



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

from the 2024 2nd Extraordinary Session and Regular Session
of the Louisiana Legislature

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SELECTED CRIMINAL JUSTICE LEGISLATION

2024 2nd Extraordinary Session

Act 1 (SB 1) by Sen. Miguez

Provides for the concealed carrying of a firearm without a permit so long as the person is at least 18 years old and not prohibited from possessing a firearm.

Effective July 4, 2024.

Act 2 (SB 2) by Sen. Miguez

Provides for a limitation of liability for persons authorized to carry a concealed handgun

"Authorized persons" includes active law enforcement, retired law enforcement, any person with a valid concealed handgun permit, and military personnel who are active, reserve, or retired.

Effective July 4, 2024.

Act 3 (SB 9) by Sen. Mizell

Allows the prosecution of any sex crime to be initiated outside of the current time limitations when the identity of a suspect is established using newly discovered photographic or video evidence.

A prosecution for a sex crime initiated outside of the existing time limitation must commence within three years of when the identity of the suspect is established using newly discovered photographic or video evidence.

Effective March 5, 2024.

Act 4 (HB 3) by Rep. Butler

Provides relative to mandatory drug testing, screening, and assessment for drug and specialty court participation for certain offenders. Further provides for confidentiality of records associated with the drug or specialty court program.

Provides that drug testing to determine the presence of any controlled dangerous substance identified in the Uniform Controlled Dangerous Substances Law shall occur within 24 hours of the booking of the person, and random testing thereafter may be required to verify that the person is drug free.

Provides that all persons testing positive for the presence of one or more substances shall be clinically screened utilizing a validated screening tool for the purpose of determining whether the person suffers from a substance use disorder and is suitable for a drug or specialty court program.

Provides that when it appears that the best interest of the public and of the defendant will be served, after the conviction of a defendant considered suitable for a drug or specialty court program, the court may suspend, in whole or in part, the imposition or execution of the sentence when all of the following conditions are met:

- (1) The district attorney consents to the suspension of sentence.
- (2) There is an available drug or specialty court program recognized by the La. Supreme Court.
- (3) The court orders the defendant to enter and complete any drug or specialty court program recognized by the La. Supreme Court.

Provides that when suspension of sentence is allowed, the defendant may be placed on probation under the supervision of the division of probation and parole, or under the supervision of a probation office, agency, or officer designated by the court. Further provides that the period of probation shall be specified and shall not exceed three years, except as provided in C.Cr.P. Art. 893(H). Further provides that the suspended sentence shall be regarded as a sentence for the purpose of granting or denying a motion for new trial or appeal.

Provides that upon motion of the defendant, if the court finds at the conclusion of the probationary period that the probation of the defendant has been satisfactory, the court may set the conviction aside and dismiss the prosecution. Further provides that the dismissal of the prosecution shall have the same effect as an acquittal, except that the conviction may be considered as a first offense and provide the basis for a subsequent prosecution of the party as a habitual offender, except as provided in present law (R.S. 15:529.1(C)(3)).

Provides that the conviction also may be considered as a prior offense for purposes of any other provision of law relating to cumulation of offenses. Further provides that dismissal pursuant to new law shall occur only once with respect to any person.

Provides that a defendant shall be assessed for suitability for participation in a drug or specialty court program if all of the following criteria are met:

- (1) The defendant meets the statutory eligibility requirements for participation in a drug or specialty court program.
- (2) There is a relationship between the use of alcohol or drugs and the offense before the court.
- (3) The defendant has tested positive on a drug test and has been screened and determined suitable pursuant to C.Cr.P. Art. 320(D), or the defendant has been screened and determined suitable upon request of the defendant or as ordered by the court.

Effective July 1, 2024.

Act 5 (HB 6) by Rep. Muscarello

Adds nitrogen hypoxia and electrocution as additional methods for administering the death penalty.

Provides for confidentiality relative to individuals involved in the administration and the process of executing the death penalty.

Effective July 1, 2024.

Act 6 (HB 9) by Rep. Villio

Eliminates parole eligibility for offenses committed on or after August 1, 2024.

Does not apply to the following:

- (1) Juvenile offenders.
- (2) An offender serving a life sentence for an offense committed on or before July 2, 1973, and for which the offender pleaded guilty.

Effective August 1, 2024.

Act 7 (HB 10) by Rep. Villio

Provides for diminution of sentence of up to 15% for good behavior for offenses committed on or after August 1, 2024.

A person who has been convicted of a sex offense or who has been sentenced as a habitual offender under the Habitual Offender Law is not eligible for this diminution of sentence.

Additional diminution of sentence can be earned for participation in certain programs.

Removes "earned compliance credits" for parole and probation.

Effective August 1, 2024.

Act 8 (HB 11) by Rep. Villio

Make changes to what offenses constitute technical violations of probation or parole and what can be addressable by administrative sanctions.

Increases the maximum probationary period from 3 years to 5 years for certain offenses when criminal sentence is suspended after a first, second, or third conviction of a noncapital felony.

Expands the court's determination of eligibility for administrative sanctions for technical violations of **probation** to all offenses rather than only crimes of violence or sex offenses.

Removes the tiered sentencing for technical violations and provides that the sentence for a technical violation of probation may be not more than 90 days to be served without diminution of sentence.

Provides that, unless deemed by the court when its discretion is permitted, certain violations of probation shall not be considered technical violations nor addressed by administrative sanctions.

Provides that a technical violation of probation shall not include being arrested, charged, or convicted of certain offenses, including the possession of a firearm or other prohibited weapon or failing to appear at any court hearing.

Expands the committee on parole's determination of eligibility for administrative sanctions for technical violations of **parole** to all offenses rather than only crimes of violence or sex offenses.

Provides that any offender who has been released on parole and whose parole supervision is being revoked for a technical violation of the conditions of parole, as determined by the committee on parole, shall be required to serve a range of sentences without diminution of sentence or credit for time served prior to the revocation for a technical violation as follows:

- (1) For the first technical violation, the offender shall serve not more than 90 days.
- (2) For a second technical violation, the offender shall serve not more than 120 days.
- (3) For a third or subsequent technical violation, the offender shall serve not more than 180 days.

Further provides that the term of the revocation for the technical violation shall begin on the date the committee on parole orders the revocation and upon completion of the imposed technical revocation sentence, the offender shall return to active parole supervision for the remainder of the original term of supervision.

Provides that the sentencing for technical violations of parole shall not apply to the following offenders:

- (1) Any offender released on parole for the conviction of a crime of violence.
- (2) Any offender released on parole for the conviction of a sex offense.
- (3) Any offender released on parole who is subject to the sex offender registration and notification requirements.

Provides that a "technical violation", means any violation of a condition of parole that may be addressed by an administrative sanction authorized by the committee on parole.

Provides that, unless deemed by the committee on parole when its discretion is permitted, certain offenses shall not be considered a technical violation nor addressed by administrative sanctions.

Applicable to offenses committed on or after August 1, 2024.

Effective August 1, 2024.

Act 9 (SB 7) by Sen. Edmonds

Provides that the court shall order use of an ignition interlock for at least six months on a first offense conviction of operation of a vehicle while intoxicated (R.S. 14:98.1).

Requires that a vehicle be equipped with an ignition interlock device for the entire time that the driver's license is suspended following the date of conviction for first offense conviction of operation of a vehicle while intoxicated (R.S. 14:98.1).

Requires that a vehicle be equipped with an ignition interlock device for the entire four years that the driver's license is suspended for a second offense of operation of a vehicle while intoxicated (R.S. 14:98.2).

Provides that no provision of law shall require using a certain vendor for interlock devices who meets the requirements of present law.

Changes present law for persons eligible to be considered for a restricted license to:

- (1) Include a person in the case of a second refusal and a second submission to a test for intoxication.
- (2) Add a requirement that the person's vehicle be equipped with an approved and functioning ignition interlock device.
- (3) Remove the limitation for eligibility to only persons who do not have a prior suspension of their driver's license.

Changes the time period that an ignition interlock device is to remain on a motor vehicle from six to 12 months from the date the restricted driver's license is granted..

Requires that when a person's results show a blood alcohol level of 0.08% or above, his driving privileges be suspended for 180 days, rather than 90 days from the date of suspension on a first offense violation of operation of a vehicle while intoxicated.

Prohibits any provision of present law from designating a particular vendor for providing ignition interlock devices.

Provides that a person whose license is suspended, revoked or subject to installation of an ignition interlock device is to receive credit for the time period of which an ignition interlock device was installed for offenses involving driving while intoxicated.

Effective July 1, 2024.

Act 10 (HB 4) by Rep. Emerson

Provides that any attempt or request by a petitioner to supplement or amend the application for post-conviction shall be subject to all of the limitations and restrictions set forth in either C.Cr.P. Art. 930.4 or 930.8 and shall be jurisdictional and not be waived or excused by the court or the district attorney.

Effective August 1, 2024.

Act 11 (SB 5) by Sen. McMath

Provides that for parole to be granted, a unanimous vote of those present shall be required.

Within the conditions that must be met in order to obtain parole eligibility, changes the amount of time that the offender must not have committed any major disciplinary offenses from 12 consecutive months to 36 consecutive months prior to the parole eligibility date.

Changes the notice deadline to 90 days rather than 60 days before the offender's parole hearing and requires that notice be provided to the attorney general as well.

Adds the attorney general as a person who is allowed to review the offender's record and present relevant testimony to the committee on parole.

Changes the deadline to 90 days, rather than 60 days before the offender's parole hearing, for the committee on parole to provide notice to the victim, or the spouse or next of kin of a deceased victim, when the offender is scheduled for a parole hearing.

Provides that a parole hearing cannot be held unless and until the committee members have ensured compliance with all notification requirements of present law and new law.

