

Regular Session, 2014

HOUSE BILL NO. 401

BY REPRESENTATIVE BARRAS

**LEGISLATION:** Provides for technical corrections to various provisions of the Constitution Ancillaries, the La. Revised Statutes, the Code of Civil Procedure, and the Code of Criminal Procedure

1

AN ACT

2 To amend and reenact Subparagraph (e) of Paragraph 9 of Article XIV, Section 15.1 of the  
3 Louisiana Constitution of 1921, made statutory by Article X, Section 18 of the  
4 Louisiana Constitution of 1974, R.S. 4:169(A)(1), R.S. 6:664(B)(1), R.S.  
5 9:4822(M)(1), R.S. 13:5077(A), R.S. 11:243(B)(1), (C), (D), and (E),  
6 449(A)(introductory paragraph) and (B), 450(B), 1302.2(A)(1) and (2)(introductory  
7 paragraph), 1422(C)(1), 1821(B), and 2096(A), (B), and (C)(introductory paragraph),  
8 R.S. 14:35, 38, 38.1, 40, 46, 51, 53, 54.2, 55, 56.1, 57, 58, 60, 62.2, 70, 73, 76, 77,  
9 87.1, 87.2, 87.4, 88, 91.12, 91.21, 96, 97, 99, 100.1, 101, 107.2(A), 111, 112, 113,  
10 114, 115, 118.1, 119.1(A), 124, 125, 126.1, 126.2, 129.2, 131, 139, 201, 203, 204,  
11 205, 206, 208, 209, 210, 213, 222(A), (B), and (C), 226(B) and (C), 311, 312, 313.1,  
12 314, 315, 318, 319, 320, 321, 322, 329.1, 329.3, 329.4, 351, 354, 355, 356, 357, and  
13 401, R.S. 21:203(6), R.S. 22:691.4(F)(1)(a), R.S. 23:1203.1(H), (I), and (N), R.S.  
14 36:651(CC), R.S. 37:961(1) and (3), 1033(F), and 2156(C)(2), R.S. 38:2212(D)(2),  
15 R.S. 39:1798.6(A)(2)(b), R.S. 40:4(A)(3)(b), 47(B), 531(A)(3), 537(B), 1563.1(B),  
16 and 2161(Section heading), R.S. 42:19.1(A)(1), R.S. 44:4(4)(b), (c), and (d) and (14),  
17 R.S. 46:2(A) and (B), 446.6(Section heading), 448(A) and (E), 460.51(9),  
18 2351(A)(6) through (9), and 2402(4), R.S. 49:222(B)(1)(d), (2)(b), and (3)(c),  
19 953(F)(3)(h), 954(A) and (B)(2), 954.1(D), 966(A), 1101(C), and 1304(B)(1), R.S.  
20 56:424(F)(2), 633(C), and 1703(C)(2)(a) through (d), Code of Civil Procedure

1       Article 1702(C), and Code of Criminal Procedure Articles 410(C) and 725.1(B),  
2       relative to the provisions of the Louisiana Constitution of 1921 made statutory by  
3       Article X, Section 18 of the Louisiana Constitution of 1974, the Louisiana Revised  
4       Statutes of 1950, the Code of Civil Procedure, and the Code of Criminal Procedure;  
5       to provide for various technical corrections, including correcting legal citations,  
6       correcting names of agencies, department offices, and other entities, designating  
7       undesignated statutory provisions, removing references to provisions that have been  
8       repealed, correcting punctuation, correcting typographical errors, making conforming  
9       changes, and clarifying language; to direct the Louisiana State Law Institute to make  
10      certain technical changes in the Louisiana Revised Statutes of 1950; and to provide  
11      for related matters.

12     Be it enacted by the Legislature of Louisiana:

13           Section 1. Subparagraph (e) of Paragraph 9 of Article XIV, Section 15.1 of the  
14       Louisiana Constitution of 1921, made statutory by Article X, Section 18 of the Louisiana  
15       Constitution of 1974, is hereby amended and reenacted to read as follows:

16           §15.1. Fire and police civil service; municipalities of 13,000 to 250,000

17                                  \*           \*           \*

18                   9. State Examiner and Deputy State Examiner of Municipal Fire and Police  
19       Civil Service.

20                                  \*           \*           \*

21                   e. When a vacancy occurs in the office of the state examiner or deputy state  
22       examiner, the State Civil Service Commission shall, within thirty days, make a  
23       provisional appointment of any person it deems qualified to fill the vacancy. A  
24       competitive examination shall be prepared, administered, and scored under the  
25       direction of the State Civil Service Commission in order ~~that to establish~~ a list of  
26       persons eligible for appointment to the office ~~can be established~~. As soon as such  
27       list can be and is established, the State Civil Service Commission shall appoint any  
28       person upon the eligibility list who has the experience required in Subparagraphs (a)  
29       and (b) of this Paragraph to fill the office; however, selection preference may be

1        given to any person having such experience in the municipal fire and police  
2        classified civil service system. The person appointed shall serve a working test  
3        period of six months which shall be considered a portion of the examination. At the  
4        termination of such working test period, if successfully completed, the appointee  
5        shall become a regular employee as defined in the State Civil Service Law.

6                          \*              \*              \*

7        Section 2. R.S. 4:169(A)(1) is hereby amended and reenacted to read as follows:

8        §169. Licenses, registrations, fees for participating in racing

9                          A.(1) The following persons shall be required to take out a license from the  
10       commission, and the annual fee shall be as follows:

11                          Recording and registration fees

12	Apprentice jockey	\$25.00
13	Assistant starter	\$25.00
14	Authorized agent	\$25.00
15	Colors	\$25.00
16	Duplicate	\$5.00
17	Exercise person	\$15.00
18	Groom	\$5.00
19	Hot <del>Walker</del> <ins>walker</ins>	\$5.00
20	Jockey agent	\$35.00
21	Jockey	\$35.00
22	Outrider	\$25.00
23	Owner	\$25.00
24	Miscellaneous	\$5.00
25	Mutuel	\$5.00
26	Partnership	\$25.00
27	Plater	\$35.00
28	Pony person	\$25.00
29	Stable foreman	\$25.00

1	Stable name	\$50.00	
2	Subagent	\$25.00	
3	Trainer	\$25.00	
4	Valet	\$25.00	
5	Vendor	\$50.00	
6	Veterinarian	\$100.00	
7	*	*	*

8       Section 3. R.S. 6:664(B)(1) is hereby amended and reenacted to read as follows:

9       §664. Money deposited in a multiple party account

10                          \*

11                          B.(1) When any such share deposit is made in any credit union under the  
12                          names of two or more persons payable to any one of such members, if one of such  
13                          members seeks to prevent payments from that account, that member must give  
14                          written notice of his desire to prevent payment. The notice must be signed by him  
15                          and delivered to the credit union. After the receipt of such notice from one or more  
16                          of such members, the credit union may refuse to honor any check, draft, or demand  
17                          upon the ~~said~~ share account or by any of the members, including the one or ones  
18                          requesting the stopping of payment, unless all of the members upon the ~~said~~ account  
19                          join in drawing such draft or check or demand for payment or other withdrawal of  
20                          any of the funds.

21                          \*

22       Section 4. R.S. 9:4822(M)(1) is hereby amended and reenacted to read as follows:

23       §4822. Preservation of claims and privileges

24                          \*

25                          M.(1) The contractor may elect to furnish at the contractor's cost and without  
26                          ~~off-set offset~~ of the cost against the retainage amount a retainage bond equal to and  
27                          in lieu of the amount of the retainage required by the contract whenever a contract  
28                          between an owner and a contractor for the construction, alteration, or repair of any  
29                          work requires the withholding of sums for retainage until after the recordation of

1 formal acceptance of such work, or notice of default by the contractor or  
2 subcontractor, or substantial completion, or final payment exclusive of  
3 nonconforming work.

4 \* \* \*

5 Section 5. R.S. 11:243(B)(1), (C), (D), and (E), 449(A)(introductory paragraph) and  
6 (B), 450(B), 1302.2(A)(1) and (2)(introductory paragraph), 1422(C)(1), 1821(B), and  
7 2096(A), (B), and (C)(introductory paragraph) are hereby amended and reenacted to read as  
8 follows:

9 §243. Cost-of-living adjustments; permanent benefit increases; restrictions; funding  
10 criteria

11 \* \* \*

12 B.(1) On or before December 31, 2013, the governing authority of each of  
13 the retirement systems listed in Subsection A of this Section shall, in a public  
14 meeting, make an irrevocable election to have future benefit increases for retirees,  
15 survivors, and beneficiaries governed by R.S. 11:242 or this Section. ~~In the event~~  
16 ~~that If~~ the governing authority takes no action by the specified date, the provisions  
17 of this Section shall not apply, and the benefit increases of that system shall continue  
18 to be subject to the provisions of R.S. 11:242.

19 \* \* \*

20 C. The provisions of this Section do not repeal provisions relative to  
21 cost-of-living adjustments or permanent benefit increases contained within the  
22 ~~individual~~ laws governing the systems listed in Subsection A of this Section.  
23 However, the provisions of this Section are to be controlling in case of any conflict  
24 with ~~the individual~~ such laws.

25 D. The power of the governing authority of a system covered by this Section  
26 to provide a cost-of-living adjustment or permanent benefit increase shall be  
27 effective in a particular calendar year only if the legislature fails to enact legislation  
28 granting a cost-of-living adjustment, unless in the legislation granting the  
29 cost-of-living adjustment, the legislature specifically ~~authorized~~ authorizes the

governing authority to provide an additional cost-of-living adjustment to retirees, beneficiaries, or survivors of retired public employees of that system.

3                   E. No governing authority to which this Section applies shall provide a  
4                   cost-of-living adjustment or permanent benefit increase to any retiree, beneficiary,  
5                   or survivor during any calendar year prior to the final adjournment of the regular  
6                   session of the legislature ~~and shall not~~ or do so during the same year within which  
7                   the legislature has granted an increase, unless in the legislation granting the increase,  
8                   the legislature specifically authorizes the governing body to provide an additional  
9                   increase to retirees, beneficiaries, and survivors of that system. The restrictions  
10                  contained in this Subsection shall be inapplicable with respect to any system for  
11                  which the legislature has failed to grant an increase.

12 \* \* \*

## §449. Deferred Retirement Option Plan

14                   A. The system shall establish a Deferred Retirement Option Plan which shall  
15                   be a part of the system fund. While participating in the plan, participant's  
16                   participants' contributions shall be credited to subaccounts as ~~herein~~ established in  
17                   this Section.

18 \* \* \*

19                   B. Both subaccounts shall be within the Deferred Retirement Option Plan  
20                   established ~~herein~~ pursuant to this Section. Management of the funds shall be by the  
21                   system during the contributing period. When the funds are transferred to the self-  
22                   directed subaccount for the investment period, the system is authorized to hire a ~~third~~  
23                   party third-party provider who shall be an agent of the system for purposes of  
24                   investing balances in the self-directed subaccounts of the participants.

