



**SELECTED LEGISLATION FROM THE  
HOUSE COMMITTEE ON ADMINISTRATION  
OF CRIMINAL JUSTICE**

from the 2023 Regular Session  
of the Louisiana Legislature

**Prepared by**

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# SELECTED CRIMINAL JUSTICE LEGISLATION

## Criminal Offenses

### **Act No. 65 (HB 441) by Rep. Bryant**

Relative to the crime of aggravated assault upon a utility service employee with a firearm, amends the definition of "utility service" to include heat, steam, and sewer services.

Also amends the definition of "utility service employee" to include any person employed under contract, or an employee of any utility service that provides electricity, gas, water, broadband, cable television, heat, steam, telecommunications services, or sewer services, whether privately, municipally, cooperatively, or investor-owned.

Effective August 1, 2023.

### **Act No. 85 (HB 370) by Rep. Landry**

Relative to the crime of criminal blighting of property, retains the definition of the crime but removes the requirement for the property to be declared or certified as blighted after all reviews or appeals have occurred.

Provides for the following penalties:

- (1) On a first conviction, the offender shall be fined not more than \$500 per violation. Imposition of such fine may be suspended, and in lieu thereof, the court may require the offender to correct all existing housing violations on the blighted property within a timely manner determined by the court.
- (2) On a second conviction, or if the offender fails to correct violations after being ordered by the court, the offender shall be fined not more than \$1,000 per violation and imprisoned for not more than six months. Additionally, the court shall require the offender to correct all existing housing violations on the blighted property.
- (3) On a third or subsequent conviction, or if the offender fails to correct all violations after a second conviction, the offender shall be fined not more than \$2,000 per violation and imprisoned for not more than one year, with or without hard labor.

Repeals the authority of the court to order the offender to occupy the blighted property for a designated period of not more than 60 days, upon a second or third conviction.

Provides that the penalty for imprisonment shall not be imposed when the property is a single family residence occupied by the defendant.

Provides that prosecution may occur concurrently with review and appeal of declarations and certifications of blight.

Adds the crime of criminal blighting of property to the list of crimes which may be racketeering activity (R.S. 15:1352).

Effective August 1, 2023.

**Act No. 218 (HB 94) by Rep. Bacala**

Creates the crime of theft or criminal access of an automated teller machine.

Provides that theft of an automated teller machine is the misappropriation or taking of an automated teller machine which belongs to another without the consent of the other to the misappropriation or taking with the intent to deprive the owner permanently of the automated teller machine or its contents.

Provides that criminal access of an automated teller machine is the intentional destroying, damaging, impairing, tampering with, or otherwise rendering inoperable of an automated teller machine belonging to another with the intent to steal currency or personal financial information of another, regardless of the pecuniary loss.

Defines "automated teller machine" as an electronic information processing device which accepts or dispenses cash in connection with an account or credit card.

Provides that whoever commits the crime shall be imprisoned with or without hard labor for not less than five years nor more than 10 years and may, in addition, be required to pay a fine of not more than \$10,000. Requires restitution to be ordered pursuant to C.Cr.P. Art. 883.2.

Effective August 1, 2023.

**Act No. 243 (SB 117) by Sen. Harris**

Changes the minimum sentence for the crime of "assault by drive-by shooting" from not less than one year to not less than three years and changes the maximum sentence from not more than five years to not more than 10 years, with or without hard labor, and without benefit of suspension of sentence.

Adds "interstate highway" to the term "drive-by shooting".

Effective August 1, 2023.

**Act No. 300 (HB 207) by Rep. Schamerhorn**

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-control structure in La. that creates a reservoir used to generate hydroelectric power.

Only applies to the portion of a river beginning at the water-control structure and continuing for 70 miles downstream from the water-control structure.

Provides for the following penalties:

- (1) On a first conviction, the parent or legal guardian shall be issued a warning ticket, fined not more than \$25, or both.
- (2) 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.
- (3) 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.

Effective August 1, 2023.

**Act No. 302 (HB 237) by Rep. Schamerhorn**

Prohibits persons from attempting to introduce, giving, or attempting to give contraband to an inmate of any correctional facility rather than a correctional institute.

Defines "correctional facility" as any jail, prison, penitentiary, juvenile institution, temporary holding center, or detention facility.

Retains and restructures existing law with regard to contraband in or upon the premises of municipal or parish prisons or jails.

Provides that a reasonably small amount of sacramental wine may be permitted by the warden or his designee for use by a clergy member only, as part of a religious service.

Provides that term "contraband" also includes any tobacco product and any hypodermic syringe, needle, and or other object used or intended for use, or designed for use in injecting controlled dangerous substances into the human body. Further adds any electronic device including but not limited to computers, telephoto equipment, communications equipment, whether modified or not.

Effective August 1, 2023.

**Act No. 417 (HB 16) by Rep. Schlegel**

Relative to the crime of simple burglary, provides for a penalty of imprisonment with or without hard labor for not less than one nor more than 12 years for an offender who commits multiple simple burglaries as a part of a continuous sequence of events.

Provides that at least one year of the sentence of imprisonment shall be imposed without benefit of probation or suspension of sentence.

Effective August 1, 2023.

**Act No. 419 (HB 65) by Rep. Villio**

Designates the offense of "simple burglary of an inhabited dwelling" as a crime of violence committed when a person is present in the dwelling, house, apartment, or other structure.

Effective August 1, 2023.

**Act No. 457 (SB 175 ) by Sen. Stine**

Creates the crime of "unlawful deepfakes".

Provides that it is unlawful for any person to create or possess any material that depicts a minor engaging in sexual conduct using deepfake technology.

Provides for a penalty of imprisonment at hard labor for not less than five and not more than 20 years, a fine of not more than \$10,000, or both. At least five years of the sentence of imprisonment shall be imposed without benefit of probation, parole, or suspension of sentence.

Provides that is unlawful for any person to advertise, distribute, exhibit, exchange, promote, or sell any sexually explicit material depicting a person without his consent using deepfake technology.

Provides for a penalty of imprisonment at hard labor for not less than 10 and not more than 30 years, a fine of \$50,000, or both. When the content depicts a minor, the offender shall serve at least 10 years of the sentence imposed without benefit of probation, parole, or suspension of sentence.

Defines the terms "deepfake", "distribute", "minor", and "sexual conduct".

Provides for severability in the event one or more provisions are found to be unconstitutional.

Effective August 1, 2023.

## **Criminal Procedure**

**Act No. 75 (HB 271) by Rep. Nelson**

Requires the jury to be sequestered during active deliberations and provides that the jury may be sequestered at any time upon order of the court.

Further provides that at any time after the court's charge, and after notice to the parties and affording the parties an opportunity to be heard on the record outside the presence of the jury, the court may

declare the deliberations to be in recess and may then direct the jury to suspend its deliberations, to separate without sequestration, and to return for continued deliberations on the next day of operation of the court.

Requires the court to admonish the jury as follows:

- (1) Deliberations shall be conducted only in the jury room when all jurors are present. All deliberations shall cease and shall not resume until all of the jurors have returned to the jury room.
- (2) During the recess, jurors shall not converse with any person about anything related to the case.
- (3) Jurors remain under obligation to not request, accept, agree to accept, or discuss with any person regarding the receiving or accepting of any payment or benefit in return for supplying information concerning the trial.
- (4) Jurors shall promptly report directly to the court any incident within their knowledge involving an attempt by any person to improperly influence any member of the jury.
- (5) Jurors shall not visit or view the premises or place where the charged crime was allegedly committed or any other premises or place involved in the case.
- (6) Jurors shall not read, view, or listen to any accounts or discussions of the case reported by newspapers, television, radio, the internet, or any other news media outlet.
- (7) Jurors shall not attempt to research any fact, issue, or law related to the case, whether by discussion with others, by research in a library or on the internet, or by any other means or source.