Provides that any order issued pursuant to a hearing that was not conducted in compliance with the notice requirements of new law is null and void. Further provides that the registered victim representative, the district attorney, and the attorney general have the right to appeal any order issued pursuant to a hearing that was not conducted in compliance with the notice requirements of new law and to seek any available relief, including injunctive relief.

Provides that any appeal pursuant to new law suspends the order of the Board of Pardons or committee on parole pending final adjudication of the appeal.

Provides that the committee is to schedule parole hearings in the order in which the applications are filed, to the extent feasible.

Provides that, beginning August 1, 2024, the committee shall not consider a parole rehearing for any prisoner serving a sentence for any crime of violence or sex offense until at least five years, rather than four years, after the denial of parole.

Prohibits the committee on parole from considering a rehearing for a prisoner who is serving a sentence for a first offense crime of violence that is not first, second, or third degree murder; first, second, or third degree rape, or a crime against nature until at least three years after a denial of parole.

Provides that the prisoner's release date shall be fixed by the committee, and rather than the six-month deadline for release, adds that the release date is subject to modification, alteration, or rescission for any reason deemed appropriate or necessary by the committee at any time prior to the prisoner's signing of the certificate of parole and actual release from custody onto parole supervision.

Provides that the committee on parole shall have the authority and sole discretion to rescind, modify, reconsider, or otherwise alter any prior decision granting parole release, for any reason deemed appropriate by the committee. Further provides that no offender has or will acquire any right to parole release based upon any initial decision of the committee on parole.

Effective April 19, 2024.

Act 12 (HB 23) by Rep. Melerine

Provides with respect to procedures for challenging the constitutionality of a statute or law.

Effective April 29, 2024.

Act 13 (SB 3) by Sen. Cloud

Provides that after April 19, 2024, "child" means any person under the age of 21, including an emancipated minor, who commits a delinquent act before attaining 17 years of age.

Effective April 19, 2024.

Act 14 (SB 4) by Sen. Cloud

Prohibits the modification of the sentence of a child who was 14 years of age or older when he committed first degree rape or aggravated kidnapping.

Adds that a child, who was 14 years of age or older and is a second time offender of a crime of violence shall be confined in secure placement within DPS&C or any secure public or private institution without benefit of probation or suspension of imposition or execution of sentence.

Provides that a child confined in secure placement for armed robbery, carjacking, or a second offense of a crime of violence shall be eligible for modification after serving at least 24 months of the disposition or ½ of the disposition if the disposition is less than 36 months.

Adds the following factors for a court to consider when deciding whether to grant a motion for modification of disposition regarding whether a child poses a reduced risk to the community:

- (1) The child shall have a favorable progress report from the placement facility.
- (2) The child meets one of the following work or self-improvement criteria:
 - (a) Has attained a high school diploma or equivalent.
 - (b) Is actively participating in workforce training or a certification program and is in good standing as evidenced by grades and behavior notes submitted by the child's instructors.
- (3) Has obtained a low-risk designation as determined by a valid risk assessment procedure approved by the office of juvenile justice.

Effective July 1, 2024.

Act 15 (HB 1) by Rep. Bacala

Creates the Truth and Transparency in the Louisiana Criminal Justice System Program.

Each district clerk of court responsible for maintaining criminal records shall provide the public electronic access to all minute entries, or summary thereof, involving any and all matters in criminal court for any case filed on or after January 1, 2020, by transmission to the online portal maintained by the La. Clerks' Remote Access Authority.

Each district clerk of court and the clerk of the Juvenile Court for the Parish of Orleans who is responsible for juvenile court records shall transmit to the online portal maintained by the Louisiana Clerks' Remote Access Authority all minute entries, or summary thereof, involving any and all cases involving juveniles accused of committing a crime of violence. Such cases and records

Effective March 6, 2024.

Act 16 (HB 2) by Rep. Bacala

Provides for immunity from civil liability under certain circumstances for peace officers and public entities that employ or appoint peace officers.

Effective April 19, 2024.

Act 17 (HB 5) by Rep. Mike Johnson

Designates the crime of illegal use of weapons or dangerous instrumentalities as a crime of violence.

Effective April 19, 2024.

Act 18 (HB 7) by Rep. Schlegel

Increases the penalties for carjacking as follows:

- (1) Changes the minimum penalty from two years to five years.
- (2) Changes the minimum penalty when serious bodily injury results from 10 years to 20 years.
- (3) Changes the maximum penalty when serious bodily injury results from 20 years to 30 years

Effective April 19, 2024.

Act 19 (HB 8) by Rep. Schlegel

Provides that any person who possesses fentanyl with the intent to distribute it in a manner where there is reasonable appeal to a minor due to the shape, color, taste, or design of the fentanyl or the fentanyl's packaging shall be imprisoned at hard labor for not less than 25 years nor more than 99 years without benefit of probation, parole, or suspension of sentence.

Effective April 19, 2024.

Act 21 (SB 10) by Sen. Cathey

Provides that a person convicted in the death of a peace officer or first responder killed in the line of duty shall earn diminution of sentence at a rate of one day for every 30 days in custody.

Effective March 8, 2024.

Act 22 (SB 8) by Sen. Reese

Transfers the authority to deliver public defender services from the La. Public Defender Board to the office of the state public defender within the office of the governor.

Provides for the appointment of the state public defender by the governor, subject to approval of a majority of the board and Senate confirmation, for a term of two years.

Effective March 20, 2024.

Bail

Act No. 221 (HB 445) by Rep. Fontenot

Provides that the time period for filing a rule to show cause shall be within five years after the notice of warrant for arrest is sent when the prosecuting attorney requests that a bond forfeiture judgment be rendered in a circumstance where a defendant fails to appear in court and has not been surrendered or constructively surrendered within 180 days of an issuance of an arrest warrant.

Effective August 1, 2024.

Act No. 222 (HB 497) by Rep. Fontenot

Provides that a surety's agreement to pay is a constructive surrender rather than the actual payment of reasonable or actual costs of returning the defendant.

Provides that if the surety fails to pay a set amount of the reasonable or actual costs, the recovery shall be through a summary proceeding against both the principal and the surety, as provided in present law (C.C.P. Art. 2592(4)).

Effective August 1, 2024.

Controlled Dangerous Substances

Act No. 85 (HB 720) by Rep. Schlegel

Provides that any person who violates the provisions of present law (R.S. 40:967(A)) with respect to fentanyl, where the fentanyl or packaging of the fentanyl is designed to resemble branded prescription medication or its generic equivalent, shall be imprisoned at hard labor for not less than 10 years nor more than 40 years without benefit of probation, parole, or suspension of sentence.

Effective August 1, 2024.

Act No. 143 (SB 17) by Sen. Mizell and No. 732 (HB 830) by Rep. Egan

Adds Tianeptine, a non-prescription antidepressant, to Schedule I of the Uniform Controlled Dangerous Substances Law.

Effective August 1, 2024.

Act No. 248 (HB 64) by Rep. Stagni

Provides that it is unlawful for any person to inhale, ingest, use, or possess any gas which contains the substances provided in present law (R.S. 40:989).

Clarifies that the use of present law substances as part of a manufacturing process or industrial operation may only be by the manufacturer.

Provides that the possession, use, or sale of nitrous oxide for automotive purposes shall not be a violation of present law.

Removes the condition from present law that, in order to be unlawful, the sale or transfer of any substance specified in present law be for the purpose of inducing or aiding any other person to inhale or ingest such substance.

Changes the penalty for a violation of present law as follows:

- (1) From a maximum fine of \$500 to \$2,500.
- (2) From a maximum term of imprisonment of six months to one year with or without hard labor.

Permits the office of alcohol and tobacco (ATC) control to conduct any investigation as necessary to regulate and enforce the provisions of present law and requires ATC to promulgate rules and regulations to provide for the regulation and enforcement of present law.

Does not prohibit a law enforcement agency of the state or its political subdivisions with appropriate

jurisdiction from enforcing the provisions of present law.

Effective August 1, 2024.

Act No. 682 (HB 165) by Rep. Boyd

Removes incarceration as a punishment for the possession of certain drug paraphernalia in quantities not exceeding those required for individual personal use.

Provides that the punishment for the possession of certain drug paraphernalia in quantities not exceeding those required for individual personal use is a fine as follows:

- (1) \$100 on a first conviction.
- (2) \$500 on a second conviction.
- (3) \$2,500 on a third or subsequent conviction.

Effective August 1, 2024.

Criminal Offenses

Acts No. 11 (HB 12) by Rep. Jordan, No. 65 (HB 138) by Rep. Schlegel, and No. 431 (HB 541) by Rep. Lyons

Amend the crime of nonconsensual disclosure of a private image (R.S. 14:283.2) as follows:

Changes the element relative to the disclosure of an image of an identifiable person to encompass either the exposing of intimate parts of or the engaging in a sexual performance by the identifiable person and defines the term "sexual performance". (**Act No. 11**)

Eliminates the requirement that the victim be 17 years of age or older and the specific intent to harass or cause emotional distress requirement, amends present law (R.S. 14:238.2(B)(3)) to include a person engaged in sexual conduct in a public setting, and defines "sexual conduct". (**Act No. 65**)

Changes the element relative to obtaining the image under certain circumstances to include obtaining the image through unauthorized access. (**Act No. 431**)

Effective August 1, 2024.

Act No. 21 (HB 211) by Rep. Villio

Amends the present law offense of skimming (R.S. 14:67.4) as follows:

- (1) Amends the definition of "re-encoder" to include a microchip of a payment card as a source where encoded information can be placed onto the microchip of a different payment card.
- (2) Amends the definition of "scanning device" to include a microchip of a payment card as a source where encoded information can be accessed, read, scanned, obtained, memorized, or temporarily or permanently stored.
- (3) Amends present law elements to include information encoded on a microchip.
- (4) Amends present law to include the placement of information encoded on a microchip of a payment card to the microchip of a different card.
- (5) Provides that it is unlawful for any person to possess a re-encoder or scanning device with the intent to defraud.
- (6) Amends the present law penalty provisions to provide for a minimum imprisonment term of one year for a second or subsequent conviction, rather than a third or subsequent. Further provides that the offender may also be fined \$20,000.
- (7) Provides that restitution shall be made to the victim in accordance with present law (C.Cr.P. Art. 883.2).