25 \* \* \*

## §450. Termination of participation

27 \* \* \*

28                   B. Upon termination of participation in the plan but not employment, credits  
29                   to the account shall cease and no retirement benefits shall be paid to the participant

1 until employment is terminated. The balance in the participant's subaccount shall be  
2 placed in a self-directed subaccount in the name of the participant as provided for in  
3 R.S. 11:451.1, and the participant shall then be bound by the provisions of said that  
4 Section. No payment shall be made based on credits in the subaccount until  
5 employment is terminated as defined in this Section. The participant may continue  
6 employment after termination of participation in the plan for the sole purpose of  
7 accruing a supplemental benefit, and employer and employee contributions shall  
8 resume. Correction officers, probation and parole officers, and security officers of  
9 the Department of Public Safety and Corrections; peace officers of the Department  
10 of Public Safety and Corrections, office of state police, other than state troopers, as  
11 provided in R.S. 11:444(A)(2)(b); and personnel employed by the Department of  
12 Revenue, office of alcohol and tobacco control, as provided in R.S. 11:444(A)(2)(c),  
13 who have ended their participation in the Deferred Retirement Option Plan but not  
14 employment shall make contributions at the rate established in R.S. 11:62(5)(b).

15 \* \* \*

16 §1302.2. Actuary; appointment; duties and powers; actuarial assumptions

17 A.(1) The board of trustees shall designate an actuary who shall be a  
18 technical advisor of the board of trustees on matters regarding the operation of the  
19 retirement system created by the provisions of this Chapter, Chapter and shall  
20 perform such other duties as are required by law or by the board of trustees.

21 (2) Beginning with the 2012-2013 fiscal year, and at least once in each  
22 five-year period thereafter, the actuary shall make an actuarial investigation into the  
23 mortality, service, and compensation experience of the members and beneficiaries  
24 of the retirement system, system and shall make a valuation of the assets and  
25 liabilities of the system, and taking into account the result of such investigation and  
26 valuation, the board of trustees shall:

27 \* \* \*

28 §1422. Computation of normal retirement benefit

29 \* \* \*

1 C.(1) Except as provided in Paragraph (2) of this Subsection, any member  
2 whose first employment making him eligible for membership in the system began  
3 on or after October 1, 2013, and who is eligible for normal retirement, but who has  
4 less than thirty years of creditable service shall, upon making written application to  
5 the board of trustees, be ~~retired~~, retired and shall be paid a monthly sum equal to  
6 three percent of the highest monthly average final compensation received during any  
7 sixty consecutive months while employed in an assessor's office or other creditable  
8 employment times the number of years of the member's creditable service not to  
9 exceed one hundred percent of the member's monthly average final compensation  
10 after taking into account the reduction arising from any optional retirement selected.

11 \* \* \*

12 §1821. Board of trustees; membership; term of office; oath of office; compensation;

13 voting power; vacancies

15                   B. The board shall consist of eleven trustees, six of whom shall be active and  
16 contributing members of the system with at least ten years of creditable service,  
17 elected by the members of this system in accordance with the election rules  
18 prescribed by the board; one of whom shall be the president of the Louisiana  
19 Municipal Association who shall serve as an ex officio member during his tenure;  
20 one of whom shall be the chairman of the Senate Committee on Retirement of the  
21 Legislature of Louisiana, or his designee, who shall serve as a voting ex officio  
22 member; one of whom shall be the chairman of the House Committee on Retirement  
23 of the Legislature of Louisiana, or his designee, who shall serve as a voting ex  
24 officio member; one of whom shall be the commissioner of administration, or his  
25 designee, who shall be a nonvoting member; or his designee; and one of whom shall  
26 be the state treasurer, or his designee, who shall be a nonvoting member, or his  
27 designee.

28 \* \* \*

1           §2096. Actuary; appointment; duties and powers

2           A. The board of trustees shall designate an actuary who shall be a technical  
3           advisor of the board of trustees on matters regarding the operation of the system  
4           created by the provisions of this ~~Chapter~~, Chapter and shall perform such other duties  
5           as are required by law or by the board of trustees.

6           B. Immediately after the establishment of the retirement system, the actuary  
7           shall make such investigation of the mortality, service, and compensation experience  
8           of the members of the system as he shall recommend and the board of trustees shall  
9           authorize, and on the basis of such investigation, he shall recommend for adoption  
10          by the board of trustees such tables and such rates as are required in Subsection C of  
11          this Section. The board of trustees shall adopt tables and certify rates, and as soon  
12          as practicable thereafter, the actuary shall make a valuation based on such tables and  
13          rates of the assets and liabilities of the system created by this Chapter.

14          C. In ~~1956~~, 1956 and at least once in each five-year period thereafter, the  
15          actuary shall make an actuarial investigation into the mortality, service, and  
16          compensation experience of the members and beneficiaries of the retirement ~~system~~,  
17          system and shall make a valuation of the assets and liabilities of the funds of the  
18          system, and taking into account the result of such investigation and valuation, the  
19          board of trustees shall:

20                                 \*                                 \*

21          Section 6. R.S. 13:5077(A) is hereby amended and reenacted to read as follows:

22          §5077. Miscellaneous provisions

23          A.(1) The attorney general shall provide a notice of removal to any  
24          manufacturer that it determines should be removed or have any of its brand families  
25          removed from the state directory. The notice shall state the grounds for the removal  
26          and inform the manufacturer that it or its brand families will be removed from the  
27          state directory thirty days following the date of the notice.

28          (2) During the thirty days following the date of the notice, the manufacturer  
29          may do either of the following:

1           (1) ~~fully~~ (a) Fully cure the failure or violation ~~or,~~  
2           (2) ~~submit~~ (b) Submit documentation to the attorney general demonstrating  
3           that its determination described in the notice was incorrect.

4           (3) Unless the attorney general determines that the manufacturer has satisfied  
5           either ~~(1)~~ or ~~(2)~~ Subparagraph (2)(a) or (b) of this Subsection, it or its brand families  
6           will be removed from the state directory thirty days following the date of the notice.

7           A determination of the attorney general to not include or to remove from the  
8           directory a brand family or tobacco product manufacturer shall be subject to review  
9           in the manner prescribed by the Administrative Procedure Act. A manufacturer that  
10          unsuccessfully challenges a decision not to include or to remove from the directory  
11          a brand family or manufacturer shall pay the state's reasonable costs and attorney  
12          fees incurred in contesting the challenge.

13                                 \*           \*           \*

14          Section 7. R.S. 14:35, 38, 38.1, 40, 46, 51, 53, 54.2, 55, 56.1, 57, 58, 60, 62.2, 70,  
15          73, 76, 77, 87.1, 87.2, 87.4, 88, 91.12, 91.21, 96, 97, 99, 100.1, 101, 107.2(A), 111, 112, 113,  
16          114, 115, 118.1, 119.1(A), 124, 125, 126.1, 126.2, 129.2, 131, 139, 201, 203, 204, 205, 206,  
17          208, 209, 210, 213, 222(A), (B), and (C), 226(B) and (C), 311, 312, 313.1, 314, 315, 318,  
18          319, 320, 321, 322, 329.1, 329.3, 329.4, 351, 354, 355, 356, 357, and 401 are hereby  
19          amended and reenacted to read as follows:

20          §35. Simple battery

21           A. Simple battery is a battery committed without the consent of the victim.  
22           B. Whoever commits a simple battery shall be fined not more than one  
23           thousand dollars or imprisoned for not more than six months, or both.

24                                 \*           \*           \*

25          §38. Simple assault

26           A. Simple assault is an assault committed without a dangerous weapon.  
27           B. Whoever commits a simple assault shall be fined not more than two  
28           hundred dollars, or imprisoned for not more than ninety days, or both.

1           §38.1. Mingling harmful substances

2           A. Mingling harmful substances is the intentional mingling of any harmful  
3           substance or matter with any food, drink, or medicine with intent that the same shall  
4           be taken by any human being to his injury.

5           B. Whoever commits the crime of mingling harmful substances shall be  
6           imprisoned, with or without hard labor, for not more than two years or fined not  
7           more than one thousand dollars, or both.

8                                 \*           \*           \*

9           §40. Intimidation by officers

10           A. Intimidation by officers is the intentional use, by any police officer or  
11           other person charged with the custody of parties accused of a crime or violation of  
12           a municipal ordinance, of threats, violence, or any means of inhuman treatment  
13           designed to secure a confession or incriminating statement from the person in  
14           custody.

15           B. Whoever commits the crime of intimidation by officers shall be fined not  
16           more than five hundred dollars, or imprisoned for not more than six months, or both.

17                                 \*           \*           \*

18           §46. False imprisonment

19           A. False imprisonment is the intentional confinement or detention of another,  
20           without his consent and without proper legal authority.

21           B. Whoever commits the crime of false imprisonment shall be fined not  
22           more than two hundred dollars, or imprisoned for not more than six months, or both.

23                                 \*           \*           \*

24           §51. Aggravated arson

25           A. Aggravated arson is the intentional damaging by any explosive substance  
26           or the setting fire to any structure, watercraft, or movable whereby it is foreseeable  
27           that human life might be endangered.

28           B. Whoever commits the crime of aggravated arson shall be imprisoned at  
29           hard labor for not less than six nor more than twenty years, and shall be fined not

1 more than twenty-five thousand dollars. Two years of such imprisonment at hard  
2 labor shall be without benefit of parole, probation, or suspension of sentence.

3 \* \* \*

4 §53. Arson with intent to defraud

5       A. Arson with intent to defraud is the setting fire to, or damaging by any  
6 explosive substance, any property, with intent to defraud.

7       B. Whoever commits the crime of arson with intent to defraud shall be fined  
8 not more than ten thousand dollars, imprisoned with or without hard labor for not  
9 more than five years, or both.

10 \* \* \*

11 §54.2. Manufacture and possession of delayed action incendiary devices; penalty

12       A. It shall be unlawful for any person, without proper license as required by  
13 R.S. ~~40:1471.1~~ 40:1472.1 et seq. to knowingly and intentionally possess or have  
14 under his control any instrument, device, chemical, or explosive substance which is  
15 arranged, manufactured, mixed, or so made up as to be a device or substance which,  
16 when exposed to heat, humidity, air, or foreign elements, will after prolongation of  
17 time burst into flame, ignite, cause to be ignited, or explode.

18       B. This ~~section~~ Section shall not apply to fireworks possessed within the  
19 meaning and contemplation of R.S. 51:650 et seq.

20       C. Whoever violates this Section shall be fined not more than ten thousand  
21 dollars or be imprisoned at hard labor for not more than twenty years, or both.

22 \* \* \*

23 §55. Aggravated criminal damage to property

24       A. Aggravated criminal damage to property is the intentional damaging of  
25 any structure, watercraft, or movable, wherein it is foreseeable that human life might  
26 be endangered, by any means other than fire or explosion.

1           B. Whoever commits the crime of aggravated criminal damage to property  
2       shall be fined not more than ten thousand dollars, imprisoned with or without hard  
3       labor for not less than one nor more than fifteen years, or both.

4                                  \*           \*           \*

5           §56.1. Criminal damage to coin-operated devices

6           A. Criminal damage to a coin-operated device is the intentional damaging  
7       of any coin-operated device belonging to another.

8           B. "Coin-operated device" means any parking meter, pay telephone, vending  
9       machine, money-changing machine, or any other coin activated device designed to  
10      accept money for a privilege, service, or product.

11           C. For purposes of this Section, the value of damages shall be determined by  
12      the actual cost of repair, or replacement if necessary.

