, ~~gender~~ sex, and age. This information shall be aggregated and submitted quarterly to the Louisiana Commission on Law Enforcement and Administration of Criminal Justice which shall annually provide such information to the JDAI Collaborative.

* * *

§1204.2. Creation of system; functions; powers; duties

* * *

B. The system, by and through the commission, shall have the following functions, powers, and duties:

* * *

(4) To prepare and distribute, to all such persons and agencies, forms to be used in reporting data to the system. The forms shall provide for information regarding crimes which are directed against individuals or groups, or their property, by reason of their actual or perceived race, age, ~~gender~~ sex, religion, color, creed, disability, sexual orientation, national origin, or ancestry or by reason of their actual or perceived membership or service in, or employment with, an organization as defined in R.S. 14:107.2. The forms shall also provide for other items of information

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

www.gulfcoastlegalpublishing.com

needed by federal and state bureaus or departments engaged in the development of national and state statistics.

* * *

§1228.9. Impaired Driver Tracking System; purpose; procedure

* * *

D.(1) Every law enforcement agency in this state, including but not limited to city police departments, sheriffs' offices, and state police shall submit the following information to the impaired driver tracking system component of ICJIS, when a person is arrested for any offense listed in Subsection C of this Section:

(a) The law enforcement agency making the arrest shall provide sufficient information about the arrested person so that other law enforcement agencies, courts, the Department of Public Safety and Corrections, and other relevant persons or agencies can identify the person arrested, including but not limited to name, address, driver's license number, date of birth, and physical characteristics, such as eye color, hair color, and ~~gender~~ sex.

* * *

Section 10. R.S. 17:17.5(B)(2), 100.13(G)(2)(f) and (J), 221.3(B)(2)(d), 416(M), 416.21(N)(3)(a) and (b)(i)(aa) and (bb), 1519.7(C), 1871(A)(3), 1998, 3047.7(B)(2)(a), 3351(B)(2)(b)(ii), 3399.12(5)(i), 3911(B)(1)(i)(introductory paragraph) and (4)(a)(introductory paragraph), 3991(A)(1)(c)(iv) and (B)(3), and 5067(B)(7) are hereby amended and reenacted to read as follows:

§17.5. Physical fitness assessment; statewide expansion program

* * *

B. For purposes of the expansion program, the Cecil J. Picard Center, in collaboration with the Department of Education and the Louisiana Department of Health, shall continue use of the physical fitness assessment instrument used for the pilot program which shall:

* * *

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

www.gulfcoastlegalpublishing.com

(2) Include criterion-referenced standards specific to a student's race, age, and ~~gender~~ sex and based on the physical fitness level required for good health.

* * *

§100.13. Expanded academic support

* * *

G.

* * *

(2) In approving high-quality tutoring providers, the department shall require the tutoring providers to:

* * *

(f) Provide evidence of impact on student outcomes disaggregated by student groups according to race, ~~gender~~ sex, ethnicity, economically disadvantaged students, English language learner status, disability status, and geographic location. Tutoring providers may demonstrate impact through either adherence to the program's model design by aligning with the components of high-dosage tutoring or by having evidence of positive and statistically significant gains in student learning outcomes based on a well-designed randomized controlled trial or quasi-experimental design that provides the basis for evidence of causal program impact and which is conducted by an external third-party researcher.

* * *

J. The department shall create reporting templates, procedures, and definitions for reporting metrics for city, parish, and other local public school boards to use in collecting and reporting tutoring-related data to the department including changes in academic performance of participating students disaggregated by student groups according to race, ~~gender~~ sex, ethnicity, economically disadvantaged students, English language learner status, disability status, and geographic location. To the extent possible, the department shall leverage existing reporting processes and systems to reduce the reporting burden on local education agencies and public charter schools.

* * *

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

www.gulfcoastlegalpublishing.com

§221.3. Student enrollment notification; required schools and programs; content

* * *

B.

* * *

(2) Such notification shall:

* * *

(d) Be a written notification of enrollment which may be a written request for a student's transcript if such transcript request occurs after the student has been accepted for enrollment, with such written request or notification containing at a minimum the student's legal name, date of birth, ~~gender~~ sex, and race.

* * *

§416. Discipline of students; suspension; expulsion

* * *

M. The state Department of Education shall publish annually and publish on its website data regarding disciplinary removals disaggregated at the state, system, and school level and also disaggregated and capable of cross-tabulation by the characteristics of ~~gender~~ sex, race, disability, English language learner status, and economically disadvantaged status. In reporting such data, the department shall comply with all federal and state privacy laws and shall strive to ensure that all relevant state accountability metrics are valid and reliable.

* * *

§416.21. Behavior of students with exceptionalities; use of seclusion and physical restraint

* * *

N.

* * *

(3)(a) The state Department of Education shall maintain a database of all reported incidents of seclusion and physical restraint of students with exceptionalities and shall disaggregate the data for analysis by school; student age,

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

www.gulfcoastlegalpublishing.com

race, ethnicity, and ~~gender~~ sex; student disability, where applicable; and any involved school employees.

(b)(i) Based upon the data collected, the state Department of Education shall annually compile a comprehensive report regarding the use of seclusion and physical restraint of students with exceptionalities, which shall at a minimum include the following:

(aa) The number of incidents of physical restraint disaggregated by school system; student age, race, ethnicity, ~~gender~~ sex, and student disability classification.

(bb) The number of incidents of seclusion disaggregated by school system; student age, race, ethnicity, ~~gender~~ sex, and student disability classification.

* * *

§1519.7. Hospital advisory committees

* * *

C. In selecting community advisory committee members, an effort shall be made to reflect the demographic diversity of the community the hospital serves including age, ~~gender~~ sex, race, and other relevant factors. The board shall solicit and accept nominations from the community at large and from organizations representing community interests, including without limitation health professionals, religious and community leaders, consumer advocates, and consumers of hospital services.

* * *

§1871. Board of Supervisors of Community and Technical Colleges; establishment; members; qualifications and terms; vacancies; duties

A.

* * *

(3) The board should be representative of the state's population by race and ~~gender~~ sex to ensure diversity.

* * *

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

www.gulfcoastlegalpublishing.com

§1998. Advisory councils

The board, upon the recommendation of the directors of postsecondary vocational-technical schools, shall appoint an advisory council on career education for each school. The members of all such advisory councils in this state shall serve without pay. Each such council shall be limited to fifteen members and be representative of the state's population by race and ~~gender~~ sex to ensure diversity and shall be representative equally of employee, employer, and educational and public interests.

* * *

§3047.7. Reporting system; implementation; requirements; applicability; participation by eligible institutions

* * *

B. The information reporting system shall include the following:

* * *

(2)(a) Demographic information of award recipients, including age, race, ~~gender~~ sex, and household income.

* * *

§3351. General powers, duties, and functions of postsecondary education management boards

* * *

B. In addition to the powers and duties vested by Subsection A of this Section and any other applicable laws, each board, as soon as practicable, shall adopt:

* * *

(2) Rules and regulations which may provide for:

* * *

(b)

* * *

(ii) Such rules and regulations may include the establishment, award, and continuance of tuition waivers to any student for purposes of ~~gender~~ sex equity who

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

www.gulfcoastlegalpublishing.com

participates in an intercollegiate athletic program and who is pursuing an undergraduate degree provided that the student meets the academic standards and complies with the rules and regulations of the college or university such student is attending relative to requirements for attendance as a full-time student. The tuition waivers may be offered at any campus under the jurisdiction of each management board; however, no management board shall issue more than an aggregate of fifty tuition waivers per campus during an academic year and not more than fifty percent of such tuition waivers shall be issued to out-of-state residents.

* * *

§3399.12. Definitions

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

* * *

(5) "Power-based violence" means any form of interpersonal violence intended to control or intimidate another person through the assertion of power over the person and shall include the following:

* * *

(i) Unwelcome sexual or sex- ~~or gender-~~based conduct that is objectively offensive, has a discriminatory intent, and lacks a bona fide academic purpose.