Effective August 1, 2024.

Act No. 45 (HB 214) by Rep. Villio

Amends the present law offense of monetary instrument abuse (R.S. 14:72.2) to add the counterfeit or forged monetary instrument of a person as an item of which it is unlawful to make, issue, possess, sell, or otherwise transfer.

Includes the intent to defraud another person as an alternative element of this present law offense.

Provides that upon a second or subsequent conviction of a violation of present law, the offender shall be imprisoned with or without hard labor, for not less than one year nor more than 10 years, and may, in addition, be required to pay a fine of not more than \$1,000,000.

Amends the definitions of "forged", "monetary instrument", and "organization".

Provides that full restitution shall be made in accordance with present law (C.Cr.P. Art. 883.2).

Effective August 1, 2024.

Act No. 119 (SB 34) by Sen. Hensgens

Removes the taking of anything of value from a retail establishment under certain circumstances from the definition of simple robbery (R.S. 14:65) and adds it to the definition of second degree robbery (R.S. 14:64.4).

Applies the penalties for second degree robbery to persons who either take anything of retail value under certain circumstances or who recruit others who then take anything of retail value under certain circumstances.

Increases the minimum period of incarceration for second degree robbery from three years to five years if the defendant has a prior conviction for second degree robbery within the previous 10 years. Further provides for the sentencing of a defendant to an additional five years to be served consecutive without benefit of parole, probation, or suspension of sentence if a firearm was used commit the crime.

Effective August 1, 2024.

Act No. 188 (HB 58) by Rep. Bacala

Provides that an alternative element of simple burglary is the unauthorized entering of any dwelling or other structure with the intent to temporarily or permanently deprive the owner, lessee, or tenant of full use of the dwelling or structure, or to temporarily or permanently assert any right of ownership or use of such property.

Further provides that in addition to the penalties provided in present law (R.S. 14:62), an offender

shall be liable for any damage that has resulted from a violation of new law.

Shall be cited and referred to as "The Louisiana Squatter Prevention Act".

Effective August 1, 2024.

Act No. 261 (HB 213) by Rep. Hilferty

Changes the maximum penalty for the present law offense of negligent homicide (R.S. 14:32) from five years to 10 years.

Changes an element of negligent homicide relative to if the victim was killed by a dog or other animal, to require that the owner to also be criminally negligent and increases the maximum term of imprisonment from five to 10 years.

Effective August 1, 2024.

Act No. 263 (HB 269) by Rep. Muscarello

Within present law (C.Cr.P. Art. 611), relative to venue, removes the defunct crime of unauthorized use of an access card.

Provides that if the offender is charged with a violation of the present law offense of simple escape (R.S. 14:110), the offense is deemed to have been committed in either of the following:

- (1) The parish of the court that ordered or sentenced home incarceration, confinement, or any other legal restraint.
- (2) The parish where any act or element occurs in violation of the present law offense of simple escape (R.S. 14:110).

Within present law, change a term name from sheriffs of the respective parishes to law enforcement of the respective parishes.

Amends the present law offense of simple escape to provide for an additional element that involves the intentional alteration, destruction, removal, or disabling of electronic monitoring equipment while participating in a home incarceration program.

Provide that a person who intentionally alters, destroys, removes, or disables electronic monitoring equipment while participating in a home incarceration program shall be imprisoned with or without hard labor for not less than six months nor more than five years, and such sentence shall not run concurrently with any other sentence.

Effective August 1, 2024.

Act No. 267 (HB 451) by Rep. Schlegel

Provides that if an offender who misappropriates less than a value of \$1,000 commits the crime of theft of a package that has been delivered to an inhabited dwelling owned by another, he shall be imprisoned , with or without hard labor, for not more than two years, or may be fined not more than \$2,000, or both.

Provides that an offender who commits an assault upon a store or merchant's employee who is acting in the course and scope of his employment duties, during the commission or attempted commission of theft, shall serve at least 15 days of the sentence imposed without the benefit of probation or suspension of sentence.

Effective August 1, 2024.

Act No. 276 (HB 639) by Rep. Fontenot

Within the present law offense of resisting an officer (R.S. 14:108), add that the term "obstruction of" also means the failure to provide or display the person's state issued driver's license or identification upon the officer's request when all of the following have occurred:

- (1) The person is an operator of a motor vehicle.
- (2) The person has been lawfully detained for an alleged violation of a law.
- (3) The officer has exhausted all resources at his disposal to verify the identity of the person.

Effective August 1, 2024.

Act No. 549 (HB 205) by Rep. Glorioso

Adds 17 offenses as elements of the crime of racketeering activity.

Effective August 1, 2024.

Act No. 570 (HB 779) by Rep. Boyd

Amends the definition of "commercial sexual activity" within the present law offense of trafficking of children for sexual purposes (R.S. 14:46.3) to mean any lewd or lascivious act upon the person or in the presence of any child, rather than any sexual act performed or conducted, when any thing of value has been given, promised, or received by any person.

Effective August 1, 2024.

Criminal Procedure

Act No. 43 (HB 206) by Rep. Villio

Provides that the state may seek active supervised release by the Dept. of Public Safety and Corrections, office of probation and parole, of a committed person based upon the committed person's committed person continued dangerousness even if the committed person does not have a mental illness as defined by new law, if both of the following conditions are satisfied:

- (1) The committed person was found not guilty by reason of insanity for any of the following offenses or attempts to commit any of them:
 - (a) Any crime punishable by death or by life imprisonment.
 - (b) Any crime that is either a crime of violence as defined by present law (R.S. 14:2(B)) or a sex offense as defined by present law (R.S. 15:541).
- (2) The state proves by clear and convincing evidence that the committed person is dangerous to others or dangerous to himself as defined by present law (R.S. 28:2). Further provides that in satisfying its burden of proof, the state may not rely solely upon the nature of the crime for which the committed person was found not guilty by reason of insanity and may not rely solely upon the diagnosis of any personality disorder.

Provides that upon satisfaction of the criteria for commitment provided in new law and consideration of any report filed pursuant to present law (C.Cr.P. Arts. 655 and 656), the court shall order the committed person to be placed on active supervised release with any special conditions recommended to the court as well as any conditions of probation provided in present law (C.Cr.P. Art. 895 et. seq.) for a period not to exceed three years.

Further provides that such period may be extended in three-year increments upon motion of the district attorney and proof that the committed person still satisfies the criteria for active supervised release.

Provides that under no circumstances shall a committed person who is on active supervised release pursuant to new law be subject to a probation period that is longer than the maximum term he would have received if he had been convicted of the offense.

Provides that when the committed person is placed on active supervised release, the clerk of court shall deliver a certificate to him setting forth the conditions of his release. Further provides that the committed person shall be required to agree in writing to the conditions of his release.

Provides that when the committed person has violated or is suspected of violating the conditions of his release, he may be arrested and detained pursuant to present law (C.Cr.P. Art. 899).

Does not abrogate or negate any other provision of present law or any other provision of law relative

to the continued commitment, discharge, or conditional release of a person committed pursuant to present law (C.Cr.P. Art. 654).

Defines the term "mental illness".

Effective August 1, 2024.

Act No. 207 (HB 230) by Rep. Hilferty

Provides that the granting of the new trial can be through a motion for new trial, appeal, post conviction relief, or any other mechanism provided in state or federal law.

Further provides that if the state seeks review of the granting of the new trial, the period of limitations shall not commence to run until the judgment granting the new trial has become final by the state exhausting all avenues of review in the appropriate appellate courts, including the Louisiana Supreme Court.

Effective May 23, 2024.

Act No. 557 (HB 356) by Rep. Boyd

Provides that time limitations for the present law offense of third degree rape (R.S. 14:43) shall not commence until the crime is discovered by the victim.

Effective August 1, 2024.

Act No. 698 (HB 453) by Rep. Kerner

Changes the time limitation to institute prosecution for the present law offense of molestation of a juvenile or a person with a physical or mental disability (R.S. 14:81.2) from 30 years from when the victim attains the age of 18 to no time limitation.

Effective August 1, 2024.

Act No. 724 (HB 792) by Rep. Bacala

Provides that beginning on Jan. 1, 2025, the clerk of court for each judicial district shall provide a daily electronic submission to the La. Supreme Court containing the data elements enumerated in present law (C.Cr.P. Art. 388(A)), as well as the date of initiation of prosecution, the date of adjudication, and the number of days from initiation of prosecution to adjudication for all criminal cases. Further provides that the La. Supreme Court shall include a summary of this information, broken down by judicial district, in its annual report.

Provides that the data shall be recorded and reported to the La. Supreme Court in a standard format and practice as directed by the court.

Effective August 1, 2024.

Act No. 729 (HB 819) by Rep. Ventrella

Provides that in any civil proceeding in which the defense of self-defense is raised, the defendant shall have the burden to prove by a preponderance of the evidence that he acted in self-defense.

Provides that if the defense of self-defense is raised in a civil proceeding by an authorized person as defined in present law (R.S. 9:2793.12), the burden of proof shall be on the party asserting the action to prove by a preponderance of the evidence that the injury, death, or loss complained of was not caused by a justified use of force or self-defense by the authorized person.

Provides that in any criminal proceeding in which the justification of self-defense is raised pursuant to present law (R.S. 14:19 or 20), the state shall have the burden to prove beyond a reasonable doubt that the defendant did not act in self-defense.

Provides that any person who intends to assert the defense of self-defense shall provide written notice to the prosecution within 10 days after the state has moved for discovery under present law (C.Cr.P. Art. 724).

