
DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 139 Original

2022 Regular Session

Adams

Abstract: Provides for civil and criminal penalties for failure to allow access to an enclosed cemetery.

Proposed law (R.S. 9:1258) provides that owners of adjoining property to an enclosed cemetery shall grant a voluntary right of passage to persons who desire to have access to the enclosed cemetery.

Proposed law (R.S. 9:1258) provides that the right of passage may be limited to reasonable times and durations, and visitors may have to follow a designated path.

Proposed law (R.S. 9:1259) provides for a civil fine of \$500, and provides that each day a violation occurs shall be considered a separate offense.

Proposed law (R.S. 9:1258 and R.S. 14:100.2) is only applicable to enclosed historic cemeteries located within 400 feet of a public road.

Present law (R.S. 25:933) defines "historic cemetery" as any abandoned cemetery located in the state that is more than 50 years old that is not subject to the regulations of the La. Cemetery Board or subject to the La. Unmarked Human Burial Sites Preservation Act.

Proposed law (R.S. 14:100.2) creates the crime of obstructing access to an enclosed cemetery.

Proposed law (R.S. 14:100.2) provides that no person shall willfully obstruct an individual's right of passage to any enclosed cemetery located within 400 feet of a public road.

Proposed law (R.S. 14:100.2) provides that the right of passage may be limited to reasonable times and durations, and visitors may have to follow a designated path.

Proposed law (R.S. 14:100.2) provides for a term of imprisonment, not to exceed six months, a fine of not more than \$500, or both.

Present law (R.S. 9:2800.24) limits liability for owners of property adjoining an enclosed cemetery who grant a voluntary right of passage to persons who desire to have access to an enclosed cemetery.

Present law (R.S. 9:2800.24) provides that owners of property adjoining an enclosed cemetery shall not be liable for any injury, death, loss, or damages to persons using the voluntary right of passage to access the enclosed cemetery.

Present law (R.S. 9:2800.24) provides that the owner of the property owes no duty of care to keep such property safe for entry.

Present law (R.S. 9:2800.24) shall not apply to intentional or grossly negligent acts by the landowner granting the voluntary right of passage.

Present law (R.S. 9:2800.24(F)) is only applicable to an enclosed cemetery located within a parish having a population of more than 50,000 and less than 52,200 according to the latest federal decennial census.

Proposed law repeals the population limitation of present law (R.S. 9:2800.24(F)).

(Adds R.S. 9:1258 and R.S. 14:100.2; Repeals R.S. 9:2800.24(F))