13           D. Whoever commits the crime of criminal damage to a coin-operated  
14      device, when the damage done amounts to one hundred dollars or more, shall be  
15      fined not more than two thousand dollars or imprisoned for not more than two years,  
16      or both.

17           E. Whoever commits the crime of criminal damage to a coin-operated  
18      device, when the damage amounts to a value of less than one hundred dollars shall  
19      be fined not more than five hundred dollars or imprisoned for not more than six  
20      months, or both.

21                                  \*           \*           \*

22           §57. Damage to property with intent to defraud

23           A. Damage to property with intent to defraud is the damaging of any  
24      property, by means other than fire or explosion, with intent to defraud.

25           B. Whoever commits the crime of damage to property with intent to defraud  
26      shall be fined not more than ten thousand dollars, imprisoned with or without hard  
27      labor for not more than four years, or both.

## 1           §58. Contaminating water supplies

A. Contaminating water supplies is the intentional performance of any act tending to contaminate any private or public water supply.

4           B. Whoever commits the crime of contaminating water supplies, when the  
5           act foreseeably endangers the life or health of human beings, shall be fined not more  
6           than one thousand dollars, or imprisoned, with or without hard labor, for not more  
7           than twenty years, or both.

8                   C. Whoever commits the crime of contaminating water supplies, when the  
9                   act does not foreseeably endanger the life or health of human beings, shall be fined  
10                  not more than five hundred dollars, or imprisoned, with or without hard labor, for not  
11                  more than five years, or both.

12 \* \* \*

## 13 §60. Aggravated burglary

14                   A. Aggravated burglary is the unauthorized entering of any inhabited  
15                   dwelling, or of any structure, water craft, or movable where a person is present, with  
16                   the intent to commit a felony or any theft therein, if the offender,

17 (1) Is armed with a dangerous weapon; or

18 (2) After entering arms himself with a dangerous weapon; or

21                   B. Whoever commits the crime of aggravated burglary shall be imprisoned  
22                   at hard labor for not less than one nor more than thirty years.

23 \* \* \*

24                   §62.2. Simple burglary of an inhabited dwelling  
25                   A. Simple burglary of an inhabited home is the unauthorized entry of any  
26                   inhabited dwelling, house, apartment, or other structure used in whole or in part as  
27                   a home or place of abode by a person or persons with the intent to commit a felony  
28                   or any theft therein, other than as set forth in Article 60 R.S. 14:60.

1           B. Whoever commits the crime of simple burglary of an inhabited dwelling  
2       shall be imprisoned at hard labor for not less than one year, without benefit of parole,  
3       probation or suspension of sentence, nor more than twelve years.

4                                  \*           \*           \*

5           §70. False accounting

6           A. False accounting is the intentional rendering of a financial statement of  
7       account which is known by the offender to be false, by anyone who is obliged to  
8       render an accounting by the law pertaining to civil matters.

9           B. Whoever commits the crime of false accounting shall be fined not more  
10      than five hundred dollars or imprisoned for not more than six months, or both.

11                                  \*           \*           \*

12           §73. Commercial bribery

13           A. Commercial bribery is the giving or offering to give, directly or  
14      indirectly, anything of apparent present or prospective value to any private agent,  
15      employee, or fiduciary, without the knowledge and consent of the principal or  
16      employer, with the intent to influence such agent's, employee's, or fiduciary's action  
17      in relation to the principal's or employer's affairs.

18           B. The agent's, employee's, or fiduciary's acceptance of or offer to accept,  
19      directly or indirectly, anything of apparent present or prospective value under such  
20      circumstances shall also constitute commercial bribery.

21           C. The offender under this article who states the facts, under oath, to the  
22      district attorney charged with prosecution of the offense, and who gives evidence  
23      tending to convict any other offender under this article, may, in the discretion of the  
24      district attorney, be granted full immunity from prosecution for commercial bribery,  
25      in respect to the particular offense reported.

26           D. Whoever commits the crime of commercial bribery shall be fined not  
27      more than five hundred dollars, or imprisoned for not more than six months, or both.

28                                  \*           \*           \*

1           §76. Bigamy

2           A. Bigamy is the marriage to another person by a person already married and  
3           having a husband or wife living; or the habitual cohabitation, in this state, with such  
4           second husband or wife, regardless of the place where the marriage was celebrated.

5           B. The provisions of this article shall not extend:

6           (1) To any person whose former husband or wife has been absent, at the time  
7           of the second marriage, for five successive years without being known to such  
8           person, within that time, to be living; or

9           (2) To any person whose former marriage has been annulled or dissolved at  
10          the time of the second marriage, by the judgment of a competent court; or

11          (3) To any person who has, at the time of the second marriage, a reasonable  
12          and honest belief that his or her former husband or wife is dead, or that a valid  
13          divorce or annulment has been secured, or that his or her former marriage was  
14          invalid.

15          C. Whoever commits the crime of bigamy shall be fined not more than one  
16          thousand dollars, or imprisoned, with or without hard labor, for not more than five  
17          years, or both.

18           §77. Abetting in bigamy

19          A. Abetting in bigamy is the marriage of an unmarried person to the husband  
20          or wife of another, with knowledge of the fact that the party is married and without  
21          a reasonable and honest belief that such party is divorced or his marriage annulled,  
22          or that the party's husband or wife is dead.

23          B. Whoever commits the crime of abetting in bigamy shall be fined not more  
24          than one thousand dollars, or imprisoned, with or without hard labor, for not more  
25          than five years, or both.

26                         \*                 \*                 \*

27           §87.1. Killing a child during delivery

28          A. Killing a child during delivery is the intentional destruction, during  
29          parturition of the mother, of the vitality or life of a child in a state of being born and

1 before actual birth, which child would otherwise have been born alive; provided,  
2 however, that the crime of killing a child during delivery shall not be construed to  
3 include any case in which the death of a child results from the use by a physician of  
4 a procedure during delivery which is necessary to save the life of the child or of the  
5 mother and is used for the express purpose of and with the specific intent of saving  
6 the life of the child or of the mother.

7           B. Whoever commits the crime of killing a child during delivery shall be  
8 imprisoned at hard labor in the penitentiary for life.

9           §87.2. Human experimentation

10           A. Human experimentation is the use of any live born human being, without  
11 consent of that live born human being, as hereinafter defined, for any scientific or  
12 laboratory research or any other kind of experimentation or study except to protect  
13 or preserve the life and health of ~~said the~~ live born human being, or the conduct, on  
14 a human embryo or fetus in utero, of any experimentation or study except to preserve  
15 the life or to improve the health of ~~said the~~ human embryo or fetus.

16           B. A human being is live born, or there is a live birth, whenever there is the  
17 complete expulsion or extraction from its mother of a human embryo or fetus,  
18 irrespective of the duration of pregnancy, which after such separation, breathes or  
19 shows any other evidence of life such as beating of the heart, pulsation of the  
20 umbilical cord, or movement of voluntary muscles, whether or not the umbilical cord  
21 has been cut or the placenta is attached.

22           C. Whoever commits the crime of human experimentation shall be  
23 imprisoned at hard labor for not less than five nor more than twenty years, or fined  
24 not more than ten thousand dollars, or both.

25           §87.4. Abortion advertising

26           A. Abortion advertising is the placing or carrying of any advertisement of  
27 abortion services by the publicizing of the availability of abortion services.

1           B. Whoever commits the crime of abortion advertising shall be imprisoned,  
2       with or without hard labor, for not more than one year or fined not more than five  
3       thousand dollars, or both.

4                                  \*           \*           \*

5       §88. Distribution of abortifacients

6           A. Distribution of abortifacients is the intentional:

7           (1) Distribution or advertisement for distribution of any drug, potion,  
8       instrument, or article for the purpose of procuring an abortion; or  
9           (2) Publication of any advertisement or account of any secret drug or  
10      nostrum purporting to be exclusively for the use of females, for preventing  
11      conception or producing abortion or miscarriage.

12           B. Whoever commits the crime of distribution of abortifacients shall be fined  
13      not more than five hundred dollars, or imprisoned for not more than six months, or  
14      both.

15                                  \*           \*           \*

16       §91.12. Sale, distribution or making available to minors publications encouraging,  
17      advocating, or facilitating the illegal use of controlled dangerous substances

18           A. No person shall sell, distribute or make available to a person under  
19      eighteen years of age any publication which has as its dominant theme articles or a  
20      substantial number of advertisements encouraging, advocating, or facilitating the  
21      illegal use of any substance classified as a controlled dangerous substance pursuant  
22      to Title 40 of the Louisiana Revised Statutes of 1950.

23           B. No employee acting within the course and scope of his employment and  
24      who has no proprietary interest in the business shall be guilty of a violation of this  
25      Section unless he has actual knowledge of the contents of the publication.

26           C. Whoever violates this Section shall be fined not more than five hundred  
27      dollars or imprisoned for not more than six months, or both.

28                                  \*           \*           \*

1           §91.21. Sale of poisonous reptiles to minors; penalty

2           A. It shall be unlawful for any person to sell any type of poisonous reptile  
3           to a minor.

4           B. Any person violating the provision of this ~~section~~ Section shall be guilty  
5           of a misdemeanor and, upon conviction thereof, shall be fined not more than one  
6           hundred dollars or imprisoned for not more than six months, or both, for each such  
7           offense.

8                                 \*           \*           \*

9           §96. Aggravated obstruction of a highway of commerce

10          A. Aggravated obstruction of a highway of commerce is the intentional or  
11          criminally negligent placing of anything; or performance of any act; on any railway,  
12          railroad, navigable waterway, road, highway, thoroughfare, or runway of an airport,  
13          wherein it is foreseeable that human life might be endangered.

14          B. Whoever commits the crime of aggravated obstruction of a highway of  
15          commerce shall be imprisoned, with or without hard labor, for not more than fifteen  
16          years.

17          §97. Simple obstruction of a highway of commerce

18          A. Simple obstruction of a highway of commerce is the intentional or  
19          criminally negligent placing of anything or performance of any act on any railway,  
20          railroad, navigable waterway, road, highway, thoroughfare, or runway of an airport,  
21          which will render movement thereon more difficult.

22          B. Whoever commits the crime of simple obstruction of a highway of  
23          commerce shall be fined not more than two hundred dollars, or imprisoned for not  
24          more than six months, or both.

25                                 \*           \*           \*

26          §99. Reckless operation of a vehicle

27          A. Reckless operation of a vehicle is the operation of any motor vehicle,  
28          aircraft, vessel, or other means of conveyance in a criminally negligent or reckless  
29          manner.

1           B. Whoever commits the crime of reckless operation of a vehicle shall be  
2       fined not more than two hundred dollars, or imprisoned for not more than ninety  
3       days, or both.

4           C. On a second or subsequent conviction the offender shall be fined not less  
5       than twenty-five nor more than five hundred dollars, or imprisoned for not less than  
6       ten days nor more than six months, or both.

7                                  \*           \*           \*

8       §100.1. Obstructing public passages

9           A. No person shall wilfully obstruct the free, convenient, and normal use of  
10      any public sidewalk, street, highway, bridge, alley, road, or other passageway, or the  
11      entrance, corridor, or passage of any public building, structure, water craft, or ferry,  
12      by impeding, hindering, stifling, retarding, or restraining traffic or passage thereon  
13      or therein.