Provides that a peace officer shall consider evidence of self-defense in accordance with present law (R.S. 14:19 or 20) when determining if probable cause exists to conduct an arrest.

Effective August 1, 2024.

Criminal Records and Expungement

Act No. 258 (HB 94) by Rep. Willard

Requires the Department of Public Safety and Corrections (DPS&C) to ensure that a child has a certified birth certificate and valid six-year identification card within 30 days from when a child is committed to the custody of the department and upon the child's release from custody.

Requires the department to submit all necessary applications, records, and fees to obtain the birth certificate and identification card if the child does not have those records.

Provides that failure of the department to obtain the child's birth certificate and identification card shall not prevent the child's release from custody.

Effective May 24, 2024.

Act No. 270 (HB 553) by Rep. Bryant

Defines the term "expedited expungement".

Exempts a person who is eligible for an expedited expungement from the expungement fees provided in present law.

Provides that a person shall be entitled to the expedited expungement of his arrest, at no cost to him, if he meets all of the following:

- (1) He is 17 years of age when he is arrested or charged with any criminal offense as provided in present law (Title 14 or 40 of the La. Rev. Statutes of 1950).
- (2) The district attorney, for any reason, declined to prosecute all offenses arising out of that arrest, including the reason that the person successfully completed a pretrial diversion program.
- (3) Prosecution was instituted and such proceedings have been finally disposed of by dismissal, sustaining of a motion to quash, or acquittal.

Does not apply to any misdemeanor or felony conviction arising from the incident of arrest and provides that the expedited expungement shall be served pursuant to the provisions of present law (C.Cr.P. Art. 982).

Adds an expungement form for expedited expungements.

Effective August 1, 2024.

Act No. 281 (SB 24) by Sen. Seabaugh

Repeals prohibitions relative to the dissemination of booking photographs as follows:

- (1) The release of booking photographs by law enforcement officers and law enforcement agencies to a person who requests a copy of the photograph.
- (2) Certain requirements imposed on law enforcement officers and law enforcement agencies pertaining to the release of booking photographs under certain circumstances.
- (3) Provisions pertaining to sufficient minimum contacts with the state that confer personal jurisdiction in La. courts over the publisher of a booking photograph.

Effective August 1, 2024.

Act No. 560 (HB 416) by Rep. Jordan

Permits the court to order the immediate expungement of the arrest and conviction of the violation that necessitated participation in the probation or program for a person who is otherwise eligible for an expungement upon the successful completion of a court-ordered probation or alternative sentencing program.

Provides that only the form provided in present law is to be used to expunge the record of a person who is otherwise eligible for an expungement upon the successful completion of a court-ordered probation or alternative sentencing program.

Provides that the immediate expungement shall be served pursuant to the provisions of present law and shall include the court record with the signed order and with all of the following:

- (1) The bill of information.
- (2) The sentencing minutes.
- (3) Any documents or records relevant to the arrest incident and plea agreements, if available.

Effective August 1, 2024.

Act No. 580 (SB 116) by Sen. Jackson-Andrews

Authorizes a person to file a motion to expunge his record of arrest and conviction of a felony offense if he has not been convicted of any other criminal offense for a period of at least 10 years preceding the motion for expungement.

Further provides that a person is eligible to have more than one felony conviction expunged in a 10-year period if each conviction is otherwise eligible for expungement under present law (C.Cr.P. Art. 978).

Adds a provision within the present law (C.Cr.P. Art. 992) order of expungement form relative to certain noncapital felony convictions during the preceding 10-year period that do not bar expungement.

Effective August 1, 2024.

Juveniles

Act No. 435 (HB 578) by Rep. Lyons

Creates the Back on Track Youth Pilot Program with the express purpose of giving youths an option other than some form of criminal activity.

Provides that within this program, youths shall be able to participate in programs that include but are not limited to the following curriculum:

- (1) Occupational or vocational training.
- (2) Life skills.
- (3) Healthy choices.
- (4) Literacy instruction.

Provides that this program shall be administered by selected nonprofit groups as well as the Dept. of Public Safety and Corrections, the Dept. of Children and Family Services, the Dept. of Education, and the La. Workforce Commission.

Provides that eligibility shall be established based on a variety of criteria including but not limited to any of the following:

- (1) The income of the youth's family.
- (2) Whether the youth is considered at risk with behavior that indicates aggression or disruption, disciplinary problems, or delinquency.
- (3) Demographic locations in the state.

Defines the term "youth or youths".

Effective August 1, 2024.

Act No. 767 (SB 421) by Sen. Luneau

Creates a renaissance district in any parish having a population of more than 129,000 and less than 132,000 persons, which shall be a political subdivision of the state with a territorial jurisdiction throughout the parish to be governed by a board of commissioners.

Provides that the board of commissioners be composed of seven commissioners and that each commissioner be a qualified elector and domiciled in the parish. Provides that the board of commissioners be appointed for four year terms and further provides for the duties, authority, and

powers of the board.

Provides the purpose of the commission to assist and afford opportunities to pre-adjudicatory and post-adjudicatory children who enter the juvenile justice system to become productive, law-abiding citizens of the community, parish, and state through the establishment of rehabilitative programs within a structured environment and the provision of physical facilities and related services for children throughout the parish.

Effective August 1, 2024.

New Crimes

Act No. 67 (HB 202) by Rep. Carver

Creates the crime of mail theft and provides that this offense is any of the following:

- (1) Removing mail from a mail depository or taking mail from a mail carrier with a postal service with an intent to steal.
- (2) Obtaining custody of mail by fraud or deception with an intent to steal.
- (3) Selling, receiving, possessing, transferring, buying, or concealing mail obtained by acts described in new law, while knowing or having reason to know the mail was obtained illegally.

Defines the terms "mail", "mail depository", and "postal service".

Provides for a penalty of imprisonment, with or without hard labor, for not more than five years, or a fine of not more than \$5,000, or both. Further provides that upon a second or subsequent conviction or violation of new law the offender shall be imprisoned, with or without hard labor, for not less than one year nor more than 10 years and may, in addition, be fined not more than \$20,000.

Provides that in addition to the penalties provided in new law, a person convicted under new law shall be ordered to make full restitution to the victim and any other person who has suffered a financial loss as a result of the offense in accordance with present law (C.Cr.P. Art. 883.2).

Provides that the offense of mail theft may be prosecuted in any of the following parishes:

- (1) The parish where the offense occurred.
- (2) The parish of residence or place of business of the direct or indirect victim.

Creates the crime of theft or unauthorized reproduction of a mail receptacle key or lock and provides that this offense is any of the following:

- (1) Stealing or obtaining by false pretense any key or lock adopted by a postal service for any box or other authorized receptacle for the deposit or delivery of mail.
- (2) Knowingly and unlawfully making, forging, or counterfeiting any such key, or possessing any such key or lock adopted by a postal service that delivers mail with the intent to unlawfully or improperly use, sell, or otherwise dispose of the same, or to cause the same to be unlawfully or improperly used, sold, or otherwise disposed of.

Defines the terms "mail" and "postal service".

Provides for a penalty of imprisonment, with or without hard labor, for not more than five years, or fined not more than \$5,000, or both. Further provides that upon a second or subsequent conviction or violation of new law, the offender shall be imprisoned, with or without hard labor, for not less than one year nor more than 10 years and may, in addition, be fined not more than \$20,000.

Provides that in addition to the penalties provided in new law, a person convicted under new law shall be ordered to make full restitution to the victim and any other person who has suffered a financial loss as a result of the offense in accordance with present law (C.Cr.P. Art. 883.2).

Effective August 1, 2024.

Act No. 142 (SB 6) by Sen. Connick

Creates the crime of unlawful dissemination or sale of images of another created by artificial intelligence.

Provides that it shall be unlawful for any person, with the intent to coerce, harass, or intimidate, to disseminate or sell any video or still image created by artificial intelligence that depicts another person who is totally nude or in a state of undress so as to expose the genitals, pubic area, buttocks, or female breast, when the person disseminating the video or still image knows or has reason to know that he is not licensed or authorized to disseminate or sell such video or still image.

Does not apply to an interactive computer service, electronic mail service provider, a provider of a telecommunications service, or any information service as defined in present law (47 U.S.C. 153), system, or access software provider that provides or enables computer access by multiple users to a computer server that was used by a person to commit any act prohibited by new law.

Defines the terms "another person", "artificial intelligence", "electronic mail service provider", and "interactive service provider".

Provides for a penalty of imprisonment for not more than six months, or a fine of not more than \$750, or both. Further provides that a violation of new law may be prosecuted in the parish where the unlawful act occurred or where any video or still image was created, produced, reproduced, found, stored, received, or possessed in violation of new Law, as well as any other venue proper under present law.

Does not preclude a civil action or criminal prosecution under any other applicable provision of law.

Effective August 1, 2024.

Act No. 246 (SB 276) by Sen. Pressly

Creates the crime of coerced criminal abortion by means of fraud.

Defines the elements of this offense as knowingly and intentionally engaging in the use of an abortion-inducing drug on a pregnant woman, without her knowledge or consent, with the intent to

cause an abortion.

Provides for a penalty of imprisonment at hard labor for not less than five years nor more than 10 years, a fine of not less than \$10,000 nor more than \$75,000, or both.

Provides an enhanced penalty of imprisonment for not less than 10 years nor more than 20 years, a fine of not less than \$50,000 nor more than \$100,000, or both, if the unborn child is more than three months of gestational age.

Provides that it is not a defense to prosecution if the attempt fails to cause the death of the unborn child. Further provides that it is not a defense to the prosecution of murder or attempted murder if the person commits the crime of coerced criminal abortion by means of fraud and the use of an abortion-inducing drug results in the death or serious bodily injury of the pregnant woman.

