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

DIGEST

SB 261 Original

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)