14           B. Whoever violates the provisions of this Section shall be guilty of a  
15      misdemeanor and upon conviction thereof shall be fined not more than five hundred  
16      dollars or imprisoned for not more than six months, or both fined and imprisoned.

17           C. This Section shall not be applicable to the erection or construction of any  
18      barricades or other forms of obstructions as a safety measure in connection with  
19      construction, excavation, maintenance, repair, replacement, or other work; in or  
20      adjacent to any public sidewalk, street, highway, bridge, alley, road, or other  
21      passageway, nor to the placing of barricades or other forms of obstruction by  
22      governmental authorities, or any officer or agent thereof, in the proper performance  
23      of duties.

24                                  \*           \*           \*

25       §101. Desecration of graves

26           A. Desecration of graves is the:

27                                 (1) Unauthorized opening of any place of interment, or building wherein the  
28      dead body of a human being is located, with the intent to remove or to mutilate the

1       body or any part thereof, or any article interred or intended to be interred with the  
2       said body; or

3                   (2) Intentional or criminally negligent damaging in any manner; of any  
4       grave, tomb, or mausoleum erected for the dead.

5                   B. Whoever commits the crime of desecration of graves shall be fined not  
6       more than five hundred dollars, or imprisoned for not more than six months, or both.

7                   \*           \*           \*

8       §107.2. Hate crimes

9                   A. It shall be unlawful for any person to select the victim of the following  
10      offenses against person and property because of actual or perceived race, age,  
11      gender, religion, color, creed, disability, sexual orientation, national origin, or  
12      ancestry of that person or the owner or occupant of that property or because of actual  
13      or perceived membership or service in, or employment with, an organization: first  
14      or second degree murder; manslaughter; battery; aggravated battery; second degree  
15      battery; aggravated assault with a firearm; terrorizing; mingling harmful substances;  
16      simple, forcible, or aggravated rape; sexual battery, second degree sexual battery;  
17      oral sexual battery; carnal knowledge of a juvenile; indecent behavior with juveniles;  
18      molestation of a juvenile or a person with a physical or mental disability; simple,  
19      second degree, or aggravated kidnaping; simple or aggravated arson; ~~placing~~  
20      ~~combustible materials~~; communicating of false information of planned arson; simple  
21      or aggravated criminal damage to property; contamination of water supplies; simple  
22      or aggravated burglary; criminal trespass; simple, first degree, or armed robbery;  
23      purse snatching; extortion; theft; desecration of graves; institutional vandalism; or  
24      assault by drive-by shooting.

25                   \*           \*           \*

26       §111. Assisting escape

27                   A. Assisting escape is the:

28                   (1) Permitting, by any public officer, of the escape of any prisoner in his  
29       custody, by virtue of his active assistance or intentional failure to act; or

(2) The active assistance given by any person to one in legal custody with intent to aid him in escaping therefrom.

3           B. Whoever commits the crime of assisting escape shall be fined not more  
4           than three thousand dollars, or imprisoned, with or without hard labor, for not more  
5           than five years, or both.

## 6 §112. False personation

A. False personation is the performance of any of the following acts with the intent to injure or defraud, or to obtain or secure any special privilege or advantage:

13 (2) Performing any act purporting to be official in such assumed character.

14                   B. Whoever commits the crime of false personation shall be fined not more  
15                   than one hundred dollars, or imprisoned for not more than ninety days, or both.

16 \* \* \*

17 §113. Treason

18                   A. Treason is the levying of war against the United States or the State of  
19                   Louisiana, adhering to enemies of the United States or of the State of Louisiana, or  
20                   giving such enemies aid and comfort.

B. No person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on his own confession in open court.

C. Whoever commits the crime of treason shall be punished by death.

## 24                   §114. Misprision of treason

25           A. Misprision of treason is the concealment of treason, or the failure to  
26           disclose immediately all pertinent facts to proper authorities, by a person who has  
27           knowledge of the commission of the crime of treason.

B. Whoever commits misprision of treason shall be fined not more than one thousand dollars, and imprisoned at hard labor for not more than ten years.

1           §115. Criminal anarchy

2           A. Criminal anarchy is:

3           (1) The advocating or teaching, in any manner, in public or private, of the  
4           subversion, opposition, or destruction of the government of the United States or of  
5           the State of Louisiana by violence or other unlawful means; or

6           (2) The organizing or becoming a member of any organization or society  
7           which is known to the offender to advocate, teach, or practice the subversion,  
8           opposition, or destruction of the government of the United States or of the State of  
9           Louisiana by violence or other unlawful means.

10          B. Whoever commits the crime of criminal anarchy shall be imprisoned at  
11          hard labor for not more than ten years.

12                               \*           \*           \*

13          §118.1. Bribery of sports participants

14          A.(1) Bribing of sports participants is the giving or offering to give, directly  
15          or indirectly, anything of apparent present or prospective value to any professional  
16          or amateur baseball, football, hockey, polo, tennis, or basketball player or boxer or  
17          any person or player who participates or expects to participate in any professional  
18          or amateur game or sport or any contest of skill, speed, strength, or endurance of man  
19          or beast or any jockey, driver, groom, or any person participating or expecting to  
20          participate in any horse race, including owners of race tracks and their employees,  
21          stewards, trainers, judges, starters, or special policemen, or to any owner, manager,  
22          coach, or trainer of any team or participant in any such game, contest, or sport, with  
23          the intent to influence him to lose or cause to be lost, or corruptly to affect or  
24          influence the result thereof, or to limit his or his team's or his mount or beast's  
25          margin of victory in any baseball, football, hockey, or basketball game, boxing,  
26          tennis, or polo match or horse race or any professional or amateur sport or game in  
27          which such player or participant or jockey or driver is taking part or expects to take  
28          part, or has any duty in connection therewith.

1                   (2) The acceptance of; or the offer to accept directly or indirectly anything  
2                   of apparent present or prospective value under such circumstances by any of the  
3                   above named persons shall also constitute bribery of sports participants.

4           B. Whoever commits the crime of bribery of sports participants is guilty of  
5           a felony and shall be punished by a fine of not more than ten thousand dollars and  
6           imprisoned for not less than one year nor more than five years, with or without hard  
7           labor, or both.

8                   B. C. The offender under this Section, who states the facts under oath to the  
9                   district attorney charged with the prosecution of the offense, and who gives evidence  
10                  tending to convict any other offender under that Section, may, in the discretion of  
11                  such district attorney be granted full immunity from prosecution in respect to the  
12                  offense reported, except for perjury in giving such testimony.

13 \* \* \*

14                   §119.1. Bribery of parents of school children

15                   A.(1) Bribery of parents of school children is the giving or offering to give,

16                   directly or indirectly, any money; or anything of apparent present or prospective

17                   value to any parent, to any tutor or guardian, to any person having legal or actual

18                   custody of, or to any person standing in loco parentis to, any child eligible to attend

19                   a public school in this ~~State~~ state, as an inducement to encourage, influence, prompt,

20                   reward, or compensate any such person to permit, prompt, force, or cause any such

21                   child to attend any such school in violation of any law of this state.

22                   (2) The acceptance of, or the offer to accept, directly or indirectly, any  
23                   money, or anything of apparent present or prospective value, by any such person  
24                   under any such circumstances, shall also constitute bribery of parents of school  
25                   children

26 \* \* \*

27           §124. Inconsistent statements; perjury

28           A. It shall constitute perjury whenever any person, having taken an oath

state of facts material to the issue or question in controversy; and thereafter in the  
same or other proceedings, where such matter is material to the issue or question in  
controversy, swears or affirms in a manner materially contradictory of or  
inconsistent with his former sworn or affirmed statement. It shall not be necessary  
for the prosecution, in such case, to show which of the contradictory or inconsistent  
statements was false; but it shall be an affirmative defense that at the time he made  
them, the accused honestly believed both statements to be true.

8               B. This ~~article~~ Section shall only be applicable in cases where at least one  
9               of the contradictory or inconsistent statements was made in, or for use in, a judicial  
10              proceeding or a proceeding before a board or official wherein such board or official  
11              is authorized to take testimony.

12 §125. False swearing

13           A. False swearing is the intentional making of a written or oral statement,  
14           known to be false, under sanction of an oath or an equivalent affirmation, where such  
15           oath or affirmation is required by law; provided that this article shall not apply where  
16           such false statement is made in, or for use in, a judicial proceeding or any proceeding  
17           before a board or official, wherein such board or official is authorized to take  
18           testimony.

19                   B. Whoever commits the crime of false swearing shall be fined not more  
20                   than five hundred dollars, or imprisoned for not more than one year, or both.

21 \* \* \*

22           §126.1. False swearing for purpose of violating public health or safety

23           A. No person shall make a false statement, report, or allegation concerning  
24       the commission of a crime for the purpose of violating, disrupting, interfering with,  
25       or endangering the public health or safety, or to deprive any person or persons of any  
26       right, privilege, or immunity secured by the United States Constitution and laws or  
27       by the Louisiana Constitution and laws, or cause such false statement or report to be  
28       made to any official or agency of the state or any parish, city, or political subdivision  
29       thereof, or to any judicial, executive, or legislative body or subdivision thereof

1       within this state, knowing or having reason to believe the same or any material part  
2       thereof to be false and with the intent to cause an investigation of or any other action  
3       to be taken as a result thereof.

4           B. Any person or persons convicted of violating the provisions of this  
5       Section shall be punished by imprisonment for not less than one year nor more than  
6       five years, with or without hard labor, or by a fine of not less than one hundred  
7       dollars nor more than one thousand dollars, or by both such fine and imprisonment.

8           §126.2. False statements concerning denial of constitutional rights

9           A. No person shall wilfully and knowingly, whether orally or in writing,  
10      make or cause to be made to any agency, board, commission, member, officer,  
11      official, appointee, employee or representative thereof, of the executive, legislative,  
12      or judicial department of the United States or any subdivision thereof, which may be  
13      now in existence, or who may be now appointed, or hereafter created or appointed,  
14      including but not limited to any commissioner, referee, or voting referee now  
15      appointed or who may be hereafter appointed by any court of the United States or  
16      any judge thereof, and further including but not limited to any member of the Federal  
17      Bureau of Investigation and any agent or representative, investigator, or member of  
18      the Commission of Civil Rights of the United States, or the Advisory Committee or  
19      Board of the Commission of Civil Rights of the United States appointed in and for  
20      the state of Louisiana, any false or fictitious or fraudulent statement or statements,  
21      or to use any false writing or document asserting or claiming that such person or  
22      persons, or any other person or persons have been or are about to be denied or  
23      deprived of any right, privilege, or immunity granted or secured to them, or to any  
24      of them, by the United States Constitution and laws, or by the Louisiana Constitution  
25      and laws, by any officer, agency, employee, representative, board or commission or  
26      any member thereof of the state of Louisiana, or of any parish or municipality of the  
27      state of Louisiana, or of any other political subdivision of the state of Louisiana, or  
28      by the state of Louisiana.

1               B. Any person or persons violating the provisions of this Section shall, upon  
2 conviction thereof, be punished by imprisonment for not less than one year nor more  
3 than five years with or without hard labor, or by a fine of not less than one hundred  
4 dollars nor more than one thousand dollars or by both such fine and imprisonment.