Adds criminal abortion by means of abortion-inducing drugs to the definition of "racketeering activity".

Adds mifepristone and misoprostol to Schedule IV of the Controlled Dangerous Substance Law.

Provides that it shall not be a violation of present law (R.S. 40:969), relative to Schedule IV controlled dangerous substances, for a pregnant woman to possess mifepristone or misoprostol for her own consumption.

Directs that the Board of Pharmacy notify all pharmacists of new law at that lawful prescriptions for mifepristone and misoprostol may be filled in accordance with new law and that the La. Department of Health to notify all healthcare practitioners and providers of new law and that mifepristone and misoprostol may be prescribed and administered in accordance new law.

Shall be cited and referred to as "The Catherine and Josephine Herring Act".

Effective October 1, 2024.

Act No. 259 (HB 173) by Rep. Fontenot

Creates the crime of approaching a peace officer lawfully engaged in law enforcement duties.

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.

Defines the term "peace officer".

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.

Provides for a penalty consisting of a fine of not more than \$500, imprisonment for not more than 60 days, or both.

Effective August 1, 2024.

Act No. 284 (SB 50) by Sen. Reese

Creates the crime of a prohibited player placing a wager on a sports event, personally or through another individual or proxy. Provides that it shall also be a crime for a person or entity to facilitate or place a sports wager on behalf of a prohibited player.

Defines "prohibited player" as a person who is prohibited from placing a wager on a sports event by any of the following:

- (1) The sports wagering chapter in the La. Gaming Control Law or in the correlating La. Administrative Code.
- (2) Participation in a self-restriction or self-exclusion program in accordance with the La. Gaming Control Law or in the correlating La. Administrative Code.
- (3) Any other law, administrative rule, or policy of any jurisdiction, the sports wagering operator, the sports book, or a sports governing body.

Provides for a penalty consisting of a fine not more than \$500, or imprisonment for not more than six months, or both. Further provides that on a second and subsequent violation, the penalty shall be a fine of \$1,000, or imprisonment with or without hard labor for not more than one year, or both.

Provides that whoever conducts, finances, manages, supervises, directs, leases, or owns all or part of a business when the person knowingly allows a prohibited player to wager on a sports event shall be fined not more than \$20,000, or imprisoned, with or without hard labor, for not more than five years, or both.

Provides that a person, business, or entity licensed, or sports wagering operator permitted, pursuant to the sports wagering law shall not be subject to the penalty if the licensee or permittee has taken commercially reasonable methods to prevent a prohibited player from placing a wager on a sports event in person, on a sports wagering mechanism, or through a mobile application.

Provides that a sports wagering platform provider permitted by the La. Lottery shall not be subject to the penalty if the permittee has taken commercially reasonable methods to prevent a prohibited player from placing a wager on a sports event on a sports wagering mechanism or through a mobile application.

Effective May 28, 2024.

Act No. 343 (SB 387) by Sen. Kleinpeter

Creates the crime of vandalizing, tampering with, or destroying crime camera system.

Provides that the elements of this offense are when a person who intentionally vandalizes, tampers with, or destroys a crime camera system by any of the following:

- (1) Causing functional or cosmetic damage.
- (2) Adjusting or modifying the location, position, aim, focus or functionality.
- (3) Tampering with the performance, functions, or features.
- (4) Rendering temporarily or permanently inoperable.

Defines the term "crime camera system".

Provides for a penalty of imprisonment, with or without hard labor, for not more than two years, or a fine of not more than \$2,000, or both.

Effective August 1, 2024.

Act No. 350 (SB 420) by Sen. Hodges

Creates the crime of election fraud or forgery.

Provides a person cannot knowingly, willfully, or intentionally:

- (1) Vote or attempt to vote more than once in an election.
- (2) Vote or attempt to vote, knowing that he is not qualified, or influence or attempt to influence another to vote, knowing the voter to be unqualified or the vote to be fraudulent.
- (3) Register, vote, or attempt to register or vote in the name of another or in an assumed or fictitious name, or in any manner other than as provided in present law (La. Election Code).
- (4) Forge the name of another or use a fictitious name on an affidavit or document required under present law (La. Election Code).
- (5) Procure or submit voter registration applications that are known by the person to be materially false, fictitious, or fraudulent.
- (6) Forge, alter, add to, deface, take, destroy, or remove from proper custodial care any book, card, record, voter registration application, election return, nomination papers, withdrawals of candidacy, election supplies, election paraphernalia, or any affidavit or other document required or provided for under present law (La. Election Code), unless required to be

removed by a court of competent jurisdiction for inspection and photostatic copying for the court record.

- (7) Have in his possession an official ballot in violation of any provision of present law (La. Election Code).
- (8) Have in his possession the registration certificate of another with intent to violate present law (La. Election Code).
- (9) For purposes other than fulfilling the person's duties relative to registration of voters as provided by present law, copy or reproduce a voter registration application that has been submitted by an applicant.

Provides that for penalties as follows:

- (1) A first violation is punishable by imprisonment, with or without hard labor, for not more than two years, or a fine of not more than \$2,000, or both.
- (2) A second or subsequent violation is punishable by imprisonment at hard labor for not more than five years, or a fine of not more than \$5,000, or both.

Provides that the penalties for violating present law relative to election offenses affecting registration and election fraud or forgery are the penalties set forth in mew law relative to the crime of election fraud or forgery.

Effective August 1, 2024.

Act No. 661 (HB 737) by Rep. Dickerson

Provides that no person shall petition, picket, demonstrate, or assemble with other persons within 50 feet of an individual's residence in a manner which interferes, disrupts, threatens to disrupt, or harasses the individual's right to control or use his residence.

Provides for a penalty consisting of a fine of not more than \$500 and provides that each day on which a violation occurs shall constitute a separate offense.

Effective August 1, 2024.

Act No. 670 (SB 388) by Sen. Hodges

Creates the crime of unlawful entry or reentry into the state of La. by an alien.

Provides that the elements of this offense is when an alien enters or reenters into this state and is unlawfully present in this state.

Defines the terms "lawful presence in this state", "lawfully present in this state", "unlawful entry",

and "unlawful reentry".

Provide for penalties as follows:

- (1) A first violation of is punishable by imprisonment of not more than six months, or a fine of not more than \$1,000, or both.
- (2) A second or subsequent violation of is punishable by imprisonment, with or without hard labor, for not less than one year and not more than two years, or a fine of not more than \$10,000, or both.

Provides an affirmative defense to the prosecution of this offense if the federal government has granted the defendant lawful presence or asylum in the U.S. or the defendant's conduct does not violate federal law relative to illegal entry into the U.S.

This offense does not apply to an alien unlawfully present in the U.S. if he has been a necessary witness to or victim of a crime of domestic violence, rape, sexual exploitation, sexual assault, murder, manslaughter, assault, battery, human trafficking, kidnapping, false imprisonment, involuntary servitude, fraud in foreign labor contracting, blackmail, extortion, or witness tampering.

Provides that a court cannot abate or terminate the prosecution of this offense on the basis that a federal determination regarding the immigration status of the defendant has not been determined or may possibly be initiated at a future date.

Provides for an interstate compact for border security.

New law, relative to the crime of unlawful entry or reentry into the state of La. by an alien, shall be effective upon, and to the extent permitted by, the occurrence of any of the following:

- (1) Any decision of the U.S. Supreme Court in *U.S. v. Texas* that affirms the Act which originated as Texas Senate Bill No. 4 of the 2023 88th Legislature Fourth Called Legislative Session of the Texas Legislature, which enacted the Texas Penal Code provision entitled "Illegal Entry Into the State".
- (2) Adoption of an amendment to the U.S. Constitution that, in whole or in part, restores or increases the authority of La. to prohibit or limit the unlawful entry or reentry by an illegal alien into La. should the U.S. Supreme Court fail to affirm the provisions of Texas Senate Bill No. 4.

New law relative to the compact for boarder security, is to become effective upon any executive order or other executive action by the Texas governor in furtherance of the Act by the Texas legislature that provides for the "Interstate Compact for Border Security," which authorizes the governor of Texas to develop and execute an interstate compact for border security for among interested states.

Act No. 505 (SB 107) by Sen. Mizell

Creates the crime of possessing, trafficking, or importing a child sex doll and provides for elements.

Provides for penalties as follows:

- (1) For possession of a child sex doll: A term of imprisonment at hard labor for not more than one year, a fine of not more than \$5,000, or both.
- (2) For trafficking a child sex doll: A term of imprisonment at hard labor for not less than six months and not more than one year, a fine of up to \$10,000, or both.
- (3) For importing a child sex doll: A term of imprisonment at hard labor for not less than one year nor more than two years, a fine of up to \$20,000, or both.

Provides that the possession of two or more child sex dolls creates a rebuttal presumption that a person intends to commit trafficking of a child sex doll.

Does not apply to a common carrier transporting a container with a child sex doll if the common carrier does not have actual knowledge of the container's contents.

Provides that by Dec. 31, 2024, and by Dec. 31st of each year thereafter, the court of conviction shall report each conviction under new law to the judicial administrator's office of the La. Supreme Court, which by Jan. 31, 2025, and by each Jan. 31st thereafter, shall submit a report to the governor, the president of the Senate, and the speaker of the House of Representatives that lists, by parish, the total number of persons who have been convicted of a violation of any new law crime in the preceding year.

Effective August 1, 2024.

Act No. 738 (HB 851) by Rep. Phelps

Creates the crime of tax sale property fraud

Provides that it is unlawful for any person, in connection with the issuance of a tax sale certificate or tax sale title to the property pursuant to R.S. 47:2155 or 2161 to knowingly do any of the following:

- (1) Employ a device, scheme, or artifice with intent to defraud the tax debtor.
- (2) Make an untrue statement of material fact with intent to defraud the tax debtor.
- (3) Receive any portion of the monies, funds, credits, assets, securities, or other property of the tax debtor in connection with the purchase of tax sale property when the recipient knows that the proceeds or other funds were paid as a result of a violation of new law.

