

2020 Regular Session

SENATE BILL NO. 261

BY SENATOR CARTER

CRIME/PUNISHMENT. Creates the crime of the illegal throwing of hate-related objects during a parade or demonstration. (gov sig)

1 AN ACT

2 To enact R.S. 14:107.6, relative to offenses affecting the general peace and order; to create  
3 the crime of illegal throwing of hate-related objects during a parade or  
4 demonstration; to provide definitions; to provide penalties; and to provide for related  
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:107.6 is hereby enacted to read as follows:

8 **§107.6. Illegal throwing of hate-related objects during a parade or**  
9 **demonstration**

10 **A. Illegal throwing of hate-related objects during a parade or**  
11 **demonstration is the intentional throwing, handing out, or otherwise**  
12 **distributing of an object by an organization member while the member is**  
13 **participating in a parade or demonstration, done in such a manner as would**  
14 **foreseeably foster ideologies that are in conflict with the requirements of equal**  
15 **protection for citizens as provided by the constitution and laws of the United**  
16 **States, the state of Louisiana, or the laws of any municipality, and that suggest**  
17 **the supremacy of one ethnic, religious, or racial group over any other, or gives**

1 honor or praise to any violent actions taken wrongfully against citizens of the  
2 United States, the state of Louisiana, or any municipality, in order to promote  
3 ethnic, religious, or racial supremacy of any group over another.

4 B. As used in this Section:

5 (1) "Organization" means:

6 (a) Any lawful corporation, trust, company, partnership, association,  
7 foundation, or fund.

8 (b) Any lawful group of persons, whether or not incorporated, banded  
9 together for joint action on any subject or subjects.

10 (c) Any entity or unit of federal, state, or local government.

11 (2) "Parade" means:

12 (a) Any celebration of Mardi Gras or related pre-Lenten or  
13 carnival-related festivities, school parades, state parades, parish parades, or  
14 municipal parades.

15 (b) Any demonstration or gathering for which a permit is issued by a  
16 governmental entity.

17 C.(1) Except as provided in Paragraph (2) of this Subsection, whoever  
18 violates the provisions of this Section shall be fined not less than three hundred  
19 dollars nor more than one thousand dollars, and imprisoned for not less than  
20 ten days nor more than ninety days. Imposition or execution of the sentence  
21 shall not be suspended unless either of the following occurs:

22 (a) The offender is placed on probation with a minimum condition that  
23 he serve forty-eight hours in jail, which shall not be suspended.

24 (b) The offender is placed on probation with a minimum condition that  
25 he perform thirty-two hours of community service, at least half of which shall  
26 consist of participation in a litter abatement or collection program.

27 (2)(a) If the parade or demonstration participant who violated the  
28 provisions of Subsection A of this Section cannot be personally identified, then  
29 the organization of which the participant is a member shall be fined as follows,

1 provided that the offense is documented by a law enforcement report or a  
2 statement from the organization that is alleged to have committed the violation:

3 (i) For a first offense, one thousand dollars.

4 (ii) For a second offense, two thousand five hundred dollars.

5 (iii) For a third or subsequent offense, five thousand dollars.

6 (b) The schedule of fines provided for in Subparagraph (a) of this  
7 Paragraph shall apply only when offenses are committed in the same year or  
8 subsequent consecutive years. A subsequent offense committed in a  
9 non-consecutive year shall be treated as a first offense.

10 D. This Section shall not preempt, nor shall anything in this Section be  
11 construed to preempt, the regulation of illegal throwing of hate-related objects  
12 during a parade or demonstration by municipalities, parishes, and consolidated  
13 city-parish governments. However, in order to promote uniform prohibitions  
14 on the throwing of hate-related objects during a parade or demonstration  
15 throughout the state, the regulation of throwing hate-related objects during a  
16 parade or demonstration by municipalities, parishes, and consolidated  
17 city-parish governments shall not exceed the scope of the regulatory  
18 prohibitions contained in the provisions of this Section.

19 Section 2. This Act shall become effective upon signature by the governor or, if not  
20 signed by the governor, upon expiration of the time for bills to become law without signature  
21 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
22 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
23 effective on the day following such approval.

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

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SB 261 Original

DIGEST  
2020 Regular Session

Carter

Proposed law creates the crime of illegal throwing of hate-related objects during a parade or demonstration. Proposed law defines the crime as the intentional throwing, handing out, or otherwise distributing of an object by an organization member while the member is participating in a parade or demonstration, done in such a manner as would foreseeably foster ideologies that are in conflict with the requirements of equal protection for citizens

as provided by the constitution and laws of the U.S., the state of La., or the laws of any municipality, and that suggest the supremacy of one ethnic, religious, or racial group over any other, or gives honor or praise to any violent actions taken wrongfully against citizens of the U.S., the state of La., or any municipality, in order to promote ethnic, religious, or racial supremacy of any group over another.

Proposed law provides the following definitions:

- (1) "Organization" means:
  - (a) Any lawful corporation, trust, company, partnership, association, foundation, or fund.
  - (b) Any lawful group of persons, whether or not incorporated, banded together for joint action on any subject or subjects.
  - (c) Any entity or unit of federal, state, or local government.
- (2) "Parade" means:
  - (a) Any celebration of Mardi Gras or related pre-Lenten or carnival-related festivities, school parades, state parades, parish parades, or municipal parades.
  - (b) Any demonstration or gathering for which a permit is issued by a governmental entity.

Proposed law provides that whoever violates proposed law is to be fined between \$300 and \$1,000 and imprisoned for between 10 and 90 days, which sentence cannot be suspended unless either of the following occurs:

- (1) The offender is placed on probation with a minimum condition that he serve 48 hours in jail, which cannot be suspended.
- (2) The offender is placed on probation with a minimum condition that he perform 32 hours of community service, at least half of which is to consist of participation in a litter abatement or collection program.

Proposed law provides that if the parade or demonstration participant who violated the provisions proposed law cannot be personally identified, then the organization of which the participant is a member is to be fined as follows, provided that the offense is documented by a law enforcement report or a statement from the organization that is alleged to have committed the violation:

- (1) For a first offense, \$1,000.
- (2) For a second offense, \$2,500.
- (3) For a third or subsequent offense, \$5,000.

Proposed law further provides that this schedule of fines applies only when offenses are committed in the same year or subsequent consecutive years, and a subsequent offense committed in a nonconsecutive year is to be treated as a first offense.

Proposed law provides that proposed law does not preempt nor can be construed to preempt the regulation of illegal throwing of hate-related objects during a parade or demonstration by municipalities, parishes, and consolidated city-parish governments. Proposed law further provides that in order to promote uniform prohibitions on the throwing of hate-related

objects during a parade or demonstration throughout the state, the regulation of throwing hate-related objects during a parade or demonstration by municipalities, parishes, and consolidated city-parish governments cannot exceed the scope of the regulatory prohibitions contained in the provisions of proposed law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 14:107.6)