

SENATE BILL NO. 15

BY SENATOR MORRIS AND REPRESENTATIVES AMEDEE, BACALA, COX,
ECHOLS, EMERSON, FIRMENT, FONTENOT, GLORIOSO,
HORTON, JACOB LANDRY, OWEN, ROMERO, SCHAMERHORN,
WILDER, WILEY AND WRIGHT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact the introductory paragraph of R.S. 14:130.1(A) and 134(A) and to
3 enact R.S. 14:130.1(A)(6) and (B)(6) and (7), relative to criminal interference with
4 federal immigration enforcement activities; to provide relative to the crimes of
5 obstruction of justice and malfeasance in office; to prohibit interference by public
6 and private actors with immigration enforcement and other official governmental
7 acts; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. The introductory paragraph of R.S. 14:130.1(A) and 134(A) are hereby
10 amended and reenacted and R.S. 14:130.1(A)(6) and (B)(6) and (7) are hereby enacted to
11 read as follows:

12 §130.1. Obstruction of justice

13 A. The crime of obstruction of justice is any of the following **acts** when
14 committed with the knowledge that ~~such the~~ act has, reasonably may, or will affect
15 an actual or potential present, past, or future criminal proceeding ~~as described in this~~
16 ~~Section:~~ **, civil immigration proceeding, or official act of an agent or employee**
17 **of a governmental entity:**

18 * * *

19 **(6) Knowingly committing any act intended to hinder, delay, prevent, or**
20 **otherwise interfere with or thwart federal immigration enforcement efforts.**

21 B. Whoever commits the crime of obstruction of justice shall be subject to
22 the following penalties:

23 * * *

1 (6) When the obstruction of justice involves a civil immigration
2 proceeding, the offender shall be fined not more than five thousand dollars,
3 imprisoned with or without hard labor for not more than one year, or both.

4 (7) When the obstruction of justice involves an official act of an agent or
5 employee of a governmental entity, the offender shall be fined not more than
6 one thousand dollars, imprisoned for not more than six months, or both.

7 * * *

8 §134. Malfeasance in office

9 A. Malfeasance in office is committed when any public officer or public
10 employee ~~shall~~ **does any of the following:**

11 (1) Intentionally ~~refuse~~ **refuses** or ~~fail~~ **fails** to perform any duty lawfully
12 required of him, as such officer or employee; ~~or,~~

13 (2) Intentionally ~~perform~~ **performs** any such duty in an unlawful manner; ~~or,~~

14 (3) Knowingly ~~permit~~ **permits** any other public officer or public employee,
15 under his authority, to intentionally refuse or fail to perform any duty lawfully
16 required of him, or to perform any such duty in an unlawful manner; ~~or,~~

17 (4) Willfully and knowingly ~~subject~~ **subjects** any person to the deprivation
18 of any right, privilege, or immunity secured or protected by the United States
19 Constitution and laws, if serious bodily injury or death results.

20 **(5) Knowingly releases a person, following arrest or booking, from state,**
21 **parish, or local law enforcement custody without providing advance notice to**
22 **United States Immigration and Customs Enforcement that the law enforcement**
23 **agency effecting release is aware that the person either illegally entered or**
24 **unlawfully remained in the United States.**

25 **(6)(a) Takes any official action, fails to perform an official duty, or**
26 **refuses a lawful request for cooperation submitted by either United States**
27 **Immigration and Customs Enforcement, United States Customs and Border**
28 **Protection, or United States Citizenship and Immigration Services with the**
29 **intent to hinder, delay, prevent, or otherwise interfere, ignore, or thwart federal**
30 **immigration enforcement efforts.**

(b) This Paragraph shall not be construed to limit, impede, or otherwise interfere with the duty of a sheriff, chief of police, or other executive law enforcement official in this state to exercise the powers of his office. However, a lawful written request or detainer submitted by either United States Immigration and Customs Enforcement, United States Customs and Border Protection, or United States Citizenship and Immigration Services to release an individual into federal custody shall be complied with if the request or detainer alleges that the person to be released either illegally entered or unlawfully remained in the United States.

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____