Provides for a penalty of imprisonment, with or without hard labor, for not more than two years, or a fine of not more than \$5,000, or both.

Provides that in addition to the penalties provided in this offense, a person convicted of this offense shall forfeit all rights and claims to possession of the tax sale certificate and tax sale title to the property and shall be ordered to make full restitution to the victim and any other person who has suffered a financial loss as a result of the offense.

Provides that if a person ordered to make restitution is found to be indigent and therefore unable to make restitution in full at the time of conviction, the court shall order a periodic payment plan consistent with the person's financial ability.

Effective June 19, 2024.

Pardon

Act No. 660 (HB 723) by Rep. Schlegel

Provides that the governor shall notify the following individuals at least 30 days before commuting a criminal sentence or granting a pardon to any person:

- (1) The attorney general, the district attorney, the sheriff of the parish in which the applicant was convicted, and, in Orleans Parish, the superintendent of police.
- (2) The victim or the spouse or next of kin of a deceased victim.

Provides that the governor shall approve or reject a favorable recommendation for commutation or pardon prior to the governor leaving office or upon expiration of the governor's term.

Clarifies that notice shall be provided before considering the application for pardon or commutation of sentence for a person. Further adds the attorney general as a party to be notified.

Provides that any applicant who has been sentenced to life imprisonment for an offense that is either a crime of violence or a sex offense shall not be eligible to apply to the board for a pardon or commutation of sentence for a period of 25 years after being sentenced by the trial court, except that periods of time prior to the imposition of the sentence in which the defendant was in actual custody for the offense for which he was sentenced to life imprisonment shall be included in computing the 25-year period.

Further provides that a person who is serving a life sentence resulting from a commutation of a sentence of death shall not thereafter be eligible to apply for commutation of sentence to a specific number of years.

Provides that when no action is taken by the governor for pardon or commutation of sentence issued by the board, the person seeking pardon or commutation of sentence shall be required to reapply to the board and the recommendation shall expire upon the governor leaving office or upon the expiration of the governor's term.

Provides that the board shall, to the extent feasible, schedule hearings for pardon or commutation of sentence in the order in which the applications are filed.

Provides that when the board notifies the governor that it has granted a favorable recommendation of an application for pardon or commutation of sentence, the board shall also provide simultaneous notice to the persons listed in present law (R.S. 15:572.4(B)) that this favorable recommendation has been sent to the governor for his approval.

Changes the amount of the fee that the Dept. of Public Safety and Corrections may charge for conducting a clemency investigation from \$150 to \$200.

Provides that any offender who has received a commuted sentence and who is released on parole or because of diminution of sentence shall be evaluated through a validated risk assessment instrument approved by the secretary of the department and shall have an approved residence plan prior to release.

Effective August 1, 2024.

Penalties

Act No. 58 (SB 132) by Sen. Gregory Miller

Requires that the entire sentence of imprisonment, not to exceed the first three years for a sentence greater than three years, shall be served without benefit of parole, probation, or suspension of sentence or a person who commits the present law offense of illegal carrying of a firearm at a parade with any firearm used in the commission of a crime of violence (R.S. 14:95.2.1).

Adds an exception to the present law offense of reckless discharge of a firearm at a parade or demonstration (R.S. 14:95.2.2) for a concealed handgun permit issued pursuant to present law (R.S. 40:1379.3).

Effective August 1, 2024.

Act No. 131 (HB 208) by Rep. Villio

Within the present law offense of battery of a dating partner where strangulation is involved (R.S. 14:34.9(L)) and the result is serious bodily injury, the offender, in addition to any other penalties imposed pursuant to present law, shall be imprisoned at hard labor for not less than five nor more than 50 years without benefit of probation, parole, or suspension of sentence.

Within the present law offense of domestic abuse battery where strangulation is involved (R.S. 14:35.3(L)) and the result is serious bodily injury, the offender, in addition to any other penalties imposed pursuant to present law, shall be imprisoned at hard labor for not less than five nor more than 50 years without benefit of probation, parole, or suspension of sentence.

Effective August 1, 2024.

Act No. 305 (SB 184) by Sen. Kleinpeter

Changes the maximum term of imprisonment for the present law offense of aggravated flight from an officer (R.S. 14:108.1) from five years to 10 years.

Changes the maximum term of imprisonment when serious bodily injury occurs from 10 years to 15 years.

Effective August 1, 2024.

Act No. 367 (HB 125) by Rep. Bayham

Provides that the present law offense of battery on a bus operator (R.S. 14:35.1) has to take place while the operator is operating a bus.

Amends the penalty provisions as follows:

- (1) Increases the maximum fine from \$500 to \$1,000
- (2) Increases the minimum term of imprisonment from 48 hours to three days and increases the maximum term of imprisonment from six months to one year, to be served with or without hard labor, without benefit of probation, parole, or suspension of sentence.

Effective August 1, 2024.

Act No. 370 (HB 226) by Rep. Mandie Landry

Changes the maximum fine for the present law offense of public bribery (R.S. 14:118) from \$1,000 to \$2,000.

Changes the penalty of imprisonment, to be served with or without hard labor, from a maximum of five years to 10 years.

Effective August 1, 2024.

Act No. 456 (HB 852) by Rep. Mandie Landry

Changes the maximum term of imprisonment, to be served with or without hard labor, for the present law offense of malfeasance in office (R.S. 14:134) from a maximum of five years to 10 years.

Effective August 1, 2024.

Act No. 476 (HB 824) by Rep. Marcelle

Restructures the penalties of the present law offense of unlawful disruption of the operation of a school (R.S. 14:40.6) as follows:

- (1) For a first offense, a fine of not more than \$1,000 or imprisonment for not more than six months, or both.
- (2) For a second or subsequent offense, a fine of not more than \$1,000 or imprisonment with or without hard labor for not less than one year nor more than five years, or both.

Provides that in addition to any other penalty provided in present law (R.S. 14:40.6), whoever violates the provisions of present law (R.S. 14:40.6) shall be required to participate in conflict resolution classes as provided in present law (R.S. 17:416.15).

Effective August 1, 2024.

Act No. 542 (HB 127) by Rep. Bayham

Amends the elements of the present law offense of simple obstruction of a highway of commerce (R.S. 14:97) to define this offense as either of the following when done in an intentional or criminally negligent manner:

- (1) The placing of anything or the performance of any act on any railway, railroad, navigable waterway, road, highway, thoroughfare, or runway of an airport, which will render movement thereon more difficult.
- (2) The conspiracy or aiding and abetting of other individuals to commit the placing of anything or the performance of any act on any railway, railroad, navigable waterway, road, highway, thoroughfare, or runway of an airport, which will render movement thereon more difficult.

Changes the penalty from a maximum fine of \$200 to a maximum fine of \$750.

Does not apply to an employee or contractor of any public utility or a provider of electric utility services, communications, telecommunications, video, or information services, to the extent that the employee or contractor is acting on behalf of such entity in a road, highway, or thoroughfare.

Effective August 1, 2024.

Act No. 586 (SB 306) by Sen. Cathey

Adds the act of knowingly selling the use of another person through fraud, force, or coercion to provide services or labor of someone for a purpose other than engaging in commercial sexual activity as an additional element of the present law offense of human trafficking (R.S. 14:46.2).

Increases the penalty for trafficking persons under the age of 18 for commercial sexual activity as follows:

- (1) From a maximum fine of not more than \$50,000 to \$75,000.
- (2) From imprisonment at hard labor for a minimum of 15 years and a maximum of 50 years to life imprisonment at hard labor without the possibility of probation or parole.

Effective August 1, 2024.

Act No. 597 (HB 130) by Rep. Bayham

Increases the minimum term of imprisonment for the crime of molestation of a juvenile when the victim is 13 years of age or older but has not yet attained the age of 17 from five years to 10 years.

Increases the minimum term of imprisonment for the crime of molestation of a juvenile when the victim is 13 years of age or older but has not yet attained the age of 17 from five years to 10 years when the offender is in a position of supervision or entrusted with a supervisory role of the juvenile

or is an educator of the juvenile.

Provides that at least 10 years of the sentence imposed, rather than five years, shall be without the benefit of parole, probation, or suspension of sentence.

Effective August 1, 2024.

Act No. 651 (SB 371) by Sen. Barrow

Provides that when an offender over the age of 17 years commits a sex offense against a victim under the age of 13 years, and the sex offense is also an aggravated offense, the court may sentence the offender to surgical castration.

Does not apply to the following:

- (1) The offenses of sexual battery of a victim under the age of 13 years and second degree sexual battery.
- (2) An offender who is under the age of 17.

Provides that the procedure is contingent upon a determination by a court-appointed medical expert that the defendant is an appropriate candidate for surgery, which determination must be made within 60 days of imposition of sentence. Further provides that when the offender is sentenced to a period of incarceration or confinement, the procedure must be performed no later than one week prior to the release of the offender.

Requires the Dept. of Public Safety and Corrections to provide the services necessary to complete the procedure, but the procedure will not be performed if it is not medically appropriate.

Provides that if an offender fails to appear or refuses to undergo the procedure, the offender may be charged with failure to comply with the court order and sentenced to imprisonment, with or without hard labor, for not less than three years and not more than five years, without benefit of parole, probation, or suspension of sentence.

Relative to the present law offense of the unlawful presence of a sex offender (R.S. 14:91.2), changes the age of the victim of the underlying sex offense as provided in this present law offense from 13 years to 15 years and also expands the offense to include a person convicted of pornography involving juveniles when the victim is under the age of 15 years.

Effective August 1, 2024.

