

2017 Regular Session

HOUSE BILL NO. 162

BY REPRESENTATIVE SHADOIN

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

CRIME/FELONIES: Prohibits the filing of a false lien against state officers and state employees

1 AN ACT

2 To amend and reenact R.S. 14:133.6(A) and (C) and to enact R.S. 14:133.6(B)(3) and (4),
3 relative to the crime of filing a false lien; to amend the crime of filing a false lien
4 against a law enforcement officer or court officer to apply to state officers and state
5 employees; to provide for definitions; to provide for criminal penalties; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:133.6(A) and (C) are hereby amended and reenacted and R.S.
9 14:133.6(B)(3) and (4) are hereby enacted to read as follows:

10 §133.6. Filing a false lien against a law enforcement officer, ~~or court officer~~, state
11 officer, or state employee

12 A. The crime of filing a false lien or encumbrance against a law enforcement
13 officer, ~~or court officer~~, state officer, or state employee is committed when a person
14 knowingly files, attempts to file, or conspires to file, in any public records or in any
15 private record that is generally available to the public, any false lien or encumbrance
16 against the ~~real or personal~~ movable or immovable property of a law enforcement
17 officer, ~~or court officer~~, state officer, or state employee, as retaliation against the
18 officer or employee for the performance of his official duties, knowing or having
19 reason to know that ~~such~~ the lien or encumbrance is false or contains any materially
20 false, fictitious, or fraudulent statement or representation.

1 B. For purposes of this Section, the following definitions shall apply:

2 * * *

3 (3) "State employee" shall mean any person in the classified or unclassified
4 service for the state of Louisiana.

5 (4) "State officer" shall mean any person holding an elective office or
6 appointive office for the state of Louisiana.

7 C.(1) Whoever commits the crime of filing a false lien against a law
8 enforcement officer, or court officer, state officer, or state employee shall be fined
9 not less than five hundred dollars nor more than the amount of the value of the false
10 lien or encumbrance, imprisoned, with or without hard labor, for not more than two
11 years, or both.

12 (2) The court, in addition to any punishment imposed under the provisions
13 of this Section, may order the offender to pay restitution to the law enforcement
14 officer, or court officer, state officer, or state employee for any costs incurred as a
15 result of the false lien or encumbrance.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 162 Reengrossed

2017 Regular Session

Shadoin

Abstract: Amends the crime of filing a false lien against a law enforcement officer and court officer to also apply to state officers and state employees.

Present law provides for the crime of filing a false lien against a law enforcement or court officer which occurs when a person files in any public records, or in any private record generally available to the public, any false lien or encumbrance against the real or personal property of a law enforcement officer or court officer, as retaliation against the officer for the performance of his official duties, knowing or having reason to know that the lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation. Present law further provides for penalties.

Proposed law changes the terms "real or personal" to "movable or immovable".

Proposed law adds state officers and state employees to the present law crime.

Present law provides for definitions of "court officer" and "law enforcement officer".

Proposed law retains the present law definitions and adds definitions for "state employee" and "state officer".

(Amends R.S. 14:133.6(A) and (C); Adds R.S. 14:133.6(B)(3) and (4))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Change the property terms of "real or personal" to "movable or immovable".