Further requires the court to verify with each juror on the record that he followed the admonition.

Effective August 1, 2023.

**Act No. 278 (HB 477) by Rep. Bacala**

Requires the prosecuting agency, when authorized to provide information, to include the following information in the indictment, information, or affidavit, if such information is provided by the booking agency:

- (1) Date of the offense.
- (2) Date of arrest or summons, if a summons was issued in lieu of an arrest.
- (3) The state identification number of the defendant, if one has been assigned to the defendant for the offense or for any prior offenses.

(4) Defendant demographic data to include sex, race, and date of birth, if known.

Provides that the above information may be provided in a separate document submitted with the bill of information, bill of indictment, or summons to the clerk of court.

Further requires the booking agency to provide the information to the prosecuting agency.

Requires the clerk of court to report the information, along with the disposition and disposition date, to the supreme court.

Authorizes the supreme court to report the information, along with the disposition and disposition date, to the La. Bureau of Criminal Identification and Information.

Provides that failure to comply shall not constitute grounds for a motion to quash.

Effective August 1, 2023.

**Act No. 354 (HB 475) by Rep. Magee**

Creates the "Restoring Artistic Protection Act of 2023".

Provides that, unless there is an exception, creative or artistic expression shall not be admissible in a criminal case to prove the character of a person in order to show that the person acted in conformity therewith, provided that the accused provides reasonable notice to the prosecution in advance of trial asserting that the evidence is creative or artistic expression.

Provides that evidence of creative or artistic expression may be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake or accident, provided that upon request by the accused, the prosecution in a criminal case provides reasonable notice in advance of trial of the nature of any such evidence that it intends to introduce at trial for such purposes, or when the evidence relates to conduct that constitutes an integral part of the act or transaction that is the subject of the present proceeding.

Shall not be construed to limit the admission or consideration of evidence under any other rule.

Effective August 1, 2023.

**Act No. 438 (SB 54) by Sen. Morris**

Removes the requirement for an officer to issue a written summons instead of making an arrest for a misdemeanor, or for a felony charge of theft or illegal possession of stolen things, and permits law enforcement officers to exercise discretion to either make an arrest or issue a summons.

Effective August 1, 2023.

# **Criminal Records and Expungement**

## **Act No. 90 (HB 479) by Rep. Marino**

Authorizes the following courts, throughout their several jurisdictions, to expunge records:

- (1) District courts and their commissioners within their trial jurisdiction.
- (2) City or parish courts within their trial jurisdiction.
- (3) Mayor's courts and traffic courts within their trial jurisdiction.
- (4) Juvenile and family courts within their trial jurisdiction.
- (5) Municipal and traffic courts of New Orleans within their trial jurisdiction.

Effective August 1, 2023.

## **Act No. 303 (HB 265) by Rep. Fontenot**

Provides for additional exceptions that permit a law enforcement officer or agency to publish, release, or disseminate a booking photograph as follows:

- (1) An individual is released on a bail undertaking and the law enforcement officer or agency is requested to release or disseminate the booking photograph to the individual's surety agent.
- (2) A law enforcement officer or agency determines that releasing or disseminating the booking photograph is necessary for investigative purposes.

Effective August 1, 2023.

## **Act No. 342 (HB 286) by Rep. Boyd**

Provides that a person may file a motion to expunge his record of arrest and conviction of a misdemeanor conviction for a first offense possession of marijuana, tetrahydrocannabinol, or chemical derivatives thereof after 90 days from the date of conviction.

Provides that the total cost for a person who has been convicted of a misdemeanor conviction for a first offense possession of marijuana shall not exceed \$300.

Further provides that the nonrefundable processing fees for a court order expunging such record shall be as follows:

- (1) The La. Bureau of Criminal Identification and Information may charge a processing fee of \$50.

- (2) The sheriff may charge a processing fee of \$50.
- (3) The district attorney may charge a processing fee of \$50.
- (4) The clerk of court may charge a processing free of \$150.

Provides that the \$300 fee shall be null, void, and without effect and shall terminate on Aug. 1, 2026.

Effective August 1, 2023.

**Act No. 454 (SB 111) by Sen. Duplessis**

Provides that the effect of an expunged record of arrest or conviction does not limit the subsequent use of any expunged record by a judge, magistrate, or commissioner for the purpose of setting bail or sentencing.

Provides for automated expungement of qualifying records. Requires the La. Bureau of Criminal Identification and Information (bureau) to identify within its criminal database all records with a La. Supreme Court Case Management Information System (CMIS) number and final dispositions for individuals eligible for an expungement.

Provides that beginning Jan. 1, 2025, a defendant may submit a request through the bureau for an expungement and must provide his name, date of birth, last four digits of his social security number, arrest date, and case number. Further requires the bureau to send the records with final dispositions for individuals eligible for an expungement to the CMIS within 30 days of the receipt of the request.

Requires CMIS, within 30 days of receipt of records from the bureau, to send notice by U.S. mail or electronically of all records expunged by automation to the clerks of the district courts. Further requires the clerks to verify and identify such records as expunged by automation. Provides that if a clerk is unable to verify and identify any record identified for automatic expungement, the clerk shall notify the CMIS within 30 days of receipt of the original notice. Further requires the supreme court to notify the bureau that the record has not been expunged by automation.

Requires the clerks of the district courts to send notice of all records expunged by automation to the district attorney of the parish of the person's conviction, the sheriff of the parish of the person's conviction, and the arresting agency. Requires the district attorney, the sheriff, and the arresting agency to acknowledge that the records have been expunged by automation. Further requires the clerks of the district courts to send notice of all records expunged by automation to the CMIS, which is to mark the records as expunged and notify the bureau by U.S. mail or electronically of all the expunged records. Requires the bureau to mark the records as expunged by automation.

# Controlled Dangerous Substances

## **Act No. 148 (SB 49) by Sen. Hewitt**

Provides relative to penalties for the creation or operation of a clandestine laboratory for the unlawful manufacture of a substance containing fentanyl or carfentanil.

Provides that on a first conviction, imprisonment for not less than 10 years nor more than 40 years, at least 10 years shall be served without benefit of parole, probation, or suspension of sentence, and in addition, the person may be fined not more than \$50,000.

Provides that on a second conviction, imprisonment for not less than 30 years nor more than 40 years, at least 10 years shall be served without benefit of parole, probation, or suspension of sentence, and in addition, the person may be fined not more than \$500,000.

Provides that on a third or subsequent conviction, imprisonment for not less than 99 years, which shall be served without benefit of parole, probation, or suspension of sentence, and in addition, the person may be fined not more than \$500,000.

Effective August 1, 2023.

## **Act No. 183 (HB 645) by Rep. D. Miller**

Provides that it is unlawful for any person to knowingly or intentionally produce, manufacture, distribute, or possess with intent to produce, manufacture, or distribute Xylazine.

Provides for imprisonment, with or without hard labor, for not less than one year nor more than 10 years and a fine of not more than \$15,000.

Provides that it is unlawful for any person to knowingly or intentionally possess Xylazine.

Provides for imprisonment for not more than six months and a fine of not more than \$500.

Provides that the crime of unlawful production, manufacturing, distribution, or possession of Xylazine shall not apply to the following:

- (1) The production, manufacturing, distribution, or possession of Xylazine in the course of a legitimate veterinary practice.
- (2) The production, manufacturing, distribution, or possession of a Xylazine bulk chemical for pharmaceutical compounding by a licensed pharmacist or veterinarian.
- (3) The possession of Xylazine pursuant to a valid prescription from a licensed veterinarian.