Act No. 728 (HB 816) by Rep. Wilford Carter

Provides that a person sentenced under the provisions of present law (R.S. 14:202.1(C)(2), (3), or (4)) when the victim is 65 years of age or older, in addition to any other penalties imposed pursuant to present law, shall be imprisoned, with or without hard labor, for not more than five years, to be

served consecutively with the sentence imposed.

Provides that nothing in present law shall preclude a victim from pursuing civil remedies pursuant to present law (R.S. 9:4856) or any other applicable provision of law.

Effective August 1, 2024.

Probation

Act No. 648 (SB 413) by Sen. Greg Miller

Prohibits the termination of the defendant's suspended sentence or probation in a felony case if the offense is a conviction of operating a vehicle while intoxicated, vehicular homicide, or first degree vehicular negligent injuring.

Prohibits the termination of the defendant's suspended sentence or probation in a misdemeanor case if the offense is vehicular negligent injuring.

Effective August 1, 2024.

Vehicular Offenses

Act No. 269 (HB 542) by Rep. Cox

Provides for the following penalties for a person who violates red indications or signal infractions:

- (1) When the violation results in the injury of another person, the offender shall be fined not less than \$500 and may be subject to a driver's license suspension for a period up to 90 days, or both.
- (2) When the violation results in the serious bodily injury of another person, the offender shall be fined not less than \$500 nor more than \$1,000, imprisoned for not more than six months, or both. Further provides that the offender may be subjected to a driver's license suspension for a period of up to 180 days, or both.
- (3) When the violation results in the death of another person, the offender shall be fined not less than \$1,000 nor more than \$5,000, imprisoned for not more than one year, or both. Further provides that the offender may be subjected to a driver's license suspension for a period of up to 365 days, or both.

Effective August 1, 2024.

Act No. 318 (SB 220) by Sen. Kleinpeter

Allows certain law enforcement agencies in La. to impound a vehicle, at the owners expense, for up to 14 days to gather evidence pertaining to the offense.

Provides that if the owner of the vehicle has not violated present law (R.S. 32:65), that owner may claim the vehicle from the impound facility once notified by law enforcement.

Further provides that if the vehicle driven in a manner that violates present law (R.S. 32:65) has been rented from a car rental agency, only the driver of the vehicle shall be subject to higher fines and the total cost of impound fees and the car rental agency, or person who owns the vehicle, may claim the vehicle from the impound facility once notified by law enforcement.

Effective August 1, 2024.

Act No. 523 (SB 401) by Sen. Reese

Provides that an offender who has a BAC of at least 0.15 but less than 0.20 at the time of the commission of the present law offense of vehicular negligent injuring (R.S. 14:39.1), he shall be fined not more than \$1,000 and imprisoned for not less than seven days nor more than six months. Further provides that at least seven days shall be served without the benefit of probation or suspension of sentence.

Provides that if the offender had a BAC of 0.20 or more at the time of the commission of the present law offense of vehicular negligent injuring (R.S. 14:39.1), he shall be fined not more than \$1,000 and imprisoned for not less than 30 days nor more than six months. Further provides that at least 30 days shall be served without the benefit of probation or suspension of sentence.

Increases the maximum fine for the present law offense of first degree vehicular negligent injuring (R.S. 14:39.2) from \$2,000 to \$5,000 and the maximum term of imprisonment, to be served with or without hard labor, from five years to 10 years.

Provides that if the offender had a BAC of at least 0.15 at the time of the commission of the present law offense of first degree vehicular negligent injuring (R.S. 14:39.2), or if the offender has a prior conviction for operating a vehicle while intoxicated, he shall be fined not more than \$5,000 and imprisoned with or without hard labor for not less than two years nor more than 10 years. Further provides that at least two years shall be served without benefit of probation, parole, or suspension of sentence.

Provides that an offender placed on probation shall, as a condition of his probation, participate in a court-approved substance abuse treatment program and further provides that the court may order an offender to successfully complete a court-approved driver improvement program as a condition of his probation.

Designates first degree vehicular negligent injuring as a crime of violence when the offender's BAC

was at least 0.20 at the time of the offense.

Effective August 1, 2024.

Act No. 662 (HB 776) by Rep. Bryant

Amends certain provisions of the offenses of vehicular homicide (R.S. 14:32.1), third degree feticide (R.S. 14:32.8), vehicular negligent injuring (R.S. 14:39.1), first degree vehicular negligent injuring (R.S. 14:39.2), and operating a vehicle while intoxicated (R.S. 14:98) and certain other offenses involving the operation of a vehicle or watercraft under the influence of drugs or alcohol as follows:

- (1) Changes terminology of "under the influence" to "impaired".
- (2) Defines the term "drug" to mean any substance or combination of substances that, when taken into the human body, can impair the ability of the person to operate a vehicle safely.
- (3) Removes the element that the operator is under the influence of a combination of alcohol and one or more drugs which are not controlled dangerous substances and which are legally obtainable with or without a prescription.
- (4) Removes an affirmative defense to any charge under present law that the label on the container of the prescription drug or the manufacturer's package of the drug does not contain a warning against combining the medication with alcohol.
- (5) The operator is under the influence of one or more drugs which are not controlled dangerous substances and which are legally obtainable with or without a prescription and the influence is caused by the operator knowingly consuming quantities of the drug or drugs which substantially exceed the dosage prescribed by the physician or the dosage recommended by the manufacturer of the drug.

Changes the terminology used in present law (R.S. 14:98, 98.1, 98.2, 98.3, 98.4, 98.5, 98.6 and R.S. 32:661, 661.1, 661.2, 664, 666, 667.1, 668, 681) relative to operating a vehicle while intoxicated from "under the influence" to "impaired".

Effective August 1, 2024.

Victim Notification

Act No. 44 (HB 212) by Rep. Beaulieu

Requires the La. Dept. of Health (LDH) to notify the district attorney and criminal court (regarding a defendant adjudicated not competent to stand trial or not guilty by reason of insanity and committed to LDH) when:

- (1) The defendant is transferred to another facility.
- (2) The defendant is released from custody or placed on conditional release.

Requires the district attorney to notify the victim or victim's family if notification has been requested.

Further requires the LDH to notify the district attorney, victim, and criminal court if the person escapes and to also notify these same people within 48 hours if the defendant is recaptured.

Effective August 1, 2024.

Act No. 157 (HB 734) by Rep. Villio

Provides that contacting a family member of the victim in a manner that knowingly and intentionally violates the provisions of new law (R.S. 46:1844(Y)) constitutes the crime of obstruction of justice.

Further provides that when the obstruction of justice is committed as described in new law and involves a criminal proceeding in which the sentence imposed is a sentence of death, the offender shall be fined not more than \$5,000, imprisoned for not more than three years, with or without hard labor, or both.

Provides that the term "family member" shall have the same meaning and definition as in present law (R.S. 46:2132).

Provides that in cases where the sentence is the death penalty and the clemency process has commenced, the victim's family shall have the right to not be contacted by any of the following unless an appointment has been requested, approved, and arranged through a victim service coordinator appointed by the prosecuting agency and the family:

- (1) The offender.
- (2) Any family member or friend of the offender.
- (3) Any legal representative of the offender.
- (4) Any person or group who actually or purports to represent the offender or the interests of the offender.

Provides that upon conviction in cases where the sentence is the death penalty, the victim's family shall be notified by the prosecuting agency of their right to not be contacted by any person, group, or entity who actually or purports to represent the offender or the interests of the offender in subsequent clemency procedures, unless an appointment has been requested, approved, and arranged through a victim service coordinator appointed by the prosecuting agency and the family.

Provides that the prosecuting agency shall provide a form to the victim's family to request that the victim's family not be contacted in any manner by any person, group, or entity who actually or purports to represent the offender or the interests of the offender related to clemency procedures.

Further provides that the prosecuting agency shall provide notice of this document by U.S. mail to each party in the case.

Provides that whoever violates the provisions of new law shall be punished in accordance with the new law provisions within the crime of obstruction of justice (R.S. 14:130.1(B)(5)).

Effective August 1, 2024.

Weapons/Firearms

Act No. 30 (SB 43) by Sen. McMath

Authorizes a retired reserve law enforcement officer that meets all the other qualifications of a retired law enforcement officer to carry a concealed firearm anywhere in the state, including any place open to the public.

Effective August 1, 2024.

Act No. 37 (SB 214) by Sen. Miguez

Provides an exception to the prohibition of possessing a concealed firearm in a restaurant that serves alcoholic beverages for persons lawfully carrying a concealed firearm pursuant to present law (R.S. 14:95(M)).

Effective July 4, 2024.

Act No. 38 (SB 233) by Sen. Miguez

Provides that a business organization shall not prohibit either a qualified active or qualified retired law enforcement officer from carrying a concealed weapon in certain venues and defines the terms "business organization" and "venue".

Provides that the attorney general has the authority to bring a civil action for violations of new law in addition to any other authority granted by the Constitution and laws of this state.

Provides that a business organization that violates new law shall be assessed all court costs and attorney's fees and a civil fine of \$1,000 per occurrence to be paid to the Department of Justice for each violation of new law.

Provides that the following persons, if annually P.O.S.T. qualified in the use of firearms, may carry a concealed handgun in the state capitol building:

- (1) The attorney general.
- (2) The La. Bureau of Investigation protective detail of the attorney general.
- (3) Members of the legislature.

Effective August 1, 2024.

Act No. 56 (SB 105) by Sen. Seabaugh

Requires a person convicted of attempting to violate the provisions of present law offense of possession of firearm or carrying concealed weapon by a person convicted of certain felonies (R.S. 14:95.1) to be imprisoned at hard labor for at least one year but not more than seven and one-half years and fined not less than \$1,000 nor more than \$5,000.

Requires that a violation of present law (R.S. 14:95.1) be deemed a crime of violence if the person violated present law (R.S. 14:95.1) while either committing a crime of violence or has a prior conviction for committing a crime of violence.

Effective August 1, 2024.