5                                  \*                                  \*

6               §129.2. Recording, listening to, or observing proceedings of grand or petit juries  
7 while deliberating or voting

8               A. It shall be unlawful for any person knowingly and intentionally, by any  
9 means or device whatsoever:

10                 (1) to record or attempt to record; the proceedings of any grand or petit jury  
11 in any court of the state of Louisiana while such jury is deliberating or voting; or  
12                 (2) to listen to or observe, or attempt to listen to or observe, the proceedings  
13 of any grand or petit jury of which he is not a member in any court of the state of  
14 Louisiana while such jury is deliberating or voting.

15               B. Whoever violates the provisions of this Section shall be fined not more  
16 than five hundred dollars, or imprisoned for not more than six months, or both.

17                                  \*                                  \*

18               §131. Compounding a felony

19               A. Compounding a felony is the accepting of anything of apparent present  
20 or prospective value which belongs to another, or of any promise thereof, by a person  
21 having knowledge of the commission of a felony, upon an agreement, express or  
22 implied, to conceal such offense, or not to prosecute the same, or not to reveal or  
23 give evidence thereof.

24               B. Whoever commits the offense of compounding a felony shall be fined not  
25 more than one thousand dollars or imprisoned, with or without hard labor, for not  
26 more than two years, or both.

27                                  \*                                  \*

## 1 §139. Political payroll padding

2           A. Political payroll padding is committed when any public officer or public  
3           employee shall, at any time during the six months preceding any election for  
4           governor:

5                         (1) Increase the number of public employees in his office, department, board,  
6                         agency, or institution more than five percent over the average number of such  
7                         employees for each of the first six months of the twelve months next preceding said  
8                         the election; or

13                   B. The provisions of this Article Section shall not apply where the increases  
14                   are necessitated by flood, invasion by a common enemy, or other public emergency.

15                   C. Whoever commits the crime of political payroll padding shall be  
16                   imprisoned for not more than five years with or without hard labor or shall be fined  
17                   not more than five thousand dollars or both.

18 \* \* \*

19           §201. Collateral securities, unauthorized use or withdrawal prohibited; penalty;  
20           proof of intent; of personal advantage

21           A. No customer, nor any officer, member, or employee of any person who  
22        is a customer of any bank or banking institution, savings bank, or trust company  
23        organized under the laws of this state, of the United States, or of any foreign country,  
24        or of a private banker or of a person, or association that loans money on collateral  
25        security, doing business in this state, who is allowed to withdraw any collateral  
26        pledged by him, either personally or in his representative capacity, on a trust receipt  
27        or other form of receipt, shall:

13                   B. Whoever violates this Section shall be imprisoned with or without hard  
14                   labor, for not more than ten years.

15                   C. Proof of any of the acts set forth in this Section shall be considered prima  
16                   facie evidence of criminal intent. The state may proceed further and prove criminal  
17                   intent by any competent evidence in its possession.

18                  D. Where the person doing the acts denounced by this Section was an  
19                  officer, agent, or employee of any person, who was a customer of any lender (as  
20                  mentioned in the first paragraph provided in Subsection A of this Section) loaning  
21                  money on collateral security, it shall not be necessary, to complete the proof of the  
22                  crime charged, for the state to prove that the person derived any personal benefit,  
23                  advantage, or profit from the transaction. The state may always prove the crime  
24                  charged by any competent evidence it may have in its possession.

25 \* \* \*

26 §203. Electrical appliances, sale without original factory serial number prohibited;

27

28           A. No person shall offer to sell or cause to be sold or distributed, either retail  
29           or wholesale, new household appliances, such as radios, television sets, refrigerators,

1           washing machines, ironers, dryers, gas or electric ranges, or air conditioners, without  
2           the appliance having the original factory serial number indicated thereon provided  
3           it is the custom of the manufacturer to place serial numbers on the appliances.

4           B. Whoever violates this Section shall be fined not more than one hundred  
5           dollars or imprisoned for not more than ninety days, or both.

6           §204. Fire-raising on lands of another by criminal negligence; penalty

7           A. Fire-raising on lands of another by criminal negligence is the performance  
8           of any of the following acts:

9               (1) The setting fire to any grass, leaves, brush, or debris on lands by the  
10              owner, or by the owner's agent or lessee, and allowing the fire to spread or pass to  
11              lands of another.

12               (2) The starting of fire with wood or other fuel on lands of another, without  
13              malice, for camping or other purposes, with failure to exercise sufficient precautions  
14              so as to prevent the fire from spreading to grass, leaves, brush, or other debris on the  
15              lands.

16               (3) The setting fire to grass, leaves, brush, or other debris on lands of another  
17              by means of casting aside a lighted match or lighted cigar or cigarette stub.

18               (4) The burning over or causing burning over to be done on any land which  
19              adjoins woodlands of another within the boundaries of any parish of this state  
20              wherein an organized fire protection unit is maintained by the state or federal  
21              government, or both, without first giving the protecting agency written notice of  
22              intention to burn over the lands, giving a description of the property which will  
23              reasonably describe the location where the burning shall begin, and the date on  
24              which the lands are to be burned over. For the purpose of this Section, an "organized  
25              fire protection unit" is defined to be any area in which an organized system of fire  
26              prevention and control is in effect.

1           B. Whoever commits the crime of fire-raising on lands of another by  
2        criminal negligence shall be fined not more than three hundred dollars or imprisoned  
3        for not more than thirty days, or both.

4                                  \*           \*           \*

5        §205. Fire-raising on lands of another with malice; penalty

6           A. Fire-raising on lands of another with malice is the malicious setting fire  
7        to any grass, leaves, brush, or debris on lands of another, or the procuring same to  
8        be done.

9           B. Whoever commits the crime of fire-raising on lands of another with  
10      malice shall be fined not more than five hundred dollars, or imprisoned for not more  
11      than six months, or both.

12     §206. Fire prevention interference; penalty

13           A. Fire prevention interference is the intentional performance of any of the  
14      following acts:

15                               (1) Defacing or destroying fire warning notices or posters.

16                               (2) Injuring, destroying, removing, or in any manner interfering with the use  
17      of any tools, equipment, towers, buildings, or telephone lines used in the detection,  
18      reporting, or suppression of fire.

19           B. Whoever commits the crime of fire prevention interference shall be fined  
20      not more than five hundred dollars or imprisoned for a period of not more than six  
21      months, or both.

22                                  \*           \*           \*

23     §208. Operas, performance or representation without consent of owner prohibited;  
24        penalty

25           A. No person or company shall take part in or cause to be publicly performed  
26      or represented for profit any unpublished or undedicated dramatic or musical  
27      composition known as an opera without the consent of its owner or proprietor, or  
28      knowing an opera is unpublished or undedicated, shall permit, aid, or take part in a  
29      public performance or representation without the consent of the owner or proprietor.

1           B. Whoever violates this Section shall, for every performance, be fined not  
2       less than one hundred dollars nor more than five hundred dollars or imprisoned for  
3       not less than thirty days.

4       §209. Seals, breaking prohibited; penalty

5           A. No person shall, without legal authority, break any seal placed, in  
6       accordance with law, on the effects or any place or thing containing the effects or  
7       property of any deceased person.

8           B. Whoever violates this Section shall be fined not more than one thousand  
9       dollars and imprisoned with or without hard labor for not more than two years.

10      §210. Taxicabs, tampering with meter forbidden; penalty

11           A. No person shall, without the written consent of the owner, tamper with  
12       or alter in any manner or form the fare-registering device of any taxicab or  
13       automobile for hire.

14           B. Whoever violates this Section shall be fined not less than fifty dollars nor  
15       more than two hundred dollars, or imprisoned for not less than six months nor more  
16       than one year, or both.

17                                  \*                                  \*

18      §213. False packing of cotton bales and other agricultural products; penalty

19           A. The false packing of cotton bales or other agricultural products is the  
20       packing of a bale or bales of cotton or other agricultural products in such manner as  
21       is calculated to deceive persons with regard to quantity, weight, or quality of the  
22       product therein contained, whether ~~said~~ the false packing of cotton bales or other  
23       agricultural products be accomplished by the wetting of the product packed, or by  
24       concealing in the interior of the packed product another substance, or by plating the  
25       product by concealing in the interior thereof material inferior in grade or quality to  
26       that on the exterior thereof, or by any other means.

27           B. Whoever commits the crime of false packing of cotton bales or other  
28       agricultural products shall be punished, for the first offense, by a fine of five hundred  
29       dollars, or imprisoned for not less than sixty days nor more than six months, or both.

1       For any offense beyond the first, the offender shall be punished by a fine of one  
2       thousand dollars, or imprisoned for not less than sixty days nor more than six  
3       months, or both.

\* \* \*

5           §222. Possession, manufacture, sale or transfer of devices for avoidance of payment  
6           for telecommunications services or related offenses; seizure of devices

7                   A. It shall be unlawful for any person knowingly to:

(1) Make or possess any instrument, apparatus, equipment, or device designed, adapted, or which can be used:

24                   B.(1) Whoever violates any provision of this Section shall, on first  
25 conviction, be fined not more than one thousand dollars, or imprisoned for not more  
26 than six months, or both.

27                   (2) On a second conviction, the offender shall be fined not more than two  
28                   thousand dollars, or imprisoned for not more than one year, or both.

1           C. Any such instrument, apparatus, equipment, or device, or plans or  
2         instructions therefor, may be seized by court order under a search warrant or incident  
3         to a lawful arrest; and upon the conviction of any person for a violation of any  
4         provision of this Section, or R.S. 14:67, ~~R.S. 14:67.3 or R.S. 14:221~~ 67.3, or 221,  
5         such instrument, apparatus, equipment, device, plans, or instructions shall either be  
6         destroyed as contraband by the sheriff of the parish in which such person was  
7         convicted or turned over to the telephone company in whose territory such  
8         instrument, apparatus, equipment, device, plans, or instructions were seized.

\* \* \*

10                   §226. Protection of owners of crayfish farms; penalties

\* \* \*

12                   B. A domestic crayfish farm for the purposes of this ~~section~~ Section means  
13                   an earthen reservoir constructed so as to prevent the free ingress and egress of  
14                   crayfish from public waters and on which the owner of private property cultivates,  
15                   grows, harvests and markets domesticated crayfish that are spawned, grown,  
16                   cultivated, managed, harvested and marketed on an annual, biennial or short term  
17                   basis in privately owned waters which do not form a part of natural streams or lakes.

18 C. Whoever violates Subsection (A) A of this section Section shall, upon  
19 conviction thereof, be imprisoned for not more than one year or be subject to a fine  
20 of not less than fifty dollars nor more than three hundred dollars, or both.

\* \* \*

24                   A. No person shall shoot, discharge, explode, or cause to be shot, discharged  
25                   or exploded any fire-crackers, fire-works, or other explosives within one thousand  
26                   feet of any hospital in Louisiana.

27                   B. Whoever violates this Section shall be fined not more than one dollar or  
28                   imprisoned for not more than one day, or both.

1           §312. Jumping from state bridge for publicity prohibited; penalty

2           A. No person shall dive or jump off of any public bridge, constructed or  
3           owned by the state or any of its political subdivisions, where the object and purpose  
4           of the act is to gain publicity.