Defines "Xylazine" as Xylazine and any salt, sulfate, isomer, homologue, analogue, or other preparation of Xylazine, and any salt, isomer, compound, derivative, precursor, homologue, analogue, or other preparation thereof that is substantially chemically equivalent or identical to Xylazine.

Effective August 1, 2023.

**Act No. 201 (SB 14) by Sen. Bernard**

Adds Zipeprol, Amineptine, Mesocarb, and Methiopropamine to Schedule I.

Adds Daridorexant to Schedule IV and removes Fenfluramine.

Adds Ganaxolone to Schedule V.

Adds amanita pantherina to the existing law list of prohibited hallucinogenic plants.

Effective August 1, 2023.

**Act No. 399 (HB 90) by Rep. Stefanski**

Relative to penalties for distribution or possession with intent to distribute fentanyl or carfentanil, provides for the following penalties:

Upon conviction of an aggregate weight of less than 28 grams, the offender shall be imprisoned at hard labor for not less than five years nor more than 40 years, at least five years of which shall be served without benefit of parole, probation, or suspension of sentence, and may, in addition, be required to pay a fine of not more than \$50,000.

Upon a first conviction of an aggregate weight of 28 grams or more but less than 250 grams, the offender shall be imprisoned at hard labor for not less than seven years nor more than 40 years, at least seven years of which shall be served without benefit of parole, probation, or suspension of sentence, and may, in addition, be required to pay a fine of not more than \$50,000.

Upon a second conviction of an aggregate weight of 28 grams or more but less than 250 grams, the offender shall be imprisoned at hard labor for not less than 30 years nor more than 40 years, at least 10 years of which shall be served without benefit of parole, probation, or suspension of sentence, and may, in addition, be required to pay a fine of not more than \$500,000.

Upon a third conviction of an aggregate weight of 28 grams or more but less than 250 grams, the offender shall be imprisoned at hard labor for not less than 99 years without benefit of parole, probation, or suspension of sentence, and may, in addition, be required to pay a fine of not more than \$500,000.

Upon conviction of an aggregate weight of 250 grams or more, the offender shall be imprisoned for life at hard labor, at least 25 years of which shall be served without benefit of parole, probation, or suspension of sentence.

Provides that an offender who unlawfully distributes fentanyl or carfentanil which is the direct cause of serious bodily injury to the person who ingested or consumed the substance shall be imprisoned at hard labor for an additional period of five years without benefit of probation, parole, or suspension of sentence. Such additional imprisonment penalty shall be served consecutively to the sentence imposed for distribution or possession with intent to distribute fentanyl or carfentanil.

Removes the authority of the court to suspend any sentence imposed upon a defendant and place the defendant on probation upon conviction of possession with intent to distribute fentanyl or carfentanil.

Effective August 1, 2023.

**Act No. 416 (SB 94) by Sen. Kleinpeter**

Repeals Act No. 231 of the 2019 Regular Session of the Legislature which added Mitragynine to the Uniform Controlled Dangerous Substances Law, the schedule to which such substance was to be added was dependent upon the classification of the substance as a controlled dangerous substance by the Drug Enforcement Administration of the U.S.

Creates the crime of unlawful sale or distribution of mitragynine speciosa to persons under the age of 21 and provides that no person shall sell or distribute or cause to be sold or distributed a product containing mitragynine speciosa to any person under the age of 21.

Further provides that "mitragynine speciosa" means a product containing either or both of the following:

- (1) Mitragynine
- (2) 7-Hydroxy-mitragynine

Provides for a fine of not more than \$500, imprisonment for not more than six months, or both.

Further creates the "Local Option for Mitragynine Speciosa". Authorizes local governments to enact ordinances to prohibit the sale or distribution of mitragynine speciosa products or to regulate the sale or distribution of such products in a more restrictive manner.

Effective August 1, 2023.

# Criminal Sentencing

## **Act No. 463 (HB 70) by Rep. Villio**

Provides that an offender convicted of a fourth or subsequent nonviolent felony offense shall earn a diminution of sentence at a rate of one day for every two days in actual custody held on the imposed sentence, including time spent in custody with good behavior prior to sentencing for the particular sentence imposed as authorized by C.Cr.P. Art. 880. This diminution of sentence shall not apply to any person convicted of a sex offense.

Provides that diminution of sentence shall not be allowed for an offender in a parish prison if the instant offense is a second offense crime of violence or if the instant offense is a sex offense.

Further provides that a person, otherwise eligible for parole, whose instant offense is a fourth or subsequent conviction of a nonviolent felony offense, shall be eligible for parole consideration upon serving 65% of the sentence imposed. However, this shall not apply to any person who has been convicted of a sex offense.

Effective August 1, 2023.

## **HR No. 194 by Rep. Villio**

Requests the House Committee on Administration of Criminal Justice, or a subcommittee thereof, to study sentencing transparency and sentence calculations and to submit a report with recommendations for legislation to the La. House of Representatives no later than March 1, 2024.

# Probation and Parole

## **Act No. 276 (HB 444) by Rep. Freiberg**

Provides that any offender may be eligible for parole if he completes at least one of the following:

- (1) A literacy program.
- (2) An adult basic education program.
- (3) A job-skills training program.
- (4) A high school equivalency certificate.

Provides that before the committee on parole places a person on parole, the committee shall condition parole upon the parolee's enrolling in or completion of one of the following:

- (1) A literacy program.
- (2) An adult basic education program.
- (3) A job-skills training program.
- (4) A high school equivalency certificate.

Provides that enrollment or completion of one of the education or training programs shall not apply to parolees who have already obtained a high school equivalency certificate or high school diploma.

Effective June 9, 2023.

## **Weapons/Firearms**

### **Act No. 120 (HB 331) by Rep. Carrier**

Relative to the term "machine gun", provides the following:

- (1) Redefines the term to mean any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manual reloading, by a single function of the trigger.
- (2) Provides that the term shall also include the frame or receiver of any such weapon, and any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun.
- (3) Provides that the term shall not include items that are not required to be registered in the National Firearms Registration and Transfer Record maintained by the ATF.

Removes the exceptions to the crime of unlawful handling of machine guns and further provides that no person shall manufacture, transfer, or possess a machine gun.

Provides exceptions to the crime as follows:

- (1) A transfer to or from, or possession by or under the authority of, the U.S. or any department or agency thereof.
- (2) A transfer to or from, or possession by or under the authority of, any state of the U.S. or a department, agency, or political subdivision thereof.
- (3) Any machine gun that is lawfully manufactured, transferred, or possessed under federal law.

Removes the transfer of machine guns in certain cases as well as machine guns registers and inspections of those registers.

Retains the penalties for the manufacture, transfer, or possession of machine guns but removes elements relative to the manufacturer.

Provide that any person who has been convicted of or found not guilty by reason of insanity for a crime of violence which is a felony, or an attempt to commit any crime of violence which is a felony, who thereafter manufactures, transfers, or possesses a machine gun shall be imprisoned at hard labor for not less than three nor more than 10 years.

Redefines the term "firearm" to remove flame throwers.

Effective August 1, 2023.

**Act No. 257 (SB 130) by Sen. Morris**

Relative to the exception of illegal carrying of weapons, removes the requirement of annual firearms qualification for a retired officer.

Further provides that a retired officer need only have been properly certified by P.O.S.T. at the time of retirement in accordance with the concealed handgun permit requirement for the exception to illegal carrying of weapons to apply.

Provides an exception to the crime of illegal carrying of weapons for any retired elected head of a law enforcement department, provided that he was firearms qualified by the P.O.S.T. Council at the time of retirement.

Makes the exception to the crime of illegal carrying of weapons for retired law enforcement officers consistent with the exception to concealed handgun permit requirements.

