The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Dawn Romero Watson.

DIGEST 2018 Regular Session

SB 441 Original

Morrell

<u>Proposed law</u> creates the crime of reckless operation of an off-road vehicle. Provides that reckless operation of an off-road vehicle is the operation of any off-road vehicle in a criminally negligent or reckless manner upon any public roadway or right of way.

<u>Proposed law</u> defines "off-road vehicles" as three-wheelers, four-wheelers, dirt bikes, or other all-terrain vehicles that are not specifically designed for use on public roads and highways.

<u>Proposed law</u> provides various acts that may constitute reckless operation of an off-road vehicle. Provides that it shall also be unlawful for a person to solicit or to assist in soliciting participation in any rally, ride, or gathering that encourages the violation of <u>proposed law</u> by the use of a computer online service, internet service, or any other means of electronic communication, including but not limited to a local bulletin board service, internet chat room, electronic mail, social media, or online messaging service.

<u>Proposed law</u> provides that any drivers of motor vehicles participating in or traveling in support of persons in violation of <u>proposed law</u> shall be considered in violation of <u>proposed law</u>, including persons who directly participate by photographing or filming violations of <u>proposed law</u> to document the activity for the riders.

<u>Proposed law</u> provides penalties of a fine not more than \$500, or imprisonment for not more than 90 days, or both.

<u>Proposed law</u> provides that in addition, the court shall order, upon motion of the prosecuting district attorney, that the off-road vehicle being operated by the offender at the time of the offense be seized and impounded and destroyed when:

- (1) The driver was wearing a hood, mask, or disguise of any kind with the intent to hide or conceal his identity during the commission of the crime of reckless operation of an off-road vehicle.
- (2) It is a second or subsequent conviction for the offender.
- (3) The driver has a previous conviction in this state or under a similar law in another state for aggravated obstruction of a highway of commerce, simple obstruction of a highway of commerce, reckless operation, or resisting an officer.

<u>Proposed law</u> provides an exception to the off-road vehicle being destroyed if it was stolen, or if the driver of the off-road vehicle at the time of the violation was not the owner and the owner did not

know that the driver was operating the off-road vehicle in violation of <u>proposed law</u>. Provides however, that the off-road vehicle shall not be released from impoundment until towing and storage fees have been paid. Also provides that the off-road vehicle shall not be destroyed if the towing and storage fees are paid by a valid lien holder.

<u>Proposed law</u> allows the district attorney, if he chooses, to file a written motion at least five days prior to sentencing, indicating his intention to have the off-road vehicle seized, impounded and destroyed. In such instances, <u>proposed law</u> requires the court to order the seizure and impoundment and, unless the exception in <u>proposed law</u> applies, the destruction.

Effective August 1, 2018.

(Adds R.S. 14:99.2)