* * *

§3911. Data collection system; establishment

* * *

B.(1)

* * *

(i) Student discipline information, in total and by unduplicated counts, disaggregated by race, ethnicity, ~~gender,~~ sex, English learner status, and students with exceptionalities, excluding gifted and talented, in accordance with data collection conducted pursuant to 20 U.S.C. 3413(c)(1), including but not limited to the following:

* * *

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

www.gulfcoastlegalpublishing.com

(4)(a) The department shall annually collect the following data elements for students with an exceptionality by each disability classification, including breakouts of each speech or language impairment category and breakouts of each intellectual disability category, not including students identified exclusively as gifted and talented, for each city, parish, or other local public school board. The following data elements shall be reported for each disability classification in total as well as by unduplicated counts by race, ~~gender,~~ age, and sex:

* * *

§3991. Charter schools; requirements; limitations; renewal; amendment; revocation; board membership

A.(1)

* * *

(c)

* * *

(iv) Beginning with the 2019-2020 school year, the governing or management board of each charter school, other than a Type 2 charter school, located in a parish with a population of between three hundred twenty-five thousand and three hundred seventy-five thousand persons, based on the most recent federal decennial census, shall be representative of the community in which the charter school is located by race and ~~gender~~ sex to ensure diversity, and no fewer than sixty percent of its members shall reside in the parish in which the school is located.

* * *

B. Each proposed charter shall contain or make provision for the following:

* * *

(3) Admission requirements, if any, that are consistent with the school's role, scope, and mission may be established pursuant to rules promulgated by the state board. Such admission requirements shall be specific and shall include a system for admission decisions which precludes exclusion of pupils based on race, religion, ~~gender~~ sex, ethnicity, national origin, intelligence level as ascertained by an intelligence quotient examination, identification as a student with an exceptionality

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

www.gulfcoastlegalpublishing.com

as defined in R.S. 17:1942(B), or identification as a student who is economically disadvantaged. Such admission requirements may include, however, specific requirements related to a school's mission such as auditions for schools with a performing arts mission or proficiency in a foreign language for schools with a language immersion mission. Any school which was chartered prior to July 1, 2012, and which incorporated achievement of a certain academic record as part of its admission requirements may continue to use such admission requirements. No local board shall assign any pupil to attend a charter school, except that a local board in a district in which fifty percent or more of the public schools in the district are charter schools and that uses a single application and enrollment process adopted by the local board for public school enrollment may assign a pupil to a charter school based on such enrollment process, the preferences of the pupil's parent or legal guardian, the charter school's admission requirements, the charter contract, and the local board's policies.

* * *

§5067. Program information reporting system; implementation; requirements; applicability; participation by eligible institutions and others

* * *

B. The Taylor Opportunity Program for Students information reporting system shall include but not be limited to the following:

* * *

(7) Demographic information of program award recipients, including but not limited to race and ~~gender~~ sex.

* * *

Section 11. R.S. 22:1204(A)(10)(b), 1504(l), 1545(I)(1)(introductory paragraph) and (J), 1808.2(H), 2161(B), 2187(D)(4), and 2503(9)(b)(introductory paragraph) are hereby amended and reenacted to read as follows:

§1204. Board of directors

A. The board of directors shall be composed of the commissioner of insurance or his designee, who shall serve as an ex officio, nonvoting member of the

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

www.gulfcoastlegalpublishing.com

board, and twelve members to be selected from the groups and in the manner as follows:

* * *

(10)

* * *

(b) The commissioner shall make all diligent efforts to make selections from these three groups that will represent a racial, ethnic, and ~~gender~~ sex reflection of the state for the board of directors.

* * *

§1504. Use of credit information

An insurer authorized to do business in Louisiana that uses credit information to underwrite or rate risks shall not:

(1) Use an insurance score that is calculated using income, ~~gender~~ sex, address, zip code, ethnic group, religion, marital status, or nationality of the consumer as a factor.

* * *

§1545. Examination

* * *

I.(1) The commissioner of insurance shall prepare, publicly announce, and publish a report that summarizes statistical information relating to life insurance producer examinations administered during the preceding calendar year. Each report shall include the following information for all examinees combined and separately by ~~gender~~ sex, race or ethnicity, race or ethnicity within ~~gender~~ sex, education level, and native language:

* * *

J. The commissioner of insurance may provide to a testing service provider under contract with the Department of Insurance any demographic information received by the department on applications relating to examinations taken to qualify for an insurance producer license if the commissioner requires the provider to review

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

www.gulfcoastlegalpublishing.com

and analyze examination results in conjunction with the education level, ~~gender~~ sex, native language, race, or ethnicity of examinees.

* * *

§1808.2. Examination

* * *

H. The commissioner of insurance may provide to a testing service provider under contract with the Department of Insurance any demographic information received by the department on applications relating to examinations taken to qualify for an insurance consultant license if the commissioner requires the provider to review and analyze examination results in conjunction with the education level, ~~gender~~ sex, native language, race, or ethnicity of examinees.

* * *

§2161. Powers of the commissioner; creation of advisory boards

* * *

B. The commissioner shall appoint the members of any advisory board created pursuant to this Section. The commissioner shall ensure that his appointments demonstrate race, ~~gender~~ sex, ethnic, and geographical diversity. The commissioner shall promulgate rules and regulations in accordance with the Administrative Procedure Act providing for the creation, governance, duties, and termination of any advisory board created pursuant to this Section.

* * *

§2187. Actuarial reviews of proposed healthcare legislation

* * *

D. Contractors shall provide all of the following in the report of an actuarial review performed pursuant to this Section:

* * *

(4) If available, information concerning who would benefit from any cost changes and health benefits from the legislative proposal, as identified in Paragraphs (C)(3) through (8) of this Section, and any disproportionate effects that the

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

www.gulfcoastlegalpublishing.com

legislative proposal would have on state residents, which information, if available, shall be disaggregated, at a minimum, by race, ethnicity, sex, ~~gender~~ sex, and age.

* * *

§2503. Definitions

As used in this Chapter, the following definitions apply:

* * *

(9) "Nonpublic information" means electronic information that is not publicly available information and is any of the following:

* * *

(b) Any information or data, except age or ~~gender~~ sex, in any form or medium created by or derived from a healthcare provider or a consumer, that can be used to identify a particular consumer, and that relates to any of the following:

* * *

Section 12. R.S. 23:2043(B)(1) is hereby amended and reenacted to read as follows:

§2043. Members

* * *

B.(1) In making the appointments, the governor shall, as nearly as practicable, appoint members in a manner that is representative of the population of the regions of the state and shall consider factors including but not limited to race, color, religion, ~~gender~~ sex, and national origin.

* * *

Section 13. R.S. 27:46(B) is hereby amended and reenacted to read as follows:

§46. Quarterly reporting of professional services and employment information

* * *

B. In addition to the report required by Subsection A of this Section, each holder of a license as defined in R.S. 27:44 shall submit to the board, the Senate Committee on Judiciary B, and the House Committee on the Administration of Criminal Justice a report of the demographic information of their workforce, including but not limited to race, ~~gender~~ sex, and Louisiana residency.

* * *

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

www.gulfcoastlegalpublishing.com

Section 14. R.S. 32:398.10(A)(2) and 429.3 are hereby amended and reenacted to read as follows:

§398.10. Collection and reporting of statistical information relating to traffic stops

A. All law enforcement officers defined as a peace officer in R.S. 40:2402 shall record and retain the following information:

* * *

(2) Characteristics of race, ~~gender~~ sex, age, and state of residence of such persons, provided the identification of such characteristics shall be based on the observation and perception of the law enforcement officer responsible for reporting the stop and the information shall not be required to be provided by the person stopped.