B. Whoever violates this Section shall be fined not more than twenty-five dollars, or imprisoned for not more than thirty days, or both.

7 \* \* \*

§313.1. Distributing candy or gifts on Halloween and other public holidays by "sex offenders" prohibited; penalty

10                   A. It shall be unlawful for any person convicted of or who pleads guilty to  
11                   a sex offense specified in R.S. 24:932 to distribute candy or other gifts to persons  
12                   under eighteen years of age on or concerning Halloween, Mardi Gras, Easter,  
13                   Christmas, or any other recognized holiday for which generally candy is distributed  
14                   or other gifts given to persons under eighteen years of age.

15                   B. Whoever violates the provisions of this Section shall be sentenced to a  
16                   term of imprisonment of not less than six months nor more than three years.

17           §314. Mississippi River, making unauthorized cut-offs prohibited; penalty

18                   A. No person shall make or cause to be made any cut-off in the Mississippi  
19                   River without authority of law.

20                   B. Whoever violates this Section shall be fined not less than one hundred  
21                   dollars nor more than one thousand dollars and imprisoned for not less than one  
22                   week nor more than twelve months.

23       §315. Mississippi River, stopping outlets or bayous prohibited; reopening; penalty

24                   A. No person shall stop any outlet or natural bayou of the Mississippi River.  
25                   If any outlet or natural bayou is closed the opening of it may be ordered by the state  
26                   engineer at any time.

27                   B. Whoever violates this Section shall be fined not less than one thousand  
28                   dollars nor more than ten thousand dollars and shall be liable for all expenses  
29                   necessary for the reopening of the bayou or outlet.

1           C. This Section shall not apply to bayous already closed, or that may be  
2           hereafter opened by crevasses.

3           §318. Sale of fireworks containing white or yellow phosphorus prohibited; penalty

4           A. No person shall sell, exchange, barter, or in any other manner dispose of  
5           any friction firework containing white or yellow phosphorus and explosives, which  
6           makes a noise and resembles a piece of candy in size and general appearance.

7           B. Whoever violates this Section shall be fined not less than fifty dollars or  
8           imprisoned for not more than sixty days, or both.

9           §319. Sale of toy pistols prohibited; penalty; exceptions

10          A. No person shall sell or offer to sell any toy pistol constructed so as to  
11          accommodate blank powder cartridges, blank cartridges, or shells used in firing or  
12          discharging toy pistols.

13          B. Whoever violates this Section shall be fined not less than ten dollars nor  
14          more than fifty dollars, or imprisoned for not more than ten days, or both.

15          C. Paper cap pistols and other toy pistols not constructed so as to  
16          accommodate blank powder cartridges or shells are not included within the  
17          provisions of this Section.

18           §320. Telegrams, divulging or obtaining knowledge of contents prohibited; penalty

19          A. No person shall wrongfully obtain, or attempt to obtain, any knowledge  
20          of a private telegraphic message by connivance with a clerk, operator, messenger,  
21          or other employee of a telegraph company. No clerk, operator, messenger, or other  
22          employee shall use, or suffer or permit to be used, or wilfully divulge to anyone but  
23          the person to whom it was addressed or his agent, or a duly authorized United States  
24          Government official or under due process of any court of record, the contents of a  
25          telegraphic message or dispatch intrusted to him for transmission or delivery, or the  
26          nature thereof.

27          B. Whoever violates this Section shall be fined not more than two hundred  
28          and fifty dollars or imprisoned for not more than four months, or both.

1           §321. Unauthorized signals to persons in charge of locomotives, etc., prohibited;  
2           penalty

3           A. No person without authority and in the absence of apparent danger shall,  
4           out of the spirit of mischief, or with any purpose other than to prevent or give  
5           information of an accident, make or cause to be made any signal to persons in charge  
6           of a locomotive, railroad train, or railroad cars, or to any of these persons or in their  
7           sight, with intent to cause the stopping of the locomotive, train, or cars.

8           B. Whoever violates this Section shall be fined not less than ten dollars nor  
9           more than two hundred dollars or imprisoned for not more than three months.

10          §322. Wire-tapping prohibited; penalty

11          A. No person shall tap or attach any devices for the purpose of listening in  
12           on wires, cables, or property owned and used by any person, for the transmission of  
13           intelligence by magnetic telephone or telegraph, without the consent of the owner.

14          B. Whoever violates this Section shall be fined not less than ten dollars nor  
15           more than three hundred dollars, or imprisoned for not more than three months.

16          C. This Section shall not be construed to prevent officers of the law, while  
17           in the actual discharge of their duties, from tapping in on wires or cables for the  
18           purpose of obtaining information to detect crime.

19                                 \*           \*           \*

20          §329.1. Riot

21          A. A riot is a public disturbance involving an assemblage of three or more  
22           persons acting together or in concert which by tumultuous and violent conduct, or  
23           the imminent threat of tumultuous and violent conduct, results in injury or damage  
24           to persons or property or creates a clear and present danger of injury or damage to  
25           persons or property.

26                                 \*           \*           \*

27          §329.3. Command to disperse; who may give; failure to comply

28          A. Any law enforcement or peace officer or public official responsible for  
29           keeping the peace may issue a command to disperse under the authority of R.S.

1       14:329.1-14:329.8 14:329.1 through 329.8 if he reasonably believes that riot is  
2       occurring or about to occur. The command to disperse shall be given in a manner  
3       reasonably calculated to be communicated to the assemblage.

4           B. Whoever willfully fails to comply with a lawful command to disperse  
5       shall be punished in accordance with the provisions of R.S. 14:329.7.

6       §329.4. Wrongful use of public property; permits for use of public property

7           A. Wrongful use of public property is:

8              (1) The intentional entering of or onto any public property without the  
9       permission of the lawful custodian thereof, or his designated representative, at any  
10      time when the public property is not open to the public and the remaining in or  
11      occupying of any public property after having been requested to leave by the lawful  
12      custodian thereof, or his designated representative, or any law enforcement or peace  
13      officer, and

14              (2) The depriving of the general public of the intended use of public property  
15      without a permit.

16           B. In accordance with R.S. 14:329.1-14:329.8 14:329.1 through 329.8,  
17      permits to occupy or use public property may be obtained from the lawful custodian  
18      thereof, or his designated representative, upon written application therefor. All such  
19      applications shall (1) describe the public property sought to be occupied or used; and  
20      (2) state the period of time during which the public property will be occupied or  
21      used.

22           C. The lawful custodian, or his designated representative, may issue the  
23      permit if he determines that the use or occupation of the public property will not  
24      reasonably interfere with the intended or customary use of the public property by the  
25      general public and that the intended use will not destroy or damage the public  
26      property.

27           D. For the purposes of this section Section, the term "public property" means  
28      any public land, building, facility, structure, or enclosure used for a public purpose

1       or as a place of public gathering, owned ~~and/or~~ or under the control of the state or  
2       one of its agencies or political subdivisions.

3                          \*              \*              \*

4       §351. Bail, sale, etc. of real estate securing, prohibited; penalty

5           A. No person shall, with intent to defraud, sell, transfer, donate, give,  
6       mortgage, hypothecate, or in any way encumber to the prejudice of the state any real  
7       estate offered as security to the state on any bail or appearance bond for the release  
8       of any person charged with crime.

9           B. Whoever violates this Section shall be imprisoned with or without hard  
10      labor for not less than six months nor more than twelve months.

11                          \*              \*              \*

12      §354. Fiduciaries, failure to file accounts in court; penalty

13           A. No administrator, tutor, executor, or other person holding fiduciary trusts  
14       shall neglect, fail, or refuse, after having been ordered by a court of competent  
15       jurisdiction, to file in the court where such trust is exercised, once between the first  
16       day of January and the thirty-first day of December of each calendar year, a full and  
17       complete account and statement of the trust.

18           B. Whoever violates this Section shall be fined not more than five hundred  
19       dollars and, in default of fine, imprisoned for not more than six months.

20      §355. Property exempt from execution; penalty for deprivation of rights

21           A. No person shall make any seizures prohibited under R.S. 13:3881 or shall,  
22       by any artifice or subterfuge, induce or procure another to sign away, by contract or  
23       otherwise, any of the rights he may have under R.S. 13:3881.

24           B. Whoever violates this Section shall be fined not more than two hundred  
25       dollars, or imprisoned for not more than six months, or both.

26      §356. Sheriffs, etc., solicitation of legal business prohibited; penalty

27           A. No sheriff, clerk of court, constable, or their deputies, or any police  
28       officer or detective, whether commissioned without pay or otherwise, shall procure

1 or solicit any legal business for any attorney at law under the expectation or promise,  
2 whether express or implied, of being paid in any manner.

3           B. Whoever violates this Section shall be imprisoned with or without hard  
4 labor for not more than two years.

5           C. Proof of solicitation or procurement of any legal business for any attorney  
6 at law shall be considered *prima facie* evidence that the solicitation or procurement  
7 has been done for pecuniary reward.

8                                 \*           \*           \*

9           §357. Candies, selling without payment of license tax; penalty

10           A. No manufacturer of candies or sweets or transient vendor selling candies  
11 or sweets; shall consign to or leave any candies or manufactured sweets on  
12 consignment with any person, firm, or corporation, other than schools, churches,  
13 religious societies, and civil ~~organization~~ organizations, who has not paid the  
14 privilege or license tax; required by law in order to obtain a license to sell and  
15 dispose of the articles.

16           B. Whoever violates this Section, for the first offense, shall be fined not  
17 more than one hundred dollars, and for the second offense, not more than five  
18 hundred dollars.

19                                 \*           \*           \*

20           §401. Demonstrations in or near building housing a court or occupied as residence  
21 by judge, juror, witness, or court officer

22           A. Whoever, with the intent of interfering with, obstructing, or impeding the  
23 administration of justice, or with the intent of influencing any judge, juror, witness,  
24 or court officer; in the discharge of his duty, pickets or parades in or near a building  
25 housing a court of the ~~State~~ state of Louisiana, or in or near a building or residence  
26 occupied or used by such judge, juror, witness, or court officer, or with such intent  
27 uses any sound-truck or similar device or resorts to any other demonstration in or  
28 near any such building or residence, shall be fined not more than five thousand  
29 dollars or imprisoned not more than one year, or both.

1           B. Nothing in this ~~section~~ Section shall interfere with or prevent the exercise  
2 by any court of the ~~State~~ state of Louisiana of its power to punish for contempt.

3           Section 8. R.S. 21:203(6) is hereby amended and reenacted to read as follows:

4           §203. Definitions

5           For the purposes of this Chapter, the following terms shall have the following  
6 meanings unless the context clearly indicates otherwise:

7                         \*

8           (6) "Person" means an individual, public entity, firm, corporation,  
9 partnership, limited liability company, trust, association, or any other business entity  
10 or juridical person, whether operating on a ~~for-profit~~ for profit or nonprofit basis.

11                         \*

12           Section 9. R.S. 22:691.4(F)(1)(a) is hereby amended and reenacted to read as  
13 follows:

14           §691.4. Acquisition of control of or merger with domestic insurer

15                         \*

16           F. Exemptions. (1) The provisions of this Section shall not apply to any  
17 offer, request, invitation, agreement, or acquisition which the commissioner, by  
18 order, shall exempt for any of the following reasons:

19           (a) The offer or agreement was not made or entered into for the purpose of,  
20 and did not have the effect of ~~hanging~~ changing or influencing the control of a  
21 domestic insurer.

