

RÉSUMÉ DIGEST

HB 85

2023 Regular Session

Mike Johnson

Proposed law would have provided that no person shall knowingly or intentionally approach within 25 feet of a law enforcement officer who is lawfully engaged in the execution of his official duties after the law enforcement officer has ordered a person to stop approaching or to retreat.

Proposed law would have defined "law enforcement officer" as any commissioned police officer, sheriff, deputy sheriff, marshal, deputy marshal, correctional officer, probation and parole officer, constable, wildlife enforcement agent, livestock brand inspector, forestry officer, or state park warden.

Proposed law would have provided for a fine of not more than \$500, imprisonment for not more than 60 days, or both.

(Proposed to add R.S. 14:109)

VETO MESSAGE:

"House Bill 85 would have created the misdemeanor crime of approaching a law enforcement officer lawfully engaged in law enforcement duties. The penalty for violating the crime is a fine up to \$500, imprisonment up to 60 days in jail, or both.

First, House Bill 85 is unnecessary since La. R.S. 14:329, which provides for the crime of interfering with a law enforcement investigation. Enacted in August 2010, it carries a penalty of 6 months in jail, a \$500 fine, or both, when the offender intentionally interferes with a police officer investigating the scene of a crime or the scene of an accident by refusing to move or leave the immediate location of the crime or the accident when ordered to do so by the law enforcement officer when the offender has reasonable grounds to believe the officer is acting in the performance of his official duties.

Further, and perhaps unintentional, the effect of this bill were it to become law would be to chill exercise of First Amendment rights and prevent bystanders from observing and recording police action. Each of us has a constitutional right to freely observe public servants as they function in public and within the course and scope of their official duties. Observations of law enforcement, whether by witnesses to an incident with officers, individuals interacting with officers, or members of the press, are invaluable in promoting transparency.

Therefore, House Bill 85 is not needed and it will not become law.

For these reasons, I have vetoed the bill."