* * *

§429.3. Collection and reporting of statistical information relating to migration of residents

The Department of Public Safety and Corrections, office of motor vehicles, shall collect statistical information regarding the ~~gender~~ sex and age of residents moving from parish to parish and residents moving into and out of Louisiana. The office of motor vehicles shall provide a report of this information, sorted by age, by ~~gender~~ sex, by parish, and by state, to the governor, the lieutenant governor, and the secretaries of each state department annually on or before January first of each year.

* * *

Section 15. R.S. 33:130.302(A)(2), 130.882(A)(2), 363(D), 2740.70.3(B)(2), 4071(A)(6), and 4720.301(G)(2) are hereby amended and reenacted to read as follows:

§130.302. Board of commissioners; members; officers; employees

A.

* * *

(2) All commissioners shall be qualified voters and taxpayers within the limits of the district during their term of office and shall reside in St. Landry Parish or within an adjoining parish. In making appointments to the commission, the appointing authorities shall make every effort within the law to provide for racial and

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

www.gulfcoastlegalpublishing.com

~~gender~~ sex diversity among commissioners and shall make reasonable efforts to ensure that the racial proportion of the appointees reflects the same racial proportion of St. Landry Parish.

* * *

§130.882. Board of commissioners; members; officers; employees

A.

* * *

(2) Each commissioner shall be a qualified voter and taxpayer within the limits of the district during his term of office and shall reside in St. Martin Parish. In making appointments to the commission, the appointing authorities shall make every effort within the law to provide for racial and ~~gender~~ sex diversity among commissioners and shall make reasonable efforts to ensure that the racial proportion of the appointees reflects the same racial proportion of St. Martin Parish.

* * *

§363. Village of Palmetto in St. Landry Parish; authority to provide academic scholarships

* * *

D. Such ordinance or resolution shall provide procedures and criteria for application for and award of such scholarships. Each student to whom a scholarship is awarded shall be a resident of the village of Palmetto in St. Landry Parish, shall be accepted to attend or be enrolled as an undergraduate student in a Louisiana institution of higher education, shall have a cumulative high school or college grade point average of at least three points when calculated on a four-point basis, and shall be adjudged needy by standards equivalent to or more stringent than those of nationally recognized analyses such as those used by the College Scholarship Service or the American College Testing Service. In the event that no student meets the residency criterion, a scholarship may be awarded to a student whose parent or legal guardian is a utility customer of the village in good standing. The village governing authority may establish additional criteria and procedures as are necessary to administer the scholarships. In the administration of the program, no student shall

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

www.gulfcoastlegalpublishing.com

be discriminated against on the basis of race, color, ~~gender~~ sex, disability, as defined in R.S. 51:2232, national origin, or creed.

* * *

§2740.70.3. Evangeline Economic Development Authority

* * *

B.

* * *

(2) The members of the board shall include representatives from the business community, health care, legal and professional services, small business owners, financial institutions, manufacturing or service companies, local and regional educational systems or institutions, and parish and municipal government organizations. The board shall be representative of the parish's population by age, race, and ~~gender~~ sex to ensure diversity.

* * *

§4071. Creation and organization of sewerage and water board

A.

* * *

(6) The appointments to the board shall reflect the racial and ~~gender~~ sex diversity of the population of the city of New Orleans to the extent practicable.

* * *

§4720.301. Shreveport Implementation and Redevelopment Authority

* * *

G.

* * *

(2) The board shall be representative of the city's population by race and ~~gender~~ sex to ensure diversity.

* * *

Section 16. R.S. 36:108(B)(5) is hereby amended and reenacted to read as follows:

§108. Offices; purposes and functions

* * *

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

www.gulfcoastlegalpublishing.com

B. The office of economic development shall perform the following functions of the state:

* * *

(5) The office shall provide services to small and medium-sized businesses in Louisiana, without regard to race or ~~gender~~ sex, and encourage and support the startup of new small businesses and the growth and retention of existing Louisiana firms.

* * *

Section 17. R.S. 37:832(A)(2), 914(B)(3), 962(C), 1042(B)(1)(b), 1104(A), 1172(A), 2102(A)(2), 2353(A)(2), 2403(H), 2407(D), 2455(B)(1), 2704(A)(introductory paragraph), 3061(A)(2)(c), 3084(B)(2), 3201(B)(2), 3386.2(C), 3389(C), 3444(A), 3463(B)(1), 3554(A)(2), and 3703(B)(3) are hereby amended and reenacted to read as follows:

§832. Louisiana State Board of Embalmers and Funeral Directors; appointments; terms of office

A.

* * *

(2) The board shall consist of nine members to be appointed by the governor, subject to Senate confirmation, as further provided in Subsection B of this Section. All members of the board shall serve at the pleasure of the governor for terms of four years. The governor shall ensure that his appointments demonstrate race, ~~gender~~ sex, ethnic, and geographical diversity.

* * *

§914. Louisiana State Board of Nursing; appointment of members; term of office; vacancy; officers; compensation

* * *

B.

* * *

(3) The governor shall ensure that his appointments demonstrate race, ~~gender~~ sex, ethnic, and geographical diversity.

* * *

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

www.gulfcoastlegalpublishing.com

§962. Louisiana State Board of Practical Nurse Examiners; method of appointment

* * *

C. The appointment of members of the board shall be made from a list, containing twice the number of eligibles to be appointed, submitted to the governor by the Louisiana State Medical Society where the appointee shall be a licensed physician, by the Louisiana Federation of Licensed Practical Nurses, Inc., for one of the practical nurses, by the Licensed Practical Nurses of Louisiana, Inc., for one of the practical nurses, by the Louisiana Nursing Home Association, for one practical nurse, by the Louisiana Hospital Association, for one practical nurse, or by the Louisiana State Nurses Association where the appointee shall be a registered nurse. The consumer member may apply directly to the office of the governor. The governor shall ensure that his appointments demonstrate race, ~~gender~~ sex, ethnic, and geographical diversity.

* * *

§1042. Louisiana State Board of Optometry Examiners; appointment; terms of members; protected action and communication

* * *

B.(1)

* * *

(b) One licensed optometrist member of the board shall be appointed by the governor from each of the five board districts in accordance with this Subsection. The governor shall ensure that his appointments demonstrate race, ~~gender~~ sex, ethnic, and geographical diversity.

* * *

§1104. Louisiana Licensed Professional Counselors Board of Examiners

A. There is hereby created in the Louisiana Department of Health the Louisiana Licensed Professional Counselors Board of Examiners, hereafter referred to as the "board", consisting of eleven members who shall be residents of the state of Louisiana. Each term shall be for four years. Seven appointments to the board, including one consumer from the public at large, shall be made by the governor from a list of qualified candidates submitted by the executive board of the Louisiana

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

www.gulfcoastlegalpublishing.com

Counseling Association. The consumer member may also apply directly to the office of the governor. Four appointments to the board shall be made by the governor from a list of qualified candidates submitted by the executive board of the Louisiana Association for Marriage and Family Therapy. Each appointment by the governor shall be submitted to the Senate for confirmation. The governor shall ensure that his appointments demonstrate race, ~~gender~~ sex, ethnic, and geographical diversity.

* * *

§1172. Membership

A. The board shall consist of seventeen members appointed by the governor, including two licensed pharmacists from each of the pharmacy districts as provided in R.S. 37:1173 and one representative of the consumers of Louisiana from the state at-large who possess the qualifications specified in R.S. 37:1174. The governor shall ensure that his appointments demonstrate race, ~~gender~~ sex, ethnic, and geographical diversity.

* * *

§2102. Board of Examiners; creation; domicile; membership; terms of office

A.

* * *

(2) The governor shall ensure that his appointments demonstrate race, ~~gender~~ sex, ethnic, and geographical diversity.

* * *

§2353. State board of examiners; organization; duties; meetings; fees

A.