Effective August 1, 2023.

**Act No. 295 (HB 446) by Rep. Miguez**

Removes the presumption that if an applicant for a concealed handgun permit is found guilty of or entered a plea of guilty or nolo contendere to operating a vehicle while intoxicated, then such applicant chronically and habitually uses alcoholic beverages.

Provides that no concealed handgun permit shall be suspended or revoked solely upon the basis of an arrest for a first offense driving while intoxicated.

Changes the length of the online handgun education course from two hours to two hours and 15 minutes.

Relative to the course topic of "handgun basics and nomenclature", adds handling procedures for a revolver and a semiautomatic pistol.

Combines the course topic of "safe storage of firearms" with the topic of "accident prevention".

Adds the course topic of "suicide prevention, with an emphasis on the impact of firearm-related suicides involving veterans and current service members of the U.S. Armed Forces".

Changes the number of video segments that the course is to be divided into from eight to nine, but still provides that the video segments that shall broadcast for no less than 15 minutes per segment.

Effective August 1, 2023.

**Act No. 385 (HB 660) by Rep. Stagni**

Provides that an individual who is retired from service as a qualified law enforcement officer may demonstrate, as an alternative to annual qualification, that he was properly certified by the P.O.S.T. Council at the time of retirement in accordance with the concealed handgun permit requirement in order to carry a concealed firearm anywhere in La.

Provides that an individual who is retired from service as a qualified law enforcement officer shall not be permitted the ability to carry a concealed firearm in another state without proper qualification under the provisions of existing law (18 U.S.C. 926C).

Effective August 1, 2023.

## **Gaming**

**Act No. 10 (HB 27) by Rep. Philip Tarver**

Requires the Calcasieu Parish School Board, McNeese State University, and Sowela Technical Institute to annually prepare a report no later than February first which includes the total amount of gaming proceeds received by the school board, university, and institute. Requires the report to be distributed to members of the legislative delegation no later than February 15<sup>th</sup> of each year.

Further requires the report to include the following:

- (1) An itemized statement for each expenditure from the total amount of gaming proceeds received by the Calcasieu Parish School Board, McNeese State University, and Sowela Technical Institute.
- (2) The cumulative total amount of gaming proceeds received by the Calcasieu Parish School Board, McNeese State University, and Sowela Technical Institute from the parish and not

expended or distributed by the Calcasieu Parish School Board, McNeese State University, and Sowela Technical Institute.

Effective August 1, 2023.

**Act No. 19 (HB 232) by Rep. Schamerhorn**

Exempts any bona fide conservation organization dedicated principally to the conservation of game fish, including but not limited to saltwater and freshwater fish such as speckled trout, redbfish, flounder, large mouth bass, and crappie, from licensing and reporting procedures for conducting raffles as a means of fund-raising in a municipality or parish whose governing authority permits raffles, bingo, and keno.

Effective August 1, 2023.

**Act No. 89 (HB 474) by Rep. Illg**

Provides for a limited raffle license for certain raffle games. Requires the office of charitable gaming within the Dept. of Revenue to promulgate rules relative to the issuance of such licenses.

Further provides that provisions of existing law relative to the establishment, assessment, and collection of certain fees and proceeds from gaming sessions deposited into a bank account shall not apply to any limited raffle license for certain raffle games.

Applies only to single raffle games as defined in existing law (R.S. 4:707(A)(1)), and limits the prize value to \$10,000, instead of limiting the proceeds to \$10,000.

Effective August 1, 2023.

**Act No. 126 (HB 488) by Rep. Farnum**

Provides that the term "riverboat" is one of the following:

- (1) A vessel that carries a valid Certificate of Inspection issued by the U.S. Coast Guard with regard to the carriage of passengers on designated rivers or waterways within or contiguous to the boundaries of the state and for the carriage of a minimum of 600 passengers and crew.
- (2) A non-certificated vessel that carries a valid certificate of compliance issued by the board based on the recommendation of an approved third-party inspector.
- (3) A landside facility that is approved by the board and a portion of its designated gaming area is located within 1,200 feet of a riverboat's licensed berth. Requires such facilities to be inspected and issued a certificate.

Provides that to ensure public health and safety, riverboat facilities shall be inspected prior to the commencement of gaming operations, annually, and as requested by the board. Authorizes the board

to issue a certificate of compliance to a licensee or applicant for its riverboat landside facility based on a recommendation of a third-party inspector approved by the board, including the state fire marshal or his designee.

Requires the recommendation to be based on compliance of all of the following:

- (1) Applicable provisions of the National Fire Protection Association Life Safety Code (NFPA 101) as adopted by the state.
- (2) Applicable provisions of the International Building Code as adopted by the state.
- (3) An inspection report by the state fire marshal, or his designee.
- (4) Applicable provisions of the local and state building codes and laws.
- (5) Issuance of a certificate of occupancy.

Provides that when the state fire marshal is acting as a third-party inspector, he is only required to inspect a riverboat landside facility in accordance with any law for which he is given responsibility for supervision or enforcement.

Requires fees imposed by a third-party inspector to be paid by the licensee or applicant. Provides that such fees are nonrefundable.

Authorizes the state fire marshal to collect fees for each riverboat landside facility inspection according to the following schedule:

- (1) Annual riverboat landside facility inspections shall not exceed \$15,000.
- (2) Additional inspections deemed necessary by the board or the state fire marshal shall not exceed \$5,000.

Provides that any fees collected shall be deposited into the La. Fire Marshal Fund.

Adds that the state fire marshal, or his designee, shall, as an approved third-party inspector by the board, have the authority to conduct inspections of a riverboat landside facility licensed or seeking licensure or certificates of compliance by the board.

Effective August 1, 2023.

**Act No. 285 (SB 189) by Sen. Jackson**

Provides that any license or permit that was issued to any location or to any distributor for the use of electronic video bingo machines on or before June 30, 2022, is a bona fide and valid license and permit under Louisiana law.

Prohibits the office of charitable gaming from issuing any license or permit to any location or to any distributor for use of electronic video bingo machines after June 30, 2022.

Provides that if any location, where electronic or video bingo machines are validly licensed or permitted on or before June 30, 2022, to operate is damaged or destroyed due to an occurrence that is an act of God, natural disaster, force majeure, catastrophic event, action by a governmental body, or a similar occurrence over which the licensee or permittee has no reasonable control, the office may allow electronic or video bingo machines to operate at the same physical location.

Allows for the transfer of a location license and an electronic video bingo machine license.

Provides that if the office of charitable gaming is authorized by law at a later date to issue any new license or permit after June 30, 2022, then the office will be prohibited from issuing a license or permit for the placement of electronic or video bingo machines within one mile from property on the National Register of Historic Places, public playgrounds, residential property, or any building used primarily as a church, synagogue, public library, or school.

Does not apply to either of the following:

- (1) Locations that are damaged or destroyed due to an act of God, natural disaster, force majeure, catastrophic event, or action by a governmental body.
- (2) Any location licensed to conduct electronic video bingo on or before June 30, 2022.

Defines "residential property".

Effective July 1, 2023.

**Act No. 286 (SB 192) by Sen. Smith**

Provides that the La. Gaming Control Board shall not be considered a professional or occupational licensing board.

Provides that the gaming enforcement division, office of state police, Dept. of Public Safety and Corrections shall not be considered a professional or occupational licensing board.

Requires the La. Gaming Control Board, in conjunction with the governor's office of human trafficking prevention and industry professionals, to develop and implement a comprehensive in-person and digital human trafficking awareness and prevention training for the gaming industry.

Authorizes the La. Gaming Control Board to approve third-party human trafficking awareness and prevention training programs if it determines that development of the training is not feasible.

