

2024 Regular Session

HOUSE BILL NO. 173

BY REPRESENTATIVES FONTENOT, MIKE JOHNSON, AND WILDER

CRIME/MISDEMEANOR: Creates the crime of approaching a peace officer lawfully engaged in law enforcement duties

1 AN ACT

2 To enact R.S. 14:109, relative to offenses affecting law enforcement; to create the crime of
3 approaching a peace officer lawfully engaged in law enforcement duties; to provide
4 for a definition; to provide for an affirmative defense; to provide for penalties; and
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:109 is hereby enacted to read as follows:

8 §109. Approaching a peace officer lawfully engaged in law enforcement duties

9 A. No person shall knowingly or intentionally approach within twenty-five
10 feet of a peace officer who is lawfully engaged in the execution of his official duties
11 after the peace officer has ordered the person to stop approaching or to retreat.

12 B. For the purposes of this Section, "peace officer" shall include all
13 individuals as defined in R.S. 14:112.4(B)(2) and R.S. 40:2402(3).

14 C. It shall be an affirmative defense to this crime if the defendant can
15 establish that the lawful order or command was neither received nor understood by
16 the defendant nor capable of being received or understood under the conditions and
17 circumstances that existed at the time of the issuance of the order.

18 D. Whoever violates the provisions of this Section shall be fined not more
19 than five hundred dollars, imprisoned for not more than sixty days, or both.

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 173 Engrossed

2024 Regular Session

Fontenot

Abstract: Creates the crime of approaching a peace officer who is lawfully engaged in his law enforcement duties and provides for penalties.

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

Proposed law defines the term "peace officer".

Proposed law provides that it shall be an affirmative defense to this crime if the defendant can establish that the lawful order or command was neither received nor understood by the defendant nor capable of being received or understood under the conditions and circumstances that existed at the time of the issuance of the order.

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

(Adds R.S. 14:109)

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 references from "law enforcement officer" to "peace officer".
3. Replace definition of "law enforcement officer" with cross-reference to definition of "peace officer".