* * *

(2) The governor shall appoint members for terms of five years. Each appointment by the governor shall be subject to Senate confirmation. A board member shall not be eligible to succeed himself. All psychologist appointments shall be from a list provided by the Louisiana Psychological Association. The list shall report the results of an election in which persons qualified for board membership may nominate themselves and in which licensed members of the Louisiana

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

www.gulfcoastlegalpublishing.com

Psychological Association and other persons licensed in accordance with the provisions of this Chapter are entitled to one vote for each vacancy on the board. The consumer member may apply directly to the office of the governor. The governor shall ensure that his appointments demonstrate race, ~~gender~~ sex, ethnic, and geographical diversity.

* * *

§2403. Physical therapy board; composition

* * *

H. The governor shall ensure that his appointments demonstrate race, ~~gender~~ sex, ethnic, and geographical diversity.

* * *

§2407. Practice of physical therapy defined

* * *

D. Words used in one ~~gender~~ sex apply also to the other, except as otherwise clearly indicated by the context.

* * *

§2455. Louisiana Board for Hearing Aid Dealers; composition; districts

* * *

B.(1) The board shall be composed of nine members. Seven members shall be hearing aid dealers, the eighth member shall be the state health officer or his representative, and the ninth member shall be fifty years of age or over and shall serve as a representative of the hearing aid consumers of Louisiana. The seven hearing aid dealers shall be appointed in the following manner. The Louisiana Society of Hearing Aid Specialists, chartered by the state, shall submit to the governor names of not less than fourteen qualified hearing aid dealers, who shall be actively engaged in the selling and fitting of hearing aids. The governor shall ensure that his appointments demonstrate race, ~~gender~~ sex, ethnic, and geographical diversity.

* * *

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

www.gulfcoastlegalpublishing.com

§2704. Board of Social Work Examiners

A. There is hereby created a Louisiana State Board of Social Work Examiners within the Louisiana Department of Health. The board shall be subject to the provisions of R.S. 36:803. It shall consist of seven members to include six social workers and one consumer member. The members shall be appointed by the governor, subject to Senate confirmation. All appointees shall be selected from one list compiled by all statewide social work membership organizations that have written bylaws and meet all state and federal laws, and the Louisiana Chapter of the National Association of Social Workers shall be responsible for the coordination of this process. The consumer member may apply directly to the office of the governor. The governor shall ensure that his appointments demonstrate race, ~~gender~~ sex, ethnic, and geographical diversity. All appointees shall serve no more than two consecutive full terms. The completion of an unexpired portion of a full term shall not constitute a full term for purposes of this Section. The board shall consist of the following members:

* * *

§3061. Board of Electrolysis Examiners

A.

* * *

(2)

* * *

(c) Each appointment by the governor shall be submitted to the Senate for confirmation. The governor shall ensure that his appointments demonstrate race, ~~gender~~ sex, ethnic, and geographical diversity.

* * *

§3084. Louisiana State Board of Examiners in Dietetics and Nutrition; membership, terms, and vacancies; officers; meetings; quorum; compensation

* * *

B.

* * *

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

www.gulfcoastlegalpublishing.com

(2) The governor shall ensure that his appointments demonstrate race, ~~gender~~ sex, ethnic, and geographical diversity.

* * *

§3201. Radiologic Technology Board of Examiners; method of appointment; qualifications of members

* * *

B.

* * *

(2) Each appointment by the governor shall be submitted to the Senate for confirmation. The governor shall ensure that his appointments demonstrate race, ~~gender~~ sex, ethnic, and geographical diversity.

* * *

§3386.2. Addictive Disorder Regulatory Authority

* * *

C. The governor shall ensure that his appointments demonstrate race, ~~gender~~ sex, ethnic, and geographical diversity. Members of the board shall serve three-year terms. Members appointed to fill vacancies caused by death, resignation, or removal shall serve the unexpired terms of their predecessors.

* * *

§3389. Transition; Addictive Disorder Regulatory Authority

* * *

C. The governor shall ensure that his appointments demonstrate race, ~~gender~~ sex, ethnic, and geographical diversity. Members of the board shall serve three-year terms. Members appointed to fill vacancies caused by death, resignation, or removal shall serve the unexpired terms of their predecessors.

* * *

§3444. Louisiana Licensed Professional Vocational Rehabilitation Counselors Board of Examiners

A. There is hereby created in the Louisiana Department of Health the Louisiana Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, referred to hereafter in this Chapter as the "board", consisting of five

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

www.gulfcoastlegalpublishing.com

members who shall be residents of the state of Louisiana. The members shall be appointed by the governor from a list of qualified candidates supplied by the International Association of Rehabilitation Professionals-Louisiana, as specified in this Section. The consumer member may apply directly to the office of the governor. Each term shall be for four years. Each appointment by the governor shall be submitted to the Senate for confirmation. The governor shall ensure that his appointments demonstrate race, ~~gender~~ sex, ethnic, and geographical diversity.

* * *

§3463. Board; appointments; terms; removal; compensation; officers

* * *

B.(1) The governor shall appoint, subject to Senate confirmation, members to the board from a list containing the names of five persons, submitted by the Louisiana Association of Wholesale Drug Distributors and from a list containing the names of two persons, submitted by the Pharmaceutical Research and Manufacturers of America. The consumer member may apply directly to the office of the governor. In the event of the death or resignation of any member of the board, the governor shall appoint his successor in the manner of the original appointment for the remainder of the unexpired term. The governor shall ensure that his appointments demonstrate race, ~~gender~~ sex, ethnic, and geographical diversity.

* * *

§3554. Louisiana Board of Massage Therapy; creation, membership, qualifications, terms, vacancies, officers, meetings, reimbursement, liability

A.

* * *

(2) The governor shall ensure that his appointments demonstrate race, ~~gender~~ sex, ethnic, and geographical diversity.

* * *

§3703. Louisiana Behavior Analyst Board

* * *

B.

* * *

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

www.gulfcoastlegalpublishing.com

(3) The governor shall ensure that his appointments demonstrate race, ~~gender~~ sex, ethnic, and geographical diversity. A vacancy in an unexpired term shall be filled in the manner of the original appointment for the remainder of the unexpired term.

* * *

Section 18. R.S. 40:31.61, 101(D)(1), 600.151(D)(1)(l)(ii)(hh) and (m)(iv), and 2403(H)(1) are hereby amended and reenacted to read as follows:

§31.61. Legislative intent

The Legislature of Louisiana wishes to further efforts by the Parkinson's community to find a cure for this devastating disease by helping to determine how many people in the state suffer from Parkinson's and by gathering vital information from these individuals, such as general age, ethnicity, ~~gender~~ sex, as well as possible environmental factors that may have played a part in the development of the disease. Thus, it is the intent of the legislature to establish a system to collect and assess information and data regarding the incidence of Parkinson's disease in the state.

* * *

§101. Commemorative certificate of miscarried child; requirements

* * *

D.(1) The commemorative certificate shall contain the name of the fetus and the ~~gender~~ sex, if known. If the name is not furnished by the patient, the vital records registry may complete the commemorative certificate with the name "Baby Boy" or "Baby Girl" and the last name of the patient. If the ~~gender~~ sex of the fetus is unknown, the department shall fill in the commemorative certificate with the name "Baby" and the last name of the patient.

* * *

§600.151. Louisiana Interagency Council on Homelessness

* * *

D.(1) The membership of the council shall be reflective of all geographic regions of the state and shall be comprised of the following members:

* * *

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

www.gulfcoastlegalpublishing.com

(l)

* * *

(ii) Each person appointed pursuant to this Subparagraph shall have at least five years of academic or professional expertise in housing or services for people experiencing homelessness with a focus in one or more of the following areas:

* * *

(hh) Homelessness as it relates to actual or perceived sexual orientation, ~~gender~~ sex identity, or marital status.

