

2020 Regular Session

SENATE BILL NO. 31

BY SENATOR CONNICK

CRIME/PUNISHMENT. Provides relative to the penalties for obstruction of justice.
(8/1/20)

1 AN ACT

2 To amend and reenact R.S. 14:130.1(B)(3) and to enact R.S. 14:130.1(B)(4), relative to the

3 crime of obstruction of justice; to create a limited misdemeanor variant of

4 obstruction of justice committed by evidence tampering under certain circumstances;

5 to provide penalties; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:130.1(B)(3) is hereby amended and reenacted and R.S.

8 14:130.1(B)(4) is hereby enacted to read as follows:

9 §130.1. Obstruction of justice

10 * * *

11 B. Whoever commits the crime of obstruction of justice shall be subject to

12 the following penalties:

13 * * *

14 (3) When the obstruction of justice involves any other criminal proceeding,

15 **except as provided in Paragraph (4) of this Subsection,** the offender shall be fined

16 not more than ten thousand dollars, imprisoned for not more than five years, with or

17 without hard labor, or both.

- 1 **(4) When the obstruction of justice is committed as described in**
 2 **Paragraph (1) of Subsection A of this Section and involves any misdemeanor**
 3 **criminal proceeding that does not involve an intentional misdemeanor directly**
 4 **affecting the person, the offender shall be fined not more than five hundred**
 5 **dollars, imprisoned for not more than six months, or both.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

DIGEST

SB 31 Original

2020 Regular Session

Connick

Present law provides that the crime of obstruction of justice is any of the following when committed with the knowledge that such act has, reasonably may, or will affect an actual or potential present, past, or future criminal proceeding as described in present law:

- (1) Tampering with evidence with the specific intent of distorting the results of any criminal investigation or proceeding which may reasonably prove relevant to a criminal investigation or proceeding.
- (2) Using or threatening force toward the person or property of another with the specific intent to do any of the following:
 - (a) Influence the testimony of any person in any criminal proceeding.
 - (b) Cause or induce the withholding of testimony or withholding of records, documents, or other objects from any criminal proceeding.
 - (c) Cause or induce the alteration, destruction, mutilation, or concealment of any object with the specific intent to impair the object's integrity or availability for use in any criminal proceeding.
 - (d) Evade legal process or the summoning of a person to appear as a witness or to produce a record, document, or other object in any criminal proceeding.
 - (e) Cause the hindrance, delay, or prevention of the communication to a peace officer of information relating to an arrest or potential arrest or relating to the commission or possible commission of a crime or parole or probation violation.
- (3) Retaliating against any witness, victim, juror, judge, party, attorney, or informant by knowingly engaging in any conduct which results in bodily injury to or damage to the property of any such person or the communication of threats to do so with the specific intent to retaliate against any person for either of the following:
 - (a) The attendance as a witness, juror, judge, attorney, or a party to any criminal proceeding or for producing evidence or testimony for use or potential use in any criminal proceeding.
 - (b) The giving of information, evidence, or any aid relating to the commission or possible commission of a parole or probation violation or any crime under the laws of any state or of the United States.

- (4) Inducing or persuading or attempting to induce or persuade any person to do any of the following:
- (a) Testify falsely or, without right or privilege to do so, to withhold any testimony.
 - (b) Without the right or privilege to do so, absent himself from such proceedings despite having received service of a subpoena.

Proposed law retains present law.

Present law provides the following penalties for the crime of obstruction of justice:

- (1) When the obstruction of justice involves a criminal proceeding in which a sentence of death or life imprisonment may be imposed, the offender is to be fined up to \$100,000, imprisoned for up to 40 years at hard labor, or both.
- (2) When the obstruction of justice involves a criminal proceeding in which a sentence of imprisonment necessarily at hard labor for any period less than a life sentence may be imposed, the offender may be fined up to \$50,000, or imprisoned for up to 20 years at hard labor, or both.
- (3) When the obstruction of justice involves any other criminal proceeding, the offender is to be fined up to \$10,000, or imprisoned up to five years, with or without hard labor, or both.

Present law provides that all grades of obstruction of justice are felonies.

Proposed law retains present law but provides that when the obstruction involves tampering with evidence but does not involve an intentional misdemeanor affecting the person, the offender is to be fined up to \$500, imprisoned for up to six months, or both, and therefore is a misdemeanor rather than a felony.

Effective August 1, 2020.

(Amends R.S. 14:130.1(B)(3); adds R.S. 14:130.1(B)(4))