

GREEN SHEET REDIGEST

HB 207

2023 Regular Session

Schamerhorn

**CRIME/MISDEMEANOR: Establishes penalties associated with minors swimming in certain waterways without personal flotation devices.**

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DIGEST

Proposed law provides that it is unlawful for any parent or legal guardian who has care and control of a minor to permit a minor, either knowingly, willfully, or through criminal negligence, to swim without wearing a Type I, Type II, Type III, or Type V personal flotation device approved by the U.S. Coast Guard in any river that flows through a water-controlled structure in Louisiana that creates a reservoir used to generate hydroelectric power.

Proposed law provides for the following penalties:

- (1) On a first conviction, the parent or legal guardian will be issued a warning ticket, fined not more than \$25, or both.
- (2) On a second conviction, the parent or legal guardian will be fined not more than \$50, imprisoned for not more than seven days, or both.
- (3) On a third or subsequent conviction, the parent or legal guardian will be fined not more than \$75 nor more than \$250, imprisoned for not more than 30 days, or both.

Proposed law does not apply to Calcasieu and Cameron parishes.

(Adds R.S. 14:93.2.4)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

- 1. Make technical changes.
- 2. Change criminal responsibility from the minor to the parent or legal guardian.
- 3. Change the elements to provide that a parent or legal guardian has to have care and control of the minor and permits the minor, either knowingly, willfully, or through criminal negligence to swim in any river that generates hydroelectric power without wearing an approved personal flotation device approved by the U.S. Coast Guard.
- 4. Change the penalties as follows:
  - (a) On a first conviction, the parent or legal guardian shall be issued a warning ticket, fined not more than \$25, or both.
  - (b) On a second conviction, the parent or legal guardian shall be fined not more than \$50, imprisoned for not more than seven days, or both.
  - (c) On a third or subsequent conviction, the parent or legal guardian shall be fined not more than \$75 nor more than \$250, imprisoned for not more than 30 days, or both.

The House Floor Amendments to the engrossed bill:

1. Clarify the type of water body in which it is unlawful for a minor to swim without a flotation device approved by the U.S. Coast Guard.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the reengrossed bill

1. Make proposed law inapplicable to Calcasieu and Cameron parishes.