* * *

(m) The executive director of the Louisiana Housing Corporation shall appoint at least two members with lived experience of homelessness. The members shall be appointed from a list of nominations submitted jointly by the governing boards of the continuums of care located in Louisiana. Each member appointed pursuant to this Subparagraph shall represent as many of the following subpopulations as possible:

* * *

(iv) People with differing actual or perceived sexual orientation, ~~gender~~ sex identity, or marital status.

* * *

§2403. Council on Peace Officer Standards and Training

* * *

H.(1) The council may establish and implement curricula and publish training materials to train peace officers to identify, respond to, and report all crimes which are directed against individuals or groups, or their property, by reason of their actual or perceived race, age, ~~gender~~ sex, religion, color, creed, disability, sexual orientation, national origin, or ancestry.

* * *

Section 19. R.S. 42:2.1(A) and 1132(B)(1)(a) through (c) are hereby amended and reenacted to read as follows:

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

www.gulfcoastlegalpublishing.com

§2.1. Boards, commissions, councils, authorities, entities; composition

A. In making appointments to any board, commission, council, authority, or other similar entity that has statewide jurisdiction and is established by law, rule, executive order, or otherwise, the appointing authority shall give due consideration to the demographics of the population of the state, including but not limited to geography, ~~gender~~ sex, and race.

* * *

§1132. Board of Ethics

* * *

B. Membership; terms; vacancies; qualifications.

(1) The Board of Ethics shall consist of fifteen members to be selected as follows:

(a) The governor shall appoint nine members, who shall be representative of the state's population as near as practicable and who shall be subject to Senate confirmation. At least one member shall be appointed from each congressional district, and the governor shall give due consideration to the demographics of the population of the state, including without limitation geography, ~~gender~~ sex, and race. Of those nine, the governor shall appoint at least five members, each of whom shall have been licensed to practice law in this state for at least eight years at the time of his appointment.

(b) Three members shall be elected by the House of Representatives, who shall give due consideration to the demographics of the population of the state, including without limitation geography, ~~gender~~ sex, and race.

(c) Three members shall be elected by the Senate, who shall give due consideration to the demographics of the population of the state, including without limitation geography, ~~gender~~ sex, and race.

* * *

Section 20. R.S. 46:153.3(D)(1), 288.5(1), 460.37(B)(10), 1095(A), and 1941.8(A)(introductory paragraph) are hereby amended and reenacted to read as follows:

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

www.gulfcoastlegalpublishing.com

§153.3. Medical vendor reimbursements; allowable restrictions; peer-based prescribing and dispensing practice patterns; Medicaid Pharmaceutical and Therapeutics Committee

* * *

D.(1) The Medicaid Pharmaceutical and Therapeutics Committee, hereinafter referred to as "the committee", is hereby created within the Louisiana Department of Health. The committee shall be composed of fifteen members appointed by the governor and submitted to the Senate for confirmation. The governor shall ensure that appointments achieve race, ~~gender~~ sex, and geographic diversity.

* * *

§288.5. Written court report; filing

Within one hundred fifty days after the extended foster care voluntary placement agreement is signed, the department shall file with the court a written report that shall contain all of the following:

(1) The youth's name, date of birth, race, ~~gender~~ sex, and current address.

* * *

§460.37. Council on Medicaid Pharmacy Reimbursement; creation; composition, purpose, and duties of the council

* * *

B.

* * *

(10) Two licensed pharmacists appointed by the Louisiana Board of Pharmacy who are not currently serving on the board. The board shall strive to ensure its appointments demonstrate race, ~~gender~~ sex, ethnic, and geographical diversity.

* * *

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

www.gulfcoastlegalpublishing.com

§1095. Board of commissioners; membership; appointment; terms; compensation; removal

A. The two areas of the district shall be governed by separate governing boards. Each area of the district shall be governed by a board of thirteen commissioners, referred to in this Part as the "commission", who shall be qualified voters and residents of Orleans Parish and who shall reflect the ethnic, cultural, and ~~gender~~ sex diversity of the parish.

* * *

§1941.8. Children and youth services advisory boards; members; duties

A. Each planning board shall consist of a minimum of eleven, but not more than twenty-five members. Special care should be given in the appointments to ensure that the board is representative of the community in terms of ~~gender~~ sex, age, ethnicity, and geography, as well as knowledge and expertise. Those appointed shall include the following, if available and willing to serve, but need not be limited to:

* * *

Section 20. R.S. 47:337.14(E)(2) and 1702(6) are hereby amended and reenacted to read as follows:

§337.14. Central collection commission

* * *

E.

* * *

(2) The central collection commission of the parish of St. Landry shall be representative of the parish's population by race and ~~gender~~ sex to ensure diversity.

* * *

§1702. Definitions

As used in this Subtitle, the following terms have the meaning ascribed to them in this Section, unless the context clearly indicates otherwise:

* * *

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

www.gulfcoastlegalpublishing.com

(6) "Person" or "persons", "taxpayer" or "taxpayers" includes firms, companies, associations and corporations; all words importing the masculine ~~gender~~ sex apply to females also, and all words in the plural number apply to single individuals in all cases in which the spirit and intent of this Chapter require it.

* * *

Section 22. R.S. 48:2134(C)(introductory paragraph) is hereby amended and reenacted to read as follows:

§2134. Ouachita Expressway Authority; creation; board of commissioners; meetings; quorum

* * *

C. The governing body of the authority shall be a board of commissioners which is hereby created. The board shall have full power to promulgate rules and regulations for the maintenance and operation of the authority. The Ouachita Expressway Authority membership shall be representative as near as practicable by race and ~~gender~~ sex of the Ouachita parish population as of the most recent federal decennial census. The board shall be composed of fifteen commissioners as follows:

* * *

Section 23. R.S. 49:1112(B)(1) is hereby amended and reenacted to read as follows:

§1112. Commission established; purposes; membership; officers

* * *

B.(1) The commission shall consist of no fewer than fifteen and no more than twenty-five voting members. Not more than fifty percent of the commission membership plus one shall be from the same political party. To the maximum extent practicable, it shall be balanced according to race, ethnicity, age, disability, and ~~gender~~ sex characteristics.

* * *

Section 24. R.S. 51:942(A) and 1762(A)(8)(a)(iii) are hereby amended and reenacted to read as follows:

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

www.gulfcoastlegalpublishing.com

§942. Small and emerging businesses

A. The department shall provide for the increased opportunity for small and emerging businesses to become competitive in a modern economy without regard to race or ~~gender~~ sex. This purpose shall be accomplished by providing a program of assistance and promotion. The following provisions of this Section shall be applied and interpreted to promote this purpose.

* * *

§1762. Prohibitions; data collection; targeted advertising

A. As used in this Chapter, the following terms have the following meanings:

* * *

(8) "Sensitive personal data" means data collected directly from an account holder online that provides any of the following:

(a) Information that reveals any of the following about the account holder:

* * *

(iii) ~~Gender.~~ Sex.

* * *

Section 25. R.S. 56:108(A) and 1705(C) are hereby amended and reenacted to read as follows:

§108. Deer and turkey harvest records and tagging

A. The Wildlife and Fisheries Commission may promulgate and adopt rules and regulations in accordance with the Administrative Procedure Act in relation to deer or turkey harvest records and tagging. Such rules and regulations may include the following: tagging requirements, ~~gender~~ sex, age, antler requirements, take, possession, limit, and reporting requirements.

* * *

§1705. Poverty Point Reservoir Development Dedicated Fund Account

* * *

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

www.gulfcoastlegalpublishing.com

C. The Poverty Point Reservoir Development District Board membership shall be representative of the population of the state based on race and ~~gender~~ sex as near as practicable.

Section 26. Code of Civil Procedure Article 5055 is hereby amended and reenacted to read as follows:

Art. 5055. Number; ~~gender~~ sex

Unless the context clearly indicates otherwise:

(1) Words used in the singular number apply also to the plural; words used in the plural number include the singular~~; and~~ .