Requires such training to include but not be limited to training on identifying victims of human trafficking at gaming establishments in Louisiana.

Requires the La. Gaming Control Board to promulgate rules and regulations setting forth the minimum training requirements to be imposed on all licensees and permittees.

Requires all licensees, permittees, and employees to certify participation in and completion of human trafficking awareness and prevention training to the gaming enforcement division on an annual basis as a condition of maintaining any gaming license or permit issued by the La. Gaming Control Board.

Provides that if a sports wagering license is surrendered by an entity, the entity is authorized to reapply, or a new entity may apply, for the sports wagering license within two years of the La. Gaming Control Board's acceptance of the surrender.

Provides that if the sports wagering license is revoked, any new entity approved by the La. Gaming Control Board to operate under a new license (land-based casino, riverboat casino, or race track) shall have the first option to apply for the sports wagering license within two years of the effective date of the approval.

Adds a fantasy sports contest operator as an eligible entity to apply for an available sports wagering license.

Dedicates 3% of the monies collected pursuant to the state levy upon the net gaming proceeds from sports wagering, or \$500,000, whichever is greater, to the Compulsive and Problem Gaming Fund.

Effective August 1, 2023.

## **Juveniles**

### **Act No. 145 (HB 359) by Rep. Gregory Miller**

Creates the River Parishes Juvenile Justice District as a political subdivision of the state. Further provides for territorial jurisdiction throughout the 23rd, 29th, and 40th Judicial Districts, including the parishes of Ascension, Assumption, St. Charles, St. James, and St. John the Baptist.

Creates the River Parishes Juvenile Justice Commission, composed of 13 board members, to control, administer, and manage the affairs of the district.

Provides that special costs in an amount not to exceed \$5 shall be levied against every defendant who is convicted after trial, enters a plea of guilty or nolo contendere, or forfeits bond in all felony and misdemeanor prosecutions, including traffic offenses, under state law or parish or municipal

ordinance, in any district, parish, city, or mayor's court in the parishes of Ascension, Assumption, St. Charles, St. James, and St. John the Baptist.

Provides that, in lieu of imposing the special costs, the court may direct that a like amount be deducted from any fine imposed prior to disposition of the fine in accordance with other laws, but in either event any amounts so collected shall be remitted, by the 10th of the month following the month in which collected, by the proper officer of the court to the board of the River Parishes Juvenile Justice Commission to be used for the expenses of its operations as provided in this Subpart.

Provides that in all courts exercising juvenile jurisdiction, special costs in an amount not to exceed \$5 shall be levied against every juvenile who is found to have committed a traffic violation, under state law or parish or municipal ordinance, and special costs in an amount not to exceed \$25 shall be levied against every juvenile who is adjudicated delinquent in the parishes of Ascension, Assumption, St. Charles, St. James, and St. John the Baptist.

Further provides that all or part of the costs may be suspended, but any amounts thereof collected shall be remitted, by the 10th of the month following the month in which collected, by the proper officer of the court in which the matter was heard to the board of the River Parishes Juvenile Justice Commission to be used for the expenses of its operations.

Provides that the special court costs or fees shall become effective upon approval by the Judicial Council.

Effective August 1, 2023.

**Act No. 166 (HB 357) by Rep. Huval**

Creates the Acadiana Regional Juvenile Justice District as a political subdivision of the state. Further provides for territorial jurisdiction throughout the parishes of Acadia, Allen, Evangeline, Iberia, Jefferson Davis, St. Landry, St. Martin, St. Mary, and Vermilion.

Creates the Acadiana Regional Juvenile Justice District Commission, composed of 11 board members to control, administer, and manage the affairs of the district.

Provides that the juvenile facility or facilities in the district, when operational, shall be used for the temporary detention of the following:

- (1) Children under the age of 18 years.
- (2) Individuals 18 years of age and older who were under 18 years of age when they committed an alleged offense from the parishes within the district while awaiting trial or other disposition of their cases.
- (3) Runaways from parishes within the district.

- (4) Those awaiting transfer to Dept. of Public Safety and Corrections or the office of juvenile justice.
- (5) Any other purpose or use provided in any other constitutional or statutory law.

Provides that the facility or facilities may also be used to operate post-adjudication programming, including treatment and rehabilitation.

Provides that, subject to the approval of the commission, juveniles from parishes outside of the district may be accepted for housing and care in accordance with rules and regulations adopted by the board and pursuant to a participation agreement between the district and the governing authority of the participating parishes, but only upon agreement of the participating parish to pay the charges established for the sublease of space in the facility and for the care and maintenance of each such juvenile.

Effective June 7, 2023.

**Act No. 387 (SB 73) by Sen. Robert Mills**

Relative to truancy and assessment and service centers, changes the program title from "truancy and assessment and service centers" to "truancy assessment service centers".

Changes the developer and implementor of the truancy prevention program from the LSU office of social services research and development to the La. Commission on Law Enforcement and the Administration of Criminal Justice (LCLE).

Changes the agency that reports to the legislature from the LSU office of social services research and development to LCLE and designates the Joint Legislative Committee on the Budget as the legislative committee for purposes of reporting statistical data.

Provides that, subject to appropriation by the legislature, LCLE may use appropriated funds to provide for the reasonable costs of administering the truancy prevention program and to provide funding for the local programs.

Effective June 14, 2023.

**Act No. 418 (HB 54) by Rep. Schlegel**

Creates the "The Juvenile Transfer Act"

Increases the amount of days that the district attorney has to file the petition or indictment from 30 days to 60 days when a child who is 15 years of age or older is alleged to have committed any of the following offenses that could subject to him to prosecution as an adult:

- (1) First degree murder.

- (2) Second degree murder.
- (3) Aggravated or first degree rape.
- (4) Aggravated kidnapping.

Provides that a failure to institute prosecution shall result in release of the child if, after a contradictory hearing with the district attorney, just cause for the failure is not shown.

Provides that if just cause is shown, the court shall reconsider bail for the child. Further provides that the failure to institute prosecution shall result in the release of the bail obligation if, after a contradictory hearing with the district attorney, just cause for the delay is not shown.

Provides that when a juvenile court holds a continued custody hearing and finds probable cause that the child committed the offense of first degree murder, second degree murder, aggravated or first degree rape, or aggravated kidnapping, the time limitations contained in the Children's Code are inapplicable and the time period for filing an indictment after arrest shall be governed by C.Cr.P. Art. 701.

Increases the amount of days that the district attorney has to file the petition or indictment from 30 days to 60 days when a child who is 15 years of age or older is alleged to have committed any of the following offenses that could subject to him to prosecution as an adult:

- (1) Attempted first degree murder.
- (2) Attempted second degree murder.
- (3) Manslaughter.
- (4) Armed robbery.
- (5) Aggravated burglary.
- (6) Forcible or second degree rape.
- (7) Simple or third degree rape.
- (8) Second degree kidnapping.
- (9) Aggravated battery committed with a firearm.
- (10) A second or subsequent aggravated battery.
- (11) A second or subsequent aggravated burglary.
- (12) A second or subsequent offense of burglary of an inhabited dwelling.

- (13) A second or subsequent felony-grade violation of the Controlled Dangerous Substance Law involving the manufacture, distribution, or possession with intent to distribute controlled dangerous substances.

Provides that the failure to institute prosecution shall result in release of the child if, after a contradictory hearing with the district attorney, just cause for the failure is not shown.

Provides that if just cause is shown, the court shall reconsider bail for the child. Further provides that the failure to institute prosecution shall result in the release of the bail obligation if, after a contradictory hearing with the district attorney, just cause for the delay is not shown.

Effective August 1, 2023.