22                         \*

23           Section 10. R.S. 23:1203.1(H), (I), and (N) are hereby amended and reenacted to  
24 read as follows:

25           §1203.1. Definitions; medical treatment schedule; medical advisory council

26                         \*

27           H. The director, with the assistance of the medical advisory council, is  
28 authorized to review and update the medical treatment schedule no less often than  
29 once every two years. Such updates shall be made by rules promulgated in

1 accordance with the Administrative Procedure Act, R.S. 49:950; et seq. In no event  
2 shall the schedule contain multiple guidelines covering the same aspects of the same  
3 medical condition which are simultaneously in force.

4 I. After the promulgation of the medical treatment schedule, throughout this  
5 Chapter, and notwithstanding any provision of law to the contrary, medical care,  
6 services, and treatment due, pursuant to R.S. 23:1203; et seq., by the employer to the  
7 employee shall mean care, services, and treatment in accordance with the medical  
8 treatment schedule. Medical care, services, and treatment that varies from the  
9 promulgated medical treatment schedule shall also be due by the employer when it  
10 is demonstrated to the medical director of the office by a preponderance of the  
11 scientific medical evidence, that a variance from the medical treatment schedule is  
12 reasonably required to cure or relieve the injured worker from the effects of the  
13 injury or occupational disease given the circumstances.

14 \* \* \*

15 N. The medical treatment schedule is not relevant nor shall it be considered  
16 as evidence of a medical provider's legal standard of professional care as  
17 contemplated by the Louisiana medical malpractice provisions, R.S. 40:1299.41; et  
18 seq.

19 \* \* \*

20 Section 11. R.S. 36:651(CC) is hereby amended and reenacted to read as follows:  
21 §651. Transfer of boards, commissions, departments, and agencies to Department  
22 of Education; boards, commissions, and agencies within Department of  
23 Education

24 \* \* \*

25 CC. The MediFund Board (R.S. 51:2214 51:2211 et seq.) is hereby placed  
26 within the Board of Regents and shall exercise and perform its powers, duties,  
27 functions, and responsibilities in the manner provided in R.S. 36:802.23.

28 Section 12. R.S. 37:961(1) and (3), 1033(F), and 2156(C)(2) are hereby amended  
29 and reenacted to read as follows:

1 §961. Definitions

**2** As used in this Part:

3 (1) "Board" means the Louisiana State Board of Practical Nurse Examiners;.

4 \* \* \*

7 \* \* \*

## 8                   §1033. Required training

9 \* \* \*

10 F. Direct service workers with a finding on the Department of Health and  
11 Hospital's Direct Service Worker Registry of the Department of Health and Hospitals  
12 shall not perform tasks pursuant to this Part.

13 \* \* \*

## 14                   §2156. Unexpired licenses; fees; renewals

15 \* \* \*

16 C.

17 \* \* \*

26 \* \* \*

27 Section 13, R.S. 38:2212(D)(2) is hereby amended and reenacted to read as follows:

1           §2212. Advertisement and letting to lowest responsible bidder; public work;  
2           electronic bidding; participation in mentor-protégé program; exemptions

3                                 \*           \*           \*

4           D.

5                                 \*           \*           \*

6           (2) ~~Limitations~~: (a) Every contract negotiated by a public entity under the  
7           authority of this Subsection shall be supported by a written determination and  
8           findings by the public entity justifying use of the authority.

9           (b) When contract action under this authority is taken pursuant to telephone  
10          or other oral offers, a written confirmation of the accepted offer shall be obtained and  
11          made a part of the contract case file. In addition, whenever contract action is taken  
12          as authorized by this Subsection, a record shall be established by the public entity  
13          which shall contain, ~~as at~~ at a minimum, the following information with respect to each  
14          offer: a description of the work to be performed, the name and address of each  
15          offeror quoting, and the performance time and terms of each offer. If quotations  
16          lower than the accepted quotation are received, the reasons for their rejection shall  
17          be recorded and made a part of the contract case file. Such records shall be retained  
18          for a minimum of six years following the purchase or completion of the public work.

19                                 \*           \*           \*

20          Section 14. R.S. 39:1798.6(A)(2)(b) is hereby amended and reenacted to read as  
21          follows:

22          §1798.6. Powers

23           A. In addition to the powers granted it by the General Nonprofit Corporation  
24          Law, Title 12 of the Louisiana Revised Statutes of 1950, the corporation shall have  
25          power to undertake any project, to provide for the financing thereof, and in  
26          connection therewith:

27                                 \*           \*           \*

28          (2)

29                                 \*           \*           \*

(b) To enter into, and to execute such agreements, covenants, conditions, and contracts as are necessary to properly effectuate leases or subleases by the Office Facilities Corporation, for a period not to exceed twenty years, of portions of the property located in the First Municipal District of the City of New Orleans, Parish of Orleans, generally bounded by South Liberty Street, Julia Street, Le Rouge Street, Girod Street, LaSalle Street and Poydras Street (Sugar Bowl Drive), and commonly referred to as the New Orleans Centre property, including the office tower formerly known as the Dominion Tower, the retail property formerly known as the New Orleans Shopping Centre and the associated parking garage facility, for the purpose of accommodating various agencies of the state government, and provided that any such lease or sublease between the corporation and the owner of the New Orleans Centre property is perfected and entered into before July 1, 2010. Any such lease or sublease between the corporation and the owner of the New Orleans Centre property shall be subject to prior approval of the Joint Legislative Committee on the Budget.

18 §4. Sanitary Code

19                   A. The state health officer acting through the office of public health of the  
20                   Department of Health and Hospitals shall prepare, promulgate, and enforce rules and  
21                   regulations embodied within the state's Sanitary Code covering all matters within his  
22                   jurisdiction as defined and set forth in R.S. 40:5. The promulgation of this Sanitary  
23                   Code shall be accomplished in strict accordance with the provisions of the  
24                   Administrative Procedure Act, and further, in conformity with the following  
25                   guidelines and directives:

26		*	*	*
27	(3)			
28		*	*	*

9 \* \* \*

## 10 §47. Compulsory registration of deaths and spontaneous fetal deaths (stillbirths)

11 \* \* \*

12                   B. When spontaneous fetal death, required to be reported by this Section,  
13                   occurs without medical attendance at or immediately after the delivery or when  
14                   inquiry is required by R.S. 40:34(A)(2)(r)(iv) 40:34(B)(2)(r)(iv) the coroner shall  
15                   investigate the cause of death and shall prepare and file the certificate within five  
16                   days.

17 \* \* \*

18           §531. Appointment of commissioners to local housing authority

19 A.

20 \* \* \*

(3) Notwithstanding any other provision of law to the contrary, when the governing body of a parish with a population of not more than forty-six thousand five hundred persons and not less than forty-five thousand five hundred persons based on the latest federal decennial census has determined by resolution as set forth in R.S. 40:393, 40:393 that it is expedient to establish a local housing authority, the chief elected official of the parish shall appoint five persons who shall constitute the governing body of the local housing authority and who shall be called commissioners.

29 \* \* \*

1           §537. Removal of commissioners

2                                 \*           \*           \*

3           B. The chief elected official or the governing body of the municipality or  
4           parish, as the case may be, which seeks to remove a commissioner shall send a notice  
5           of removal to such commissioner, which notice shall set forth the charges against  
6           him or her the commissioner. Unless, within ten days from the receipt of such  
7           notice, such commissioner files with the clerk or secretary of the municipality's or  
8           parish's governing body a request for a hearing before the governing body, the  
9           commissioner shall be deemed removed from office. If a request for hearing is so  
10          filed, the governing body of the municipality or parish, as the case may be, shall hold  
11          a hearing, not sooner than ten days subsequent to the date a hearing is requested, at  
12          which the commissioner shall have the right to appear in person or by counsel and  
13          the governing body shall determine whether the removal shall be upheld. If the  
14          removal is not upheld by the governing body, the commissioner shall continue to  
15          hold his or her office.

16                                 \*           \*           \*

17           §1563.1. Authority to make arrests and carry firearms; arson task force

18                                 \*           \*           \*

19           B. The officials enumerated in this Section shall also have the power to seize  
20          contraband subject to forfeiture as described in R.S. 14:54.4, in accordance with the  
21          procedure established in said that provision.

22                                 \*           \*           \*

23           §2161. Drug free zone; notice; signs

24                                 \*           \*           \*

25           Section 16. R.S. 42:19.1(A)(1) is hereby amended and reenacted to read as follows:

26           §19.1. Procedure for the levy, increase, renewal, or continuation of a tax or for  
27          calling an election for such purposes by political subdivisions

28           A.(1) In addition to any other requirements provided for in R.S. 42:19 or  
29          other provisions of law, public notice of the date, time, and place of any meeting at

which a political subdivision as defined in Article VI, Section 44(2) of the  
Constitution of Louisiana intends to levy, increase, renew, or continue any ad  
valorem property tax or sales and use tax or authorize the calling of an election for  
submittal of such question to the voters of the political subdivision shall be both  
published in the official journal of the political subdivision no more than sixty days  
nor less than thirty days before such public meeting and shall be announced to the  
public during the course of a public meeting of such political subdivision no more  
than sixty days nor less than thirty days before such public meeting.

9 \* \* \*

10 Section 17. R.S. 44:4(4)(b), (c), and (d) and (14) are hereby amended and reenacted  
11 to read as follows:

12 §4. Applicability

13 This Chapter shall not apply:

14 \* \* \*

15 (4)

\* \* \*

28 (d) To records of the ~~Office of financial institutions~~ Office of Financial  
29 Institutions which pertain to the application for a merger approval or an additional

1 branch office for any existing financial institution governed by Titles 6 and 9 of the  
2 Louisiana Revised Statutes of 1950, except as otherwise provided in R.S. 6:103.

3 \* \* \*

4 (14) To any records of the Department of Health and Hospitals, office of  
5 public health, which ~~records~~ contain any technical information pertaining to any  
6 formula, method, or process which is a trade secret which has been submitted by any  
7 manufacturer of a product or mechanical sewage treatment plant in order to obtain  
8 or retain approval of such product for sale or use in this state or in order to assist the  
9 office in carrying out and enforcing the sanitary laws and regulations of the state.

10 Section 18. R.S. 46:2(A) and (B), 446.6(Section heading), 448(A) and (E),  
11 460.51(9), 2351(A)(6) through (9), and 2402(4) are hereby amended and reenacted to read  
12 as follows:

13 §2. Administration of oaths

14 A. Employees of the office of children and family services of the Department  
15 of Children and Family Services; and employees of the parish or district offices of  
16 the department, including the New Orleans Department of Health, may administer  
17 oaths and pass authentic acts in connection with any documents relative to relief or  
18 assistance now or to be furnished by the state or any political subdivision under the  
19 provisions of this Title or the provisions of the Social Security Act, as either may be  
20 amended.

21 B. Employees of the office of children and family services of the Department  
22 of Children and Family Services; and employees of the parish or district offices of  
23 the department may administer oaths and pass authentic acts, except acts of  
24 voluntary surrender under R.S. 9:402, in connection with any documents relative to  
25 services now or to be furnished by the state or any political subdivision, either  
26 directly or through contractual agreement, under the provisions of this Title or the  
27 provisions of the Social Security Act.