(2) Words used in one ~~gender~~ sex apply also to the ~~others~~ other sex.

Section 27. Code of Criminal Procedure Articles 4, 795(C), (D), and (E), 989, 992, 994, 997, 998, and 999.1 are hereby amended and reenacted to read as follows:

Art. 4. Number; ~~gender~~ sex

Unless the context clearly indicates otherwise:

(1) Words used in the singular number apply also to the plural; words used in the plural number include the singular~~; and~~ .

(2) Words used in one ~~gender~~ sex apply also to the other.

* * *

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

* * *

C. No peremptory challenge made by the state or the defendant shall be motivated in substantial part on the basis of the race or ~~gender~~ sex of the juror. If an objection is made that a challenge was motivated in substantial part on the basis of race or ~~gender~~ sex, and a prima facie case supporting that objection is made by the objecting party, the court shall demand a satisfactory race or ~~gender~~ sex neutral reason for the exercise of the challenge. Such demand and disclosure shall be made outside of the hearing of any juror or prospective juror. The court shall then determine whether the challenge was motivated in substantial part on the basis of race or ~~gender~~ sex.

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

www.gulfcoastlegalpublishing.com

D. The court shall allow to stand each peremptory challenge exercised for a race or ~~gender~~ sex neutral reason either apparent from the examination or disclosed by counsel when required by the court. The provisions of Paragraph C of this Article and this Paragraph shall not apply when both the state and the defense have exercised a challenge against the same juror.

E. The court shall allow to stand each peremptory challenge for which a satisfactory racially neutral or ~~gender~~ sex neutral reason is given. Those jurors who have been peremptorily challenged and for whom no satisfactory racially neutral or ~~gender~~ sex neutral reason is apparent or given may be ordered returned to the panel, or the court may take such other corrective action as it deems appropriate under the circumstances. The court shall make specific findings regarding each such challenge.

* * *

Art. 989. Motion for expungement forms to be used

STATE OF LOUISIANA

JUDICIAL DISTRICT FOR THE PARISH OF

_____

No.: _____ **Division: "_____"**

State of Louisiana

vs.

_____

MOTION FOR EXPUNGEMENT

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

I. DEFENDANT INFORMATION

NAME: _____

(Last, First, MI)

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

~~GENDER~~ SEX _____ Female _____Male

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

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

www.gulfcoastlegalpublishing.com

RACE: _____

DRIVER LIC.# _____

ARRESTING AGENCY: _____

SID# (if available): _____

ARREST NUMBER (ATN): _____

AGENCY ITEM NO. _____

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

II. ARREST INFORMATION

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

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

3. Mover was:

_____ YES _____ NO Arrested, but it did not result in conviction

_____ YES _____ NO Convicted of and seeks to expunge a misdemeanor

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

_____ YES _____ NO Convicted but determined to be factually innocent and entitled to compensation for a wrongful conviction pursuant to the provisions of R.S. 15:572.8.

4. Mover was booked and/or charged with the following offenses: (List each offense booked and charged separately. Attach a supplemental sheet, if necessary.)

____ Yes ____ No ARRESTS THAT DID NOT RESULT IN CONVICTION

NO. 1 La. Rev. Stat. Ann. § _____ : _____

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

www.gulfcoastlegalpublishing.com

Name of the offense _____

( ) Time expired for prosecution _____

(MM/DD/YYYY)

( ) Not prosecuted for any offense arising out of this charge.

( ) Pre-trial Diversion Program.

( ) DWI Pre-Trial Diversion Program and 5 years have elapsed since the date of arrest.

( ) Charge dismissed

( ) Found not guilty/judgment of acquittal

NO. 2 La. Rev. Stat. Ann. § _____ : _____

Name of the offense _____

( ) Time expired for prosecution _____

(MM/DD/YYYY)

( ) Not prosecuted for any offense arising out of this charge.

( ) Pre-trial Diversion Program.

( ) Charge dismissed

( ) Found not guilty/judgment of acquittal

NO. 3 La. Rev. Stat. Ann. § _____ : _____

Name of the offense _____

( ) Time expired for prosecution _____

(MM/DD/YYYY)

( ) Not prosecuted for any offense arising out of this charge.

( ) Pre-trial Diversion Program.

( ) Charge dismissed

( ) Found not guilty/judgment of acquittal

____ Yes ____ No MISDEMEANOR CONVICTIONS

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

www.gulfcoastlegalpublishing.com

NO. 1 La. Rev. Stat. Ann. § _____ : _____

Name of the offense _____

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

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

( ) More than 5 years have passed

since completion of sentence.

NO. 2 La. Rev. Stat. Ann. § _____ : _____

Name of the offense _____

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

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

( ) More than 5 years have passed

since completion of sentence.

____ Yes ____ No FELONY CONVICTIONS

NO. 1 La. Rev. Stat. Ann. § _____ : _____

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

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

( ) More than 10 years have passed

since completion of sentence

( ) Received a first offender pardon for an eligible offense

NO. 2 La. Rev. Stat. Ann. § _____ : _____

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

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

( ) More than 10 years have passed

since completion of sentence

( ) Received a first offender pardon for an eligible offense

____ Yes ____ No OPERATING A MOTOR VEHICLE WHILE INTOXICATED CONVICTIONS

Mover has attached the following:

( ) A copy of the proof from the Department of Public Safety and Corrections, office of motor vehicles, that it has received from the

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

www.gulfcoastlegalpublishing.com

clerk of court a certified copy of the record of the plea, fingerprints of the defendant, and proof of the requirements set forth in C.Cr.P. Art. 556, which shall include the defendant's date of birth, last four digits of social security number, and driver's license number

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

☐ Criminal Background Check from the La. State Police/Parish Sheriff dated within the past 60 days (required).

☐ Bill(s) of Information (if any).

☐ Minute entry showing final disposition of case (if any).

☐ Certification Letter from the District Attorney for fee waiver (if eligible).

☐ Certification Letter from the District Attorney verifying that the applicant has no convictions or pending applicable criminal charges in the requisite time periods.

☐ Certification Letter from the District Attorney verifying that the charges were refused.

☐ Certification Letter from the District Attorney verifying that the applicant did not participate in a pretrial diversion program.

☐ A copy of a first offender pardon.

☐ A copy of the order waiving the sex offender registration and notification requirements.

☐ A copy of the court order determination of factual innocence and order of compensation for a wrongful conviction pursuant to the provisions of R.S. 15:572.8 if applicable.

The Mover prays that if there is no objection timely filed by the arresting law enforcement agency, the district attorney's office, or the Louisiana Bureau of Criminal Identification and Information, that an order be issued herein ordering the expungement of the record of arrest and/or conviction set forth above, including all photographs, fingerprints, disposition, or any other such information, which record shall be confidential and no longer considered a public record, nor be made available

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

www.gulfcoastlegalpublishing.com

to other persons, except a prosecutor, member of a law enforcement agency, or a judge who may request such information in writing, certifying that such request is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any other statutorily defined law enforcement or administrative duties, or for the purpose of the requirements of sex offender registration and notification pursuant to the provisions of R.S. 15:541 et seq. or as an order of this Court to any other person for good cause shown, or as otherwise authorized by law.

If an "Affidavit of No Opposition" by each agency named herein is attached hereto and made a part hereof, Defendant requests that no contradictory hearing be required and the Motion be granted ex parte.

Respectfully submitted,

_____

Signature of Attorney for Mover/Defendant

_____

Attorney for Mover/Defendant Name

_____

Attorney's Bar Roll No.

_____

Address

_____

City, State, ZIP Code

_____

Telephone Number

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

www.gulfcoastlegalpublishing.com

If not represented by counsel:

_____

Signature of Mover/Defendant

_____

Mover/Defendant Name

_____

Address

_____

City, State, ZIP Code

_____

Telephone Number

* * *

Art. 992. Order of expungement form to be used

STATE OF LOUISIANA

JUDICIAL DISTRICT FOR THE PARISH OF

_____

No.: _____ **Division: "_____"**

State of Louisiana

vs.