**Act No. 420 (HB 84) by Rep. Schlegel**

Provides that a juvenile may be committed to the DPS&C after an adjudication for the offense of carjacking (R.S. 14:64.2).

Provides that a juvenile in secure care for an adjudication for the offense of carjacking shall be eligible for modification after serving 36 months of the disposition or, if the disposition is less than 36 months, two-thirds of the disposition.

Effective August 1, 2023.

**Act No. 445 (HB 523) by Rep. LaCombe**

Changes the length of time that a juvenile may be held in an adult jail or lockup from 24 hours to 48 hours if certain conditions occur.

Changes the length of time for the occurrence of a continued custody hearing from 24 hours to 48 hours.

Provides that a child who is subject to criminal jurisdiction and being held in a juvenile detention facility before trial shall be transferred to the appropriate adult facility for continued pretrial detention upon reaching the age of 18.

Provides that if a juvenile detention center is not available, a juvenile may be held in an adult jail or lockup for identification or processing procedures or while awaiting transportation only as long as necessary to complete the activities for up to six hours, except that in nonmetropolitan areas, he may be held for up to 48 hours if all of the following occur:

- (1) The juvenile is accused of a nonstatus offense.
- (2) A continued custody hearing is held within 48 hours after his arrest.
- (3) There is no acceptable alternative placement to the jail or lockup in which he is being held.

- (4) The sheriff or the administrator of the adult jail or lockup has certified to the court that facilities exist that provide for sight and sound separation of the juvenile from adult offenders and the juvenile can be given continuous visual supervision while placed in the jail or lockup.

Adds that the detention screening instrument administered for any child placed in secure detention when taken into custody without a court order for an alleged commission of a delinquent act shall be as provided in Ch.C. Art. 815.

Removes the requirement that jurisdictions submit alternative detention screening instruments to the JDAI Collaborative for approval no later than April 1, 2020.

Authorizes an individual whose name is or was entered on the state central registry to file a written motion seeking correction to the division of administrative law for an administrative appeal of the justified determination.

Changes the procedure for an individual to appeal inclusion on the state central registry to align with procedures provided in accordance with Ch.C. Art. 616.1.1.

Provides that all juvenile detention facilities, including facilities owned or operated by any governmental, for profit, nonprofit, private, or public agency, shall be licensed and regulated by the office of juvenile justice (OJJ) beginning July 1, 2024.

Provides for an annual license fee for any license issued to a detention facility to be used by the OJJ for expenses related to the licensing program, as follows:

- (1) \$400 for a detention facility authorized to care for six or fewer juveniles.
- (2) \$500 for a detention facility authorized to care for at least seven but not more than 15 juveniles.
- (3) \$600 for a detention facility authorized to care for 16 or more juveniles.

Provides that an entity operating a juvenile detention facility without a valid license issued by the OJJ shall be fined \$1,000 for each day of operation without a valid license.

Authorizes the OJJ to file suit against an entity operating a juvenile detention facility without a valid license issued by the OJJ in the district court in the parish in which the facility is located for injunctive relief, including a temporary restraining order, to restrain continued violations.

Prohibits any person from operating a juvenile detention facility in violation of any state or federal statute, regulation, or any rule adopted pursuant to the APA that governs the ownership or operation of juvenile detention facilities.

Authorizes the OJJ to issue a written warning that includes a corrective action plan to any person or entity violating these requirements when the violation creates a condition or occurrence relating to

the operation and maintenance of a juvenile detention facility that does not pose an imminent threat to the health, safety, rights, or welfare of a child.

Provides that any appeal of any OJJ decision for a violation be suspensive, with any appeals filed to be heard by the division of administrative law.

Authorizes the OJJ to institute all necessary civil court actions to collect imposed fines that are not timely appealed.

Requires any civil fines collected to be deposited immediately into the state treasury and deposited in the "Juvenile Detention Licensing Trust Fund".

Requires that the monies in the fund be subject to annual appropriation and be available exclusively for use by OJJ for the education and training of employees, staff, or other personnel of juvenile detention facilities.

Prohibits any owner, operator, current or prospective employee, or volunteer of a juvenile detention facility that is requesting licensure or is licensed by the OJJ from being employed by the facility if that individual's name is recorded on the state central registry as a perpetrator for a justified finding of abuse or neglect of a child.

Requires the OJJ to promulgate rules and regulations in accordance with the APA, with the rules containing at a minimum the following:

- (1) Licensing standards for juvenile detention centers that comport with nationally recognized and accepted best practice standards.
- (2) Specific factors for determining the type of sanctions to be imposed including severity of risk, actual harm, failure to implement a written corrective action plan, mitigating circumstances, the history of noncompliance and an explanation of the treatment of continuing noncompliance, an explanation of the treatment of continuing repeat deficiencies, evidence of good faith effort to comply, and any other relevant factors.
- (3) The process to provide notice to a juvenile detention facility of any violation, reconsideration process for sanctions issued, and an appeal procedure, including judicial review.

Provides that the Dept. of Children and Family Services shall be responsible for licensing and regulating juvenile detention facilities until July 1, 2024, when the licensing authority is transferred to the OJJ.

Provides that on July 1, 2024, the Dept. of Children and Family Services shall not be required to conduct facility licensing.

Effective June 28, 2023.

**Act No. 448 (HB 160) by Rep. Hilferty**

Requires the district attorney or court, at the request of the victim, to release to the victim of a delinquent act constituting a crime of violence, the victim's legal representative, or designated family member the following information:

- (1) The results of adjudication and disposition hearings.
- (2) Notice of the taking into custody, release pursuant to bail or a rejection of charges by the district attorney, escape, or re-apprehension of the child accused of the crime of violence against the victim.
- (3) Advance notice of court proceedings relating to the delinquent act.
- (4) Certain information contained in the predisposition report to the court.
- (5) The name of the judge presiding over the adjudication and disposition hearings.
- (6) The offense which forms the basis for adjudication.
- (7) The name of the accused.

Requires the court, in a juvenile delinquency case involving a crime of violence, to release to the public the following:

- (1) The nonidentifying results of adjudication and disposition hearings.
- (2) The name of the judge presiding over the adjudication and disposition hearings.
- (3) The offense which forms the basis for adjudication.

Provides that this disclosure to the public shall occur upon written request provided to the court.

Adds that the victim or the designated member of the victim's family in a case involving homicide or injury to a minor has the right to be present at all court proceedings and, whenever practical, shall be allowed to observe the proceedings by simultaneous transmission through audiovisual equipment, if such technology is available in the courtroom.

Removes the designation that the victim be a victim of a felony-grade offense and provides that the district attorney, whenever practical, shall consult either the victim or a designated member of the victim's family in a case that involves homicide or injury to a minor.

Prohibits public officials, officers, and agencies from disclosing the name, address, or identity of a juvenile victim of crime who at the time of the commission of the offense is under 18 years of age.

Redefines the term "juvenile crime victim" to change the age threshold to under the age of 18 and to change the type of offense from a felony offense to a delinquent act.

Redefines the term "victim" to provide that the delinquent act does not need to have a felony-grade designation.

Redefines the term "victim's family" to include the victim's grandparent, guardian, or legal custodian.

Provides that the following witnesses shall not be excluded from attending an adjudication hearing:

- (1) A party who is a natural person.
- (2) A single officer or single employee of a party which is not a natural person designated as its representative or case agent by its attorney.
- (3) A person whose presence is shown by a party to be essential to the presentation of his cause such as an expert.
- (4) The victim of the offense or the family of the victim.

Provides that a court may impose appropriate sanctions for violations of its exclusion order including contempt, or when such sanctions are insufficient, disqualification of the witness.

Effective January 1, 2024.