Act No. 59 (SB 194) by Sen. Miguez

Prohibits a governing authority from enforcing any ordinance, order, regulation, policy, procedure, rule or any other form of executive or legislative action more restrictive than state law concerning in any way the manufacture, sale, purchase, possession, carrying, storage, ownership, taxation, transfer, transportation, license, or registration of firearms, ammunition, components of firearms or ammunition, firearms accessories, knives, edged weapons, or any combination thereof.

Changes the present law prohibition of a political subdivision's authority to enact certain ordinances or regulations involving firearms from being applicable only to those ordinances and regulations enacted after July 15, 1985, to any ordinance, rule, and regulation enacted or enforced.

Specifies that any existing ordinance, rule, or regulation shall be null and void, and of no effect and provides that a political subdivision shall repeal, rescind, or amend to conform, any ordinance, order, regulation, policy, procedure, rule, or any other form of executive or legislative action in violation of new law within six months after August 1, 2024.

Provides that a person or an organization whose membership is adversely affected by any ordinance, order, regulation, policy, procedure, rule, or any other form of executive or legislative action promulgated or caused to be enforced in violation of new law may file suit against an offending political subdivision in any court of this state having jurisdiction for declaratory and injunctive relief.

Further provides that a court shall award a prevailing plaintiff in any such suit both reasonable attorney fees and costs and expert witness fees and expenses.

Effective August 1, 2024.

Act No. 63 (SB 377) by Sen. Kleinpeter

Extends the prohibition against possessing a firearm or carrying a concealed weapon to persons adjudicated for a felony-grade delinquent act provided in present law (R.S. 14:95.1) when that person was 15 or 16 years old and that person is under the age of 22 when the violation of present law (R.S. 14:95.1) is committed.

Does not apply to any person who has been accepted into military service as a member of any of the branches of the armed forces of the U.S., the reserve components of the armed forces of the U.S., or the La. National Guard.

Effective August 1, 2024.

Act No. 189 (HB 67) by Rep. Domangue

Adds parish presidents, mayor-presidents, the governor, the lieutenant governor, the secretary of state, the treasurer, the commissioner of agriculture, and the commissioner of insurance to the list of certain persons who are not prohibited from possessing and concealing a handgun when the person is qualified annually by P.O.S.T.

Adds a former governor, former lieutenant governor, former secretary of state, former treasurer, former commissioner of agriculture, and former commissioner of insurance to the list of certain persons who are not prohibited from possessing and concealing a handgun when the person is qualified annually by P.O.S.T., and requires each of the listed former officials to provide valid identification showing proof of such status.

Effective August 1, 2024.

Act No. 413 (HB 128) by Rep. Fontenot

Provides that an offender who is found guilty of violating the provisions of the present law offense of possession of a firearm or carrying a concealed weapon by a person convicted of certain felonies (R.S. 14:95.1) while on probation or parole shall serve the sentence imposed pursuant to present law (R.S. 14:95.1) consecutively with the remaining balance of any sentence to be served for a prior conviction for any offense in accordance with present law (C.Cr.P. Art. 901).

Effective August 1, 2024.

Act No. 451 (HB 823) by Rep. Bacala

Adds that the intentional possession or use of a dangerous weapon by any person in any of the following locations constitutes the crime of illegal carrying of weapons:

- (1) A law enforcement office, station, or building.
- (2) A detention facility, prison, or jail.
- (3) A courthouse or courtroom, provided that a judge may carry such a weapon in his own courtroom.
- (4) The state capitol building.

Provides an exception for a peace officer as defined by present law (R.S. 40:2402(3)) in the

performance of his official duties.

Effective August 1, 2024.

Act No. 535 (SB 507) by Sen. Talbot

Provides that any person carrying a concealed handgun pursuant to present law (R.S. 14:95(M)) is deemed under the influence of alcohol or a controlled dangerous substance if he has a blood alcohol reading of .05% or greater by weight of alcohol in the blood, or when a blood or urine test confirms the presence of a controlled dangerous substance.

Provides that whenever a law enforcement officer is made aware that an individual is carrying a concealed handgun and the law enforcement officer has reasonable grounds to suspect that the individual is under the influence of either alcohol or a controlled dangerous substance, the law enforcement officer may take temporary possession of the handgun, reasonably detain the individual, and request submission of the individual to a department-certified chemical test for determination of the chemical status of the individual.

Provides that whenever a law enforcement officer reasonably suspects or is made aware that an individual is behaving in a criminally negligent manner as defined under the provisions of present law (R.S. 40:1379.3), or is negligent in the carrying of a concealed handgun as provided in present law (R.S. 40:1382), the law enforcement officer may frisk for and seize the handgun, until adjudication by a judge, if the individual is issued a summons or arrested for negligent carrying of a concealed handgun.

Specifies that any person who carries a concealed handgun shall notify a police officer who approaches him in an official manner or with an identified official purpose that he has a handgun on his person, submit to a pat down, and allow the officer to temporarily disarm him.

Provides that a person carrying a concealed handgun pursuant to present law (R.S. 14:95(M)) shall be fined not more than \$500, or imprisoned for not more than six months, or both, if he carries a concealed handgun as follows:

- (1) While under the influence of alcohol or a controlled dangerous substance.
- (2) While behaving in a criminally negligent manner
- (3) Negligently carries a concealed handgun in violation of present law (R.S. 40:1382).

Further provides for a penalty of not less than \$500 and not more than \$1,000 or imprisonment for not more than six months, or both, if this violation occurs in the French Quarter Management District.

Includes law enforcement officers as individuals who may be placed in reasonable apprehension or have reasonable suspicion that a negligently carried handgun may discharge.

Provides that whoever commits the crime of negligent carrying of a concealed handgun in the French Quarter Management District shall be fined not less than \$500 nor more than \$1,000, imprisoned for not more than six months, or both.

Provides that a handgun forfeited due to negligent carrying of a concealed handgun shall be returned to the defendant if all of the following occur:

- (1) The instant conviction is the defendant's first offense for negligent carrying of a concealed handgun.
- (2) The defendant is not otherwise prohibited from possessing a firearm by state or federal law.
- (3) The defendant successfully completes the eight-hour National Rifle Association Basics Pistol Shooting course taught in person by a National Rifle Association certified instructor within one year of conviction.

Effective July 4, 2024.

Miscellaneous

Act No. 665 (HB 961) by Rep. Muscarello

Provides that the Dept. of Public Safety and Corrections (DPS&C) shall establish a mental health transition pilot program to be administered within the parishes of Livingston, St. Helena, and Tangipahoa to provide eligible individuals with transition services in the community while on probation or parole.

Provides that in order to determine eligibility for the program, the DPS&C shall conduct basic level screening of individuals placed on probation or parole for mental health disorders as defined in the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Assoc.

Provides that each eligible individual who participates in the program shall be required, as a condition of probation or parole, to immediately do all of the following upon being placed on probation or released on parole:

- (1) Schedule and attend all appointments at the Florida Parishes Human Services Authority or any local governmental entity, district, or authority, for any and all mental health or substance use disorder treatments, if indicated.
- (2) Complete a Medicaid application.

Provides that the DPS&C shall participate in a demonstration waiver pursuant to present law (42 U.S.C. 1315) when established by the La. Dept. of Health and approved by the Centers for Medicare and Medicaid Services.

Provides for duties of the department relative to an annual study and submission of a report.

Effective August 1, 2024.

Act No. 746 (HB 874) by Rep. Kerner

Provides for the development of written policies and procedures for the promulgation of rules for electronic monitoring manufacturers.

Changes the entity to be notified of certain circumstances involving electronic monitoring equipment from the authorizing judge or law enforcement agency to the provider of electronic monitoring services. Further removes present law provisions that provide that these notifications are to come from applicable local, municipal, and parish authorities and the office of technology services.

Provides that when the court has placed an individual under electronic monitoring, the name and contact information of the person or entity providing electronic monitoring services shall be entered in the docket for the case in which the electronic monitoring is ordered.

Provides for the submission of reports at the end of the month, end of the year, and when a violation of the defendant's monitoring conditions has occurred.

Changes the entity with whom a provider of electronic services is required to register with from the DPS&C to the court and the sheriff of the parish where such services are to be provided and further provides for certain information to be provided to the court and the sheriff.

Provides that whoever intentionally withholds or intentionally fails to timely report information as required by new law shall be subject to a fine of not more than \$1,000, imprisoned for not more than six months, and shall be prohibited from registering to provide global positioning monitoring systems or other electronic monitoring services in this state for a period of five years.

Prohibits an elected official, or any immediate family member of an elected official, from being a vendor, or having a financial interest in a vendor, for electronic monitoring services in this state.

Effective January 1, 2025.

Vetoed Legislation

HB 391 by Rep. Boyd

Would have provided that a person convicted of possession of 14 grams or less of marijuana, tetrahydrocannabinol, or chemical derivatives thereof, pursuant to present law (R.S. 40:966(C)(2)(a)) would be eligible for a pardon by the governor without the necessity of completion of sentence and without a recommendation of the Board of Pardons.

Would have provided that no pardon should be issued unless the person had paid all of the court costs which were imposed in connection with the conviction of the crime for which the pardon was to be issued.

Would have provided for duties of the division of probation and parole of the Dept. of Public Safety and Corrections, after confirmation that the individual had been convicted of a first offense of possession of 14 grams or less of marijuana, tetrahydrocannabinol, or chemical derivatives thereof, pursuant to present law (R.S. 40:966(C)(2)(a)) and received a pardon for that conviction.

Would have provided that once an automatic pardon was granted under the provisions of new law, the individual who received such pardon should not be entitled to receive another automatic pardon pursuant to new law.

Would have provided that any person who received a pardon under the provisions of present law (Const. Art. IV, §5(E)(1)) and new law could be charged and punished as a second or multiple offender as provided in present law (R.S. 15:529.1).