_____

ORDER OF EXPUNGEMENT OF ARREST/CONVICTION RECORD

Considering the Motion for Expungement

☐ The hearing conducted and evidence adduced herein, OR

☐ Affidavits of No Opposition filed,

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

www.gulfcoastlegalpublishing.com

IT IS ORDERED, ADJUDGED AND DECREED

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

☐ More than five years have not elapsed since Mover completed the misdemeanor conviction sentence.

☐ More than ten years have not elapsed since Mover completed the felony conviction sentence.

☐ Mover was convicted of one of the following ineligible felony offenses:

☐ A violation of the Uniform Controlled Dangerous Substances Law which is ineligible to be expunged.

☐ An offense currently listed as a sex offense that requires registration pursuant to R.S. 15:540 et seq., at the time the Motion was filed, regardless of whether the duty to register was ever imposed.

☐ An offense defined or enumerated as a "crime of violence" pursuant to R.S. 14:2(B) at the time the Motion was filed.

☐ The arrest and conviction being sought to have expunged is for operating a motor vehicle while intoxicated and a copy of the proof from the Department of Public Safety and Corrections, office of motor vehicles, is not attached as required by C.Cr.P. Art. 984(A).

☐ Mover was convicted of a misdemeanor which arose from circumstances involving a sex offense as defined in R.S. 15:541.

☐ Mover was convicted of misdemeanor offense of domestic abuse battery which was not dismissed pursuant to C.Cr.P. Art. 894(B).

☐ Mover did not complete pretrial diversion.

☐ The charges against the mover were not dismissed or refused.

☐ Mover's felony conviction was not set aside and dismissed pursuant to C.Cr.P. Art. 893(E).

☐ Mover's felony conviction was not set aside and dismissed pursuant to C.Cr.P. Art. 894(B).

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

www.gulfcoastlegalpublishing.com

☐ Mover completed a DWI pretrial diversion program, but five years have not elapsed since the mover's date of arrest.

☐ Mover's conviction for felony carnal knowledge of a juvenile is not defined as misdemeanor carnal knowledge of a juvenile had the mover been convicted on or after August 15, 2001.

☐ Mover was not convicted of a crime that would be eligible for expungement as required by C.Cr.P. Art. 978(E)(1).

☐ Mover has criminal charges pending against him.

☐ Mover was convicted of a criminal offense during the ten-year period, excluding any noncapital felony during the preceding ten-year period that would otherwise be eligible for expungement pursuant to C.Cr.P. Art. 978(F).

☐ Mover received a first offender pardon but for an ineligible offense.

☐ Mover did not receive a first offender pardon.

☐ Denial for any other reason provided by law with attached reasons for denial.

☐ **THE MOTION IS HEREBY GRANTED** for No(s). _____ and all agencies are ordered to expunge the record of arrest/conviction and any photographs, fingerprints, or any other such information of any kind maintained in connection with the Arrest(s)/Conviction(s) in the above-captioned matter, which record shall be confidential and no longer considered a public record, nor be available to other persons except a prosecutor, member of a law enforcement agency, or a judge who may request such information in writing certifying that such request is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any other statutorily defined law enforcement or administrative duties, or for the purpose of the requirements of sex offender registration and notification pursuant to the provisions of R.S. 15:541 et seq. or upon an order of this Court to any other person for good cause shown, or as otherwise authorized by law.

☐ **THE MOTION IS HEREBY GRANTED FOR EXPUNGEMENT BY REDACTION** If the record includes more than one individual and the mover

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

www.gulfcoastlegalpublishing.com

is entitled to expungement by redaction pursuant to Code of Criminal Procedure Article 985, for No(s). _____ and all agencies are ordered to expunge the record of arrest/conviction and any photographs, fingerprints, or any other such information of any kind maintained in relation to the Arrest(s)/Conviction(s) in the above-captioned matter as they relate to the mover only. The record shall be confidential and no longer considered a public record, nor be available to other persons except a prosecutor, member of a law enforcement agency, or a judge who may request such information in writing certifying that such request is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any other statutorily defined law enforcement or administrative duties, or for the purpose of the requirements of sex offender registration and notification pursuant to the provisions of R.S. 15:541 et seq. or upon an order of this Court to any other person for good cause shown, or as otherwise authorized by law.

NAME: _____

(Last, First, MI)

DOB: _____/_____/_____ (MM/DD/YY)

~~GENDER~~ SEX: _____ Female _____Male

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

RACE: _____

DRIVER LIC.# _____

ARRESTING AGENCY: _____

SID# (if available): _____

ARREST NUMBER (ATN): _____

AGENCY ITEM NUMBER: _____

ARREST DATE: _____/_____/_____ (MM/DD/YY)

THUS ORDERED AND SIGNED this _____ day of _____, 20____

at _____, Louisiana.

_____

JUDGE

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

www.gulfcoastlegalpublishing.com

PLEASE SERVE:

1. District Attorney: _____
2. Arresting Agency: _____
3. Parish Sheriff:_____
4. Louisiana Bureau of Criminal Identification and Information_____
5. Attorney for Defendant (or defendant)_____
6. Clerk of Court _____

* * *

Art. 994. Motion for interim expungement form to be used

STATE OF LOUISIANA

JUDICIAL DISTRICT FOR THE PARISH OF

_____

No.: _____ **Division: "_____"**

State of Louisiana

vs.

_____

MOTION FOR INTERIM EXPUNGEMENT

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

I. DEFENDANT INFORMATION

NAME: _____

(Last, First, MI)

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

~~GENDER~~ SEX _____ Female _____Male

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

RACE: _____

DRIVER LIC.# _____

ARRESTING AGENCY: _____

SID# (if available): _____

ARREST NUMBER (ATN): _____

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

www.gulfcoastlegalpublishing.com

AGENCY ITEM NO. _____

Mover is entitled to an interim expungement of the entry of the felony charge(s) of his arrest pursuant to Louisiana Code of Criminal Procedure Article 985.1 and states the following in support:

II. ARREST INFORMATION

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

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

3. Mover was:

_____ YES _____ NO Arrested for a felony offense.

_____ YES _____ NO Convicted of a misdemeanor arising out of that felony offense.

4. Mover was booked and/or charged with the following offenses: (List each offense booked and charged separately. Attach a supplemental sheet, if necessary.)

____ Yes ____ No FELONY ARREST THAT RESULTED IN A MISDEMEANOR CONVICTION

NO. 1 La. Rev. Stat. Ann. § _____ : _____

Name of the offense _____

_____

(MM/DD/YYYY)

( ) Felony charge dismissed.

( ) Convicted of misdemeanor offense arising out of felony arrest.

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

www.gulfcoastlegalpublishing.com

5. Mover has attached to his Motion a criminal background check from the Louisiana State Police/Parish Sheriff dated within the past sixty days (required).

The mover prays that if there is no objection timely filed by the arresting law enforcement agency, the District Attorney's Office, or the Louisiana Bureau of Criminal Identification and Information, that an order be issued herein ordering the Louisiana Bureau of Criminal Identification and Information to expunge the entry of the felony charge(s) listed contained in the criminal history; and further that the Clerk of Court, District Attorney, and arresting law enforcement agency expunge the entry of those felony charge(s) from any public indices.

If an "Affidavit of No Opposition" by each agency named herein is attached hereto and made a part hereof, Defendant requests that no contradictory hearing be required and the Motion be granted ex parte.