**Act No. 460 (SB 217) by Sen. Henry**

Creates the Child Abuse and Neglect Registry.

Provides for the discretionary registration of persons convicted of enumerated felony offenses based on the type of offense and subject to the judge's discretion, where the victim is a child, with local law enforcement agencies of where they reside, and in the parish of conviction, and to provide local law enforcement with information regarding their identities, residence, conviction, and other personal information.

Requires the court to provide written notification to any person convicted of an applicable offense of the requirement to register.

Provides procedures for offenders to provide information to local law enforcement agencies regarding a change of address, residence, employment, or schooling within three business days of release.

Requires in-person verification by the offender at each registration period.

Provides that the crime of failing to register includes the failure to register, failure to periodically renew and update registration, failure to provide proof of residence, or failure to provide notification of change of address or other registration information.

Provides that knowingly providing false information to law enforcement also constitutes a failure to register and subjects the offender to a fine of not more than \$1,000 and imprisonment of not more than one year.

Provides that the court may waive registration and notification requirements if the offender is convicted of second degree battery (R.S. 14:34.1).

Provides that the La. Bureau of Criminal Identification and Information shall develop and maintain the registry known as the Child Abuse and Neglect Registry.

Provides that upon receipt of registration information, the bureau shall immediately enter the appropriate information in the registry.

Provides for an exception to the registration requirements for the Child Abuse and Neglect Registry if the offender is also required to register as a sex offender.

Provides that all of the following information is exempt from public view:

- (1) Social security numbers.
- (2) Names of victims.
- (3) Arrests that did not result in conviction.
- (4) Telephone numbers.
- (5) Travel and immigration documents.
- (6) Email addresses.

Provides that the website must contain a disclaimer regarding potential inaccuracies, and prohibits using the information for harassment, stalking, or threats to the offender.

Provides for email notification to local law enforcement agencies upon registration of offender.

Provides for social networking sites to have information to compare registered users with email addresses, instant message addresses, or other similar online identifiers with persons on the registry.

Requires offenders to maintain their registration for a period of 10 years for the first offense and for life for any second or subsequent offense.

Effective July 1, 2024

# Miscellaneous

## **Act No. 86 (HB 378) by Rep. DeVillier**

Provides that the population database created by state police may be used for the following:

- (1) To assist federal, state, and local criminal justice and law enforcement agencies in the identification and detection of individuals in criminal investigations or in declared or non-declared disaster victim identification.
- (2) For a population statistics database.
- (3) For identification and protocol development purposes.
- (4) For quality control purposes.
- (5) To reduce the rape kit backlog at the La. State Police crime lab.

Requires state police to maintain the separate population database and provides that the database is subject to the same disclosure prohibitions as the state data bank pursuant to existing law (R.S. 15:617).

Effective August 1, 2023.

## **Act No. 214 (HB 55) by Rep. Selders**

Creates "The Mental Healing Justice for Incarcerated People Act".

Provides for a statement of legislative intent. Further provides that it is the intent of the legislature that the state allocate funding to ensure both the access and delivery of quality care for individuals incarcerated within the Dept. of Public Safety and Corrections (department).

Further provides within the statement of legislative intent that the legislature also finds access to high-quality mental health services, regardless of the setting, to be of importance. Further provides that the state wholly supports efforts to assist incarcerated individuals suffering from severe and persistent mental illnesses in their efforts to navigate incarceration and reentry into society.

Makes the establishment of resources and programs mandatory.

Requires the department to perform the following duties:

- (1) Provide screening to persons entering state prison facilities, upon intake, for mental health disorders as defined in the current edition of the Diagnostic And Statistical Manual, subject to appropriation by the legislature and the availability of resources.

- (2) Refer a person to a facility's mental health department if at any point during the person's incarceration, any department staff member suspects that an incarcerated person may have a mental illness.
- (3) Provide Mental Health First Aid training to employees on an annual basis, subject to appropriation by the legislature and the availability of resources.
- (4) Utilize trained peer support who have shared lived experiences to augment and enhance mental health services.
- (5) Provide an incarcerated person who has been diagnosed with a serious mental illness, prior to that person's release, with an appointment or walk-in instructions for a community mental health provider to ensure continuity of care to the extent that this is feasible and subject to the availability of department and community resources.

Effective August 1, 2023.

**Act No. 374 (HB 556) by Rep. Davis**

Adds an additional penalty of a fine of not more than \$1,000 and imprisonment at hard labor for not more than one year for an offender who commits the crime of tampering with electronic monitoring equipment after being released pursuant to a bail undertaking for a felony crime of violence.

Provides that corrections services, the office of state police, and the La. Commission on Law Enforcement and Administration of Criminal Justice (LCLE) shall also work with DPS&C to develop written policies and procedures in the manner provided in the APA for the promulgation of rules governing mandatory requirements for electronic monitoring service providers, including governing the availability, storage, use of, and operational capacity for electronic monitoring equipment, utilized for pre-trial, post-conviction, or monitoring.

Specifies that policies and procedures be developed pursuant to the APA, and adds the following criteria to the existing policies and procedures:

- (1) Location accuracy for the indoor, outdoor, and on-demand location of a monitored individual. Also provides for the ability to provide a monitored offender's location accuracy within three minutes of a request.
- (2) Development of zoning capabilities for inclusion and exclusion zones.
- (3) Timely alert notifications from the applicable local, municipal, and parish authorities and the office of technology services to an authorizing judge or law enforcement agency for all of the following:
  - (a) The tampering of the electronic monitoring equipment and the ability to provide an alert of this violation within three minutes of the violation.

- (b) The presence of the electronic monitoring equipment in an exclusion zone and the ability to provide an alert of this violation within four minutes of the violation.
  - (c) Low battery alert prior to the complete discharge of the battery within the electronic monitoring equipment.
- (4) Simultaneous access to an authorizing judge or law enforcement agency for all monitoring records of an electronic monitoring provider.

Provides that when an individual has been placed under electronic monitoring, the provider of the electronic monitoring service shall, by noon of the following day, provide law enforcement agencies within the appropriate jurisdiction all of the following information:

- (1) The name and any aliases used by the monitored individual.
- (2) The physical address or addresses of residence of the monitored individual.
- (3) The name and physical address of place of employment. Further provides that if the monitored individual does not have a fixed place of employment, he shall provide information with as much specificity as possible regarding the places where he works, including but not limited to travel routes used by the monitored offender.
- (4) The pending criminal charges against the monitored individual.
- (5) The reason why the monitored individual has been placed under electronic monitoring.

Provides that after an individual has been placed under electronic monitoring, the court exercising jurisdiction over the monitored individual shall report the information it receives to all law enforcement agencies within its jurisdiction.

Provides that any provider of an electronic monitoring service that intentionally withholds or intentionally fails to timely report the required information shall be subject to a civil fine of not more than \$1,000 and shall be prohibited from registering to provide electronic monitoring services in La. for a period of five years.

Authorizes the attorney general to pursue the civil fine and permits the attorney general to institute any civil action to prohibit any violator from conducting business in this state for a period of five years.

Provides that the Integrated Criminal Justice Information System Policy Board, in consultation with the DPS&C, corrections services, the office of state police, the office of the attorney general, the office of information and technology systems, and the LCLE shall evaluate the feasibility of all of the following:

- (1) Development of a statewide system for the use of global position system monitoring and other electronic methods of monitoring as an alternative to incarceration for persons who have been arrested, who are awaiting trial, or who have been convicted.
- (2) Development of guidelines and criteria for contracts between a local government and a person or entity that provides electronic monitoring services.
- (3) Development and maintenance of a centralized registry that can assist the state in the collection of the following data:
  - (a) The number of persons who are electronically monitored by jurisdiction.
  - (b) The number of violations that occur within each jurisdiction.

