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## DIGEST

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HB 639 Reengrossed

2024 Regular Session

Fontenot

**Abstract:** Provides relative to the refusal of an operator of a motor vehicle to provide identification to an officer.

Present law provides relative to the crime of resisting an officer.

Present law defines "resisting an officer" as the intentional interference with, opposition or resistance to, or obstruction of an individual acting in his official capacity and authorized by law to make a lawful arrest, lawful detention, or seizure of property or to serve any lawful process or court order when the offender knows or has reason to know that the person arresting, detaining, seizing property, or serving process is acting in his official capacity.

Proposed law retains present law.

Present law defines "obstruction of" as used in present law, in addition to its common meaning, signification, and connotation, as the following:

- (1) Flight by one sought to be arrested before the arresting officer can restrain him and after notice is given that he is under arrest.
- (2) Any violence toward or any resistance or opposition to the arresting officer after the arrested party is actually placed under arrest and before he is incarcerated in jail.
- (3) Refusal by the arrested or detained party to give his name and make his identity known to the arresting or detaining officer or providing false information regarding the identity of such party to the officer.
- (4) Congregation with others on a public street and refusal to move on when ordered by the officer.
- (5) Knowing interference with a police cordon resulting from the intentional crossing or traversing of a police cordon by an unauthorized person or an unmanned aircraft system. The cordoned area includes the airspace above the cordoned area.

Proposed law retains present law, and adds that "obstruction of" also means the failure to provide or display the person's state issued driver's license or identification upon the officer's request when the person is an operator of a motor vehicle, the person has been lawfully detained for an alleged

violation of a law, and the officer has exhausted all resources at his disposal to verify the identity of the person.

(Adds R.S. 14:108(B)(1)(f))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Within the term, "obstruction of", add that the officer has to exhaust all resources at his disposal to verify the identity of the person before arresting a person for resisting an officer.