Respectfully submitted,

_____
Signature of Attorney for Mover/Defendant

_____
Attorney for Mover/Defendant Name

_____
Attorney's Bar Roll No.

_____
Address

_____
City, State, ZIP Code

_____
Telephone Number

If not represented by counsel:

_____
Signature of Mover/Defendant

_____
Mover/Defendant Name

_____
Address

_____
City, State, ZIP Code

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

www.gulfcoastlegalpublishing.com

_____
Telephone Number

PLEASE SERVE:

1. District Attorney_____
2. Louisiana Bureau of Criminal Identification and Information_____
3. Arresting Agency_____

* * *

Art. 997. Certification of human trafficking victim status

STATE OF LOUISIANA
_____ JUDICIAL DISTRICT FOR THE PARISH OF _____

NO.:_____ DIVISION: _____

STATE OF LOUISIANA
vs.
_____

CERTIFICATION OF HUMAN TRAFFICKING VICTIM STATUS

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

_____,
RACE/~~GENDER~~ SEX: _____ DOB: _____, SSN:_____, has established by a preponderance of the evidence proof of status as a victim of human trafficking in accordance with the provisions of R.S. 14:46.2, for the following offense(s), detailed specifically as follows:

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

OFFENSE:_____
DOCKET NO:_____
CHARGE:_____
DATE OF ARREST:_____
ARRESTING AGENCY:_____
CITY/PARISH OF ARREST:_____

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

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

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

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

_____ _____
DATE DISTRICT ATTORNEY
PARISH OF

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

www.gulfcoastlegalpublishing.com

_____ JUDICIAL DISTRICT
STATE OF LOUISIANA

* * *

Art. 998. Motion for expungement form to be used for certain misdemeanor convictions

STATE OF LOUISIANA
JUDICIAL DISTRICT FOR THE PARISH OF

_____

No.: _____ **Division: "_____"**

State of Louisiana
vs.

_____

MOTION FOR EXPUNGEMENT FOR MISDEMEANOR CONVICTION FOR A FIRST OFFENSE POSSESSION OF MARIJUANA

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

I. DEFENDANT INFORMATION

NAME: _____
(Last, First, MI)

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

~~GENDER~~ SEX _____ Female _____Male

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

RACE: _____

DRIVER LIC.# _____

ARRESTING AGENCY: _____

SID# (if available): _____

ARREST NUMBER (ATN): _____

AGENCY ITEM NO. _____

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

II. MISDEMEANOR CONVICTION FOR A FIRST OFFENSE POSSESSION OF MARIJUANA

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

The Mover prays that if there is no objection timely filed by the arresting law enforcement agency, the district attorney's office, or the Louisiana Bureau of Criminal Identification and Information, that an order be issued herein ordering the expungement of the record of arrest and/or conviction set forth above, including all photographs, fingerprints, disposition, or any other such information, which record shall be confidential and no longer considered a public record, nor be made available to other persons, except a prosecutor, member of a law enforcement agency, or a judge who may request such information in writing, certifying that such request is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any other statutorily defined law enforcement or administrative duties, or for the purpose of the requirements of sex offender registration and notification pursuant to the provisions of R.S. 15:541 et seq. or as an order of this court to any other person for good cause shown, or as otherwise authorized by law.

If an "Affidavit of No Opposition" by each agency named herein is attached hereto and made a part hereof, defendant requests that no contradictory hearing be required and the motion be granted ex parte.

Respectfully submitted,

_____
Signature of Attorney for Mover/Defendant

_____
Attorney for Mover/Defendant Name

_____
Attorney's Bar Roll No.

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

www.gulfcoastlegalpublishing.com

_____
Address

_____
City, State, ZIP Code

_____
Telephone Number

If not represented by counsel:

_____
Signature of Mover/Defendant

_____
Mover/Defendant Name

_____
Address

_____
City, State, ZIP Code

_____
Telephone Number

* * *

Art. 999.1. Order form to be used; expedited expungement

JUDICIAL DISTRICT FOR THE PARISH OF

_____

No.: _____ **Division: "_____"**

State of Louisiana

vs.

_____

ORDER OF EXPUNGEMENT UNDER
CODE OF CRIMINAL PROCEDURE ARTICLE 999

Pursuant to Code of Criminal Procedure Article 999, wherein all of the following applies,

(1) The defendant was seventeen years of age when the defendant was arrested or charged with any criminal offense as provided in Title 14 or 40 of the Louisiana Revised Statutes of 1950.

(2) The district attorney, for any reason, declined to prosecute all offenses arising out of that arrest, including the reason that the person successfully completed a pretrial diversion program.

(3) Prosecution was instituted and such proceedings have been finally disposed of by dismissal, sustaining of a motion to quash, or acquittal.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the following charges and arrest on the dates provided herein be expunged.

THUS ORDERED AND SIGNED, ADJUDGED, AND DECREED this ____ day of _____, 20 ____ at _____, Louisiana, _____.

_____
JUDGE

DEFENDANT INFORMATION:

NAME:_____
First Middle Last

DATE OF BIRTH:_____

~~GENDER~~ SEX:_____

SS#_____

RACE_____

DRIVER'S LICENSE#_____

ARRESTING AGENCY_____

SID#_____

ARREST NUMBER (ATN)_____

AGENCY ITEM NO:_____

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

www.gulfcoastlegalpublishing.com

PLEASE SERVE:
1. District Attorney:_____
2. Arresting Agency:_____
3. Parish Sheriff:_____
4. Louisiana Bureau of Criminal Identification and Information _____
5. Attorney for Defendant (or defendant)_____
6. Clerk of Court _____

* * *

Section 28. Children's Code Article 106, 720(B)(1), 725, 1217.1(A)(4), and 1239.1(A)(4) are hereby amended and reenacted to read as follows:

Art. 106. Number, ~~gender~~ sex

Unless the context clearly indicates otherwise:

(1) Words used in the singular number apply also to the ~~the~~ plural; words used in the plural number include the singular.

(2) Words used in one ~~gender~~ sex apply also to the other.

* * *

Art. 720. Motion for guardianship

* * *

B. The motion, case review report, or case plan shall include all of the following:

(1) The name and ~~gender~~ sex of the child, and the date and place of the child's birth.

* * *

Art. 725. Findings and purpose

The legislature finds that arresting, prosecuting, and incarcerating victimized children serves to re-traumatize them and to increase their feelings of low self-esteem, which only makes the process of recovery more difficult. Both federal and international law recognize that sexually exploited children are the victims of crime and should be treated as such. Therefore, sexually exploited children should not be prosecuted for criminal acts related to prostitution. Instead, sexually exploited children should, where possible, be diverted into services that address the needs of these children outside of the justice system. Sexually exploited children deserve the protection of child welfare services, including diversion, crisis intervention,

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

www.gulfcoastlegalpublishing.com

counseling, and emergency housing services. The purpose of this Chapter is to protect a child from further victimization after the child is discovered to be a sexually exploited child by ensuring that a child protective response is in place in the state. This is to be accomplished by presuming that any child engaged in prostitution, prostitution by massage, or crime against nature by solicitation is a victim of sex trafficking and providing these children with the appropriate care and services where possible. In determining the need for and capacity of services that may be provided, the Department of Children and Family Services shall recognize that sexually exploited children have separate and distinct service needs according to ~~gender~~ sex, and every effort should be made to ensure these children are not prosecuted or treated as juvenile delinquents, but instead are given the appropriate social services.

* * *

Art. 1217.1. Reporting requirement; statistical availability

A. For each adopted child, the court shall ensure that the department receives all of the following information:

* * *

(4) The ~~gender~~ sex of the child.

* * *

Art. 1239.1. Reporting requirement; statistical availability

A. For each adopted child, the court shall ensure that the department receives all of the following information:

* * *

(4) The ~~gender~~ sex of the child.

* * *

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

www.gulfcoastlegalpublishing.com

Section 29. The Louisiana State Law Institute is hereby authorized and directed to change all references in law from gender to sex as it pertains to personally identifiable information of an individual.

Section 30. This Act shall be known as the "Restoring Biological Truth Act".

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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