Provides that any person or entity who provides electronic monitoring services for the purpose of monitoring, tracking, or supervising pretrial or post-conviction persons within the state of La. shall certify in writing that the provider meets the criteria and capability requirements and shall register with the DPS&C no later than Dec. 1, 2024.

Provides that no person or entity shall provide electronic monitoring services in this state without having first complied with the registration requirements. Further provides that the application for registration shall be submitted on forms provided by the DPS&C and shall contain all the information required by such forms and any accompanying instructions.

Requires the DPS&C to remove from its registry any person or entity that provides electronic monitoring services in this state if the office determines that a violation has occurred.

Effective August 1, 2023.

**Act No. 386 (SB 31) by Sen. Mizell**

Adds that the governor's office of human trafficking prevention is also a "criminal justice agency" for the purposes of interacting with the La. Bureau of Criminal Identification and Information.

Requires that any district attorney who prosecutes a case of human trafficking or provides services to a victim of human trafficking must submit an annual report on his operations to the governor's office of human trafficking and prevention and the Dept. of Children and Family Services, including the agency's name, parish, disposition of the case, statute under which the offense was prosecuted, sentencing date, restitution ordered, restitution paid, value of assets from civil assets forfeited, and any services offered to victims.

Effective August 1, 2023.

**Act No. 409 (HB 484) by Rep. Edmonds**

Relative to a first offense of operating a vehicle while intoxicated, provides that in addition to any other penalties imposed, if the offender had a blood alcohol concentration of 0.15 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, the driver's license of the offender shall be suspended for two years.

Relative to a second offense of operating a vehicle while intoxicated, provides that in addition to any other penalties imposed, if the offender had a blood alcohol concentration of 0.15 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, the driver's license of the offender shall be suspended for four years.

Provides that if the offender had a blood alcohol concentration of 0.15 percent or greater, he shall be issued a restricted driver's license under certain conditions and have a functioning ignition interlock device installed on his vehicle.

Further provides that upon a second conviction, the offender shall be eligible for a restricted license for the four-year period of suspension after he has provided proof to the department that his motor vehicle is equipped with a functioning ignition interlock device.

Provides that when any person's driver's license is suspended in connection to a first offense violation of operating a vehicle while intoxicated, the office of motor vehicles is required to suspend the person's driver's license consistent with the blood alcohol concentration reflected in the final case disposition and sentencing minutes. The administrative suspension for any chemical test suspension shall be updated to be consistent with the blood alcohol concentration reflected in the final case disposition and sentencing minutes.

Effective August 1, 2023.

**HR No. 168 by Rep. Seabaugh**

Creates the La. Violent Crime Task Force to study and evaluate recent legislative reforms to the La. criminal justice system and to report its findings to the legislature no later than Dec. 31, 2023.

**SCR No. 45 by Sen. Abraham**

Creates the Task Force on Sentencing for Second Degree Murder to study potential changes to the sentencing laws for the crime of second degree murder for persons who could have been charged as an accessory and to propose recommendations, together with specific proposals for legislation, if the task force deems it necessary or appropriate.

# Vetoed Legislation

## **HB 85 by Rep. Mike Johnson**

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.

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.

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

## **HB 91 by Rep. Goudeau**

Would have allowed a court to order an offender who committed the crime of vehicular homicide to make payments to the victim's minor child until the child reached the age of 18.

Would have further provided that if the child reached the age of 18 and was enrolled in a program of study which upon completion would have entitled him to be issued a high school equivalency diploma, then the restitution would have continued to be paid until the child either earned such diploma or reached the age of 21, whichever first occurred.

Would have required the court to calculate the restitution payments using the guidelines set forth under R.S. 9:315.

Would have specified that if the court ordered restitution and a judgment was obtained from a civil suit in favor of the surviving parent or guardian, the restitution order would have been required to adopt the civil judgment.

Would have provided that in addition to the penalties for the crime of vehicular homicide, a person convicted of this offense may have also been ordered to make restitution.

Would have been referred to as "Cody's Law".

## **HB 188 by Rep. Frieman**

Would have allowed a district attorney to allege that a person was a dangerous offender when an information was filed that accused that person of a previous conviction pursuant to the Habitual Offender Law.

Would have required a court to hold a hearing to determine whether a person was a dangerous offender. Would have further provided that if a court concluded that a person was a dangerous

offender, the court was authorized to order that the sentence imposed be served without benefit of probation, suspension of sentence, or parole until 85% of the sentence was served.

Would have authorized a person to be alleged as a dangerous offender if he had been previously convicted of committing, attempting to commit, or conspiring to commit any of the following offenses:

- (1) A crime of violence as defined in existing law.
- (2) A sex offense as defined in existing law.
- (3) The production, manufacture, or distribution of any controlled dangerous substance listed in Schedules I or II of the Uniform Controlled Dangerous Substance Law other than marijuana.
- (4) A violation of the La. Racketeering Act.
- (5) A violation of the La. Street Terrorism Enforcement and Prevention Act.

Would have required a court to consider all of the following circumstances in determining whether a person was a dangerous offender:

- (1) The factors enumerated in Code of Criminal Procedure Article 894.1(B).
- (2) The nature and extent of any prior delinquent or criminal history.
- (3) The success or failure of any previous attempts to rehabilitate the defendant.
- (4) The defendant's conduct while previously incarcerated or on probation or parole.
- (5) Any other facts a court deemed relevant.

Would have provided that if a court ordered that the sentence imposed was to be served without the benefit of parole, probation, or suspension of sentence, a court would have been required to state for the record the considerations taken into account and the factual basis for its determination.

Would not have applied to any sentence which was already designated to be served without parole, probation, or suspension of sentence.

### **HB 659 by Rep. Romero**

Would have required a person 21 years of age or older residing in the state to register with the sheriff the person's residence, or residences, if there was more than one, and with the chief of police if the address of any of the person's residences was located in an incorporated area which has a police department if that person had been convicted of any of the following offenses where the victim was a minor, as defined in Children's Code Article 116:

- (1) R.S. 14:34 (Aggravated battery)
- (2) R.S. 14:34.7 (Aggravated second degree battery)

Would have provided that persons required to register would have to appear in person at the appropriate law enforcement agency within 30 business days of establishing a new or additional physical residential address or of changes in information previously provided when any of the following occurred:

- (1) The offender changed his place of residence or established a new or additional residence.
- (2) The offender had vacated his current address of registration with the intent not to return.
- (3) The offender had been absent from his current address of registration for more than 90 consecutive days or an aggregate of 90 days or more per calendar year and was physically present at another address during that same time period.
- (4) The offender had a change in name.

Would have provided that any person who failed to register, periodically renew and update registration, provide proof of residence or notification of change of address or other registration information, and a person who knowingly provided false information to the appropriate law enforcement agency would have been fined not more than \$1,000, imprisoned for not more than six months, or both.

Would have required persons to register while under an order of imprisonment for a first, second, or third offense and for the duration of the lifetime of the offender for a fourth or subsequent offense, unless the underlying conviction was reversed, set aside, or vacated.

Would not have applied to any person who had obtained an expungement.

Would have been referred to as the "Remy Mann Act".

### **SB 159 by Sen. Cathey**

Would have terminated the application of the existing law (Ch.C. Art. 804(1)) definition of "child" on July 31, 2023, and would have provided that beginning August 1, 2023, "child" would mean any person under the age of 21, including an emancipated minor, who committed a delinquent act on or after August 1, 2023, when the act was not a crime of violence, and the act occurred before the person attained 18 years of age.

Would have further defined "child" to include any person alleged to have committed any delinquent act prior to his 17th birthday.