28 \* \* \*

\* \* \*

5 §448. Emergency assistance information and referral

#### A. Definitions As used in this Section:

7           1. As used in this Section, "office (1) "Office of children and family  
8           services" shall mean the office of children and family services, Department of  
9           Children and Family Services, state of Louisiana.

10                   2. As used in this Section "emergency" (2) "Emergency assistance" shall  
11                  mean any service, food, clothing, shelter, money grant, or any other assistance  
12                  available to people who find their ability to obtain the necessities of life threatened  
13                  by fire, flood, death, or other sudden and necessitous circumstances.

3. As used in this Section, "governmental (3) "Governmental agency" shall  
mean any political subdivision department, office, agency, board, corporation, or  
other instrumentality funded in whole or in part by local, state, or federal funds that  
provides some form of emergency assistance in this state.

18                  4. As used in this Section, "private (4) "Private agency" shall mean any  
19                  department, office, agency, board, corporation, or other instrumentality that provides  
20                  some form of emergency assistance in this state, but shall not include any private  
21                  agency that chooses not to take referrals or discriminates in their assistance on the  
22                  grounds of race.

\* \* \*

24                   E. The services provided by pursuant to this Section shall be funded from  
25                   such monies as are already provided for the office of children and family services,  
26                   and to this end, shall be deemed not to require additional personnel or appropriations.

\* \* \*

1           §460.51. Definitions

2                 The following terms shall have the following meanings unless the context  
3                 clearly indicates otherwise:

4                                  \*           \*           \*

5                 (9) "Primary care case management" means a system under which an entity  
6                 contracts with the state to furnish case management services that include but are not  
7                 limited to the location, coordination, and monitoring of primary health care services  
8                 to Medicaid beneficiaries.

9                                  \*           \*           \*

10           §2351. Creation; membership; terms; compensation

11                 A. The Louisiana Commission for the Deaf, hereinafter referred to as "the  
12                 commission", is hereby created and established within the Department of Health and  
13                 Hospitals. The commission shall consist of seventeen members as follows:

14                                  \*           \*           \*

15                 (6) The superintendent of education; or his designee.

16                 (7) The executive director of the Louisiana Workforce Commission; or his  
17                 designee.

18                 (8) The speaker of the House of Representatives; or his designee.

19                 (9) The president of the Senate; or his designee.

20                                  \*           \*           \*

21           §2402. Definitions

22                 Except where the context clearly indicates otherwise, in this Chapter:

23                                  \*           \*           \*

24                 (4) "Director" means the executive director of the Louisiana Children's Trust  
25                 Fund Board.

26                                  \*           \*           \*

27                 Section 19. R.S. 49:222(B)(1)(d), (2)(b), and (3)(c), 953(F)(3)(h), 954(A) and (B)(2),  
28                 954.1(D), 966(A), 1101(C), and 1304(B)(1) are hereby amended and reenacted to read as  
29                 follows:

1           §222. Fees chargeable by secretary of state

2                         \*           \*           \*

3           B. The secretary of state is authorized to collect the following fees:

4           (1) Domestic corporations and limited liability companies.

5                         \*           \*           \*

6           (d) Twenty dollars for issuing and sealing any other certificate required or  
7           permitted by the ~~business corporation law~~ Business Corporation Law, R.S. 12:1 et  
8           seq., or the ~~limited liability companies law~~ Limited Liability Company Law, R.S.  
9           12:1301 et seq.

10                         \*           \*           \*

11           (2) Nonprofit corporations.

12                         \*           \*           \*

13           (b) Twenty dollars for issuing and sealing any other certificate required or  
14           permitted by the ~~nonprofit corporation law~~ Nonprofit Corporation Law, R.S. 12:201  
15           et seq.

16                         \*           \*           \*

17           (3) Foreign corporations and limited liability companies.

18                         \*           \*           \*

19           (c) Twenty dollars for issuing and sealing any other certificate required or  
20           permitted by the ~~foreign corporation law~~ Foreign Corporation Law, R.S. 12:301 et  
21           seq., or the ~~limited liability companies law~~ Limited Liability Company Law, R.S.  
22           12:1301 et seq.

23                         \*           \*           \*

24           §953. Procedure for adoption of rules

25                         \*           \*           \*

26           F.

27                         \*           \*           \*

28           (3) Notwithstanding any other provision of this Chapter to the contrary,  
29           when the Department of Environmental Quality proposes a rule that is identical to

1           a federal law or regulation applicable in Louisiana, except as provided in Paragraph  
2           (4) of this Subsection, it may use the following procedure for the adoption of the  
3           rule:

4                                 \*           \*           \*

5                                 (h) No later than fifteen days prior to the time of publication of the final rule  
6           in the Louisiana Register, the secretary or any authorized assistant secretary of the  
7           department shall do each of the following:

8                                 (i) ~~certify~~, Certify under oath, to the governor of the state of Louisiana, the  
9           attorney general of Louisiana, the speaker of the House of Representatives, the  
10          president of the Senate, the chairman of the House Committee on Natural Resources  
11          and Environment, the chairman of the Senate Committee on Environmental Quality,  
12          and the Office of the State Register that the proposed rule is identical to a specified  
13          federal law or regulation applicable in Louisiana ~~and~~,

14                                 (ii) ~~furnish~~ Furnish the chairman of the Senate Committee on Environmental  
15          Quality and the chairman of the House Committee on Natural Resources and  
16          Environment the response to comments and submissions required under  
17          Subparagraph (g) of this Paragraph, together with a copy of the notice required under  
18          Subparagraph (a) of this Paragraph.

19                                 \*           \*           \*

20                                 §954. Filing; taking effect of rules

21                                 A. No rule adopted on or after January 1, 1975, is valid unless adopted in  
22          substantial compliance with this Chapter. Each ~~rule making~~ rulemaking agency shall  
23          file a certified copy of its rules with the Office of the State Register. No rule,  
24          whether adopted before, on, or after January 1, 1975, shall be effective, nor may it  
25          be enforced, unless it has been properly filed with the Office of the State Register.  
26          No rule; adopted on or after November 1, 1978, shall be effective, nor may it be  
27          enforced, unless prior to its adoption a report relative to the proposed rule change is  
28          submitted to the appropriate standing committee of the legislature or to the presiding  
29          officers of the respective houses as provided in R.S. 49:968. No rule; adopted on or

1       after September 12, 1980, shall be effective, nor may it be enforced, unless the  
2       approved economic and fiscal impact statements, as provided in R.S. 49:953(A),  
3       have been filed with the Office of the State Register and published in the Louisiana  
4       Register. The inadvertent failure to mail notice and statements to persons making  
5       request for such mail notice, as provided in R.S. 49:953, shall not invalidate any rule  
6       adopted hereunder. A proceeding under R.S. 49:963 to contest any rule on the  
7       grounds of noncompliance with the procedures for adoption, as given in this Chapter,  
8       must be commenced within two years from the date upon which the rule became  
9       effective.

10              B. Each rule hereafter adopted shall be effective upon its publication in the  
11       Louisiana Register, said publication to be subsequent to the act of adoption, except  
12       that:

13                          \*           \*           \*

14              (2) Subject to applicable constitutional or statutory provisions, an emergency  
15       rule shall become effective on the date of its adoption, or on a date specified by the  
16       agency to be not more than sixty days future from the date of its adoption, provided  
17       written notice is given within five days of the date of adoption to the governor of  
18       Louisiana, the attorney general of Louisiana, the speaker of the House of  
19       Representatives, ~~and~~ the president of the Senate, and the Office of the State Register  
20       as provided in R.S. 49:953(B). Such emergency rule shall not remain in effect  
21       beyond the publication date of the Louisiana Register published in the month  
22       following the month in which the emergency rule is adopted, unless such rule and  
23       the reasons for adoption thereof are published in ~~said~~ that issue; ~~provided~~, however,  
24       that any emergency rule so published shall not be effective for a period longer than  
25       one hundred twenty days, ~~except as provided by R.S. 49:967(D)~~, but the adoption of  
26       an identical rule under R.S. 49:953(A)(1), (2), and (3) is not precluded. The agency  
27       shall take appropriate measures to make emergency rules known to the persons who  
28       may be affected by them.

1           §954.1. Louisiana Administrative Code and Louisiana Register; publication;  
2           distribution; copies; index; interagency rules

\* \* \*

4                   D. One copy, or multiple copies if practical, of the Louisiana Register and  
5                   Louisiana Administrative Code shall be made available upon request to state  
6                   depository libraries free of charge, and to other agencies or persons at prices fixed  
7                   by the Office of the State Register to recover all or a portion of the mailing and  
8                   publication costs. Notwithstanding the provisions of R.S. 49:951(2) ~~of this Chapter~~  
9                   to the contrary, the Office of the State Register shall provide free copies of the  
10                  Louisiana Register and the Louisiana Administrative Code to the David R. Poynter  
11                  Legislative Research Library, the Senate Law Library, and the Huey P. Long  
12                  Memorial Law Library.

\* \* \*

## 14 §966. Construction and effect; judicial cognizance

15                   A. Nothing in this Chapter shall be held to diminish the constitutional rights  
16                   of any person or to limit or repeal additional requirements imposed by statute or  
17                   otherwise recognized by law. Notwithstanding the foregoing, and except as provided  
18                   in R.S. 49:967, any and all statutory requirements regarding the adoption or  
19                   promulgation of rules other than those contained in Sections 953, 954, 954.1, and  
20                   968 of this Title are hereby superseded by the provisions of this Chapter and are  
21                   repealed. Except as otherwise required by law, all requirements or privileges relating  
22                   to evidence or procedure shall apply equally to agencies and persons. Every agency  
23                   is granted all authority necessary to comply with the requirements of this Chapter  
24                   through the issuance of rules or otherwise.

\* \* \*

26           §1101. Naming state statutory entities, agencies, departments, offices, or budget  
27           units

\* \* \*

1                   C. Any contrary action taken by any management board of higher education  
2 notwithstanding, the names of the public institutions of higher education in the state  
3 of Louisiana shall be, on the effective date of this Section, as provided by the  
4 legislature in R.S. 17:3215 through ~~17:3217~~ 3217. Prior to naming any newly-  
5 created or renaming any existing institution of public education, the Board of  
6 Regents shall obtain legislative approval of any proposed name or name change by  
7 concurrent resolution adopted by a vote of at least a majority of the membership of  
8 each house of the legislature.

9 \* \* \*

10                   §1304. Submission of other information

11 \* \* \*

12                   B.(1) Except as provided in R.S. 49:1303, each board, commission, or like  
13                   entity covered by this Chapter shall submit to the commissioner of administration all  
14                   information required to be included on the website pursuant to R.S. 49:1302; by  
15                   February first of each year. Except as provided in R.S. 49:1302(E)(2) and (G), the  
16                   information shall be complete for the previous calendar year.

17 \* \* \*

18       Section 20. R.S. 56:424(F)(2), 633(C), and 1703(C)(2)(a) through (d) are hereby  
19       amended and reenacted to read as follows:

20                   §424. Taking of oysters

21 \* \* \*

22 F.

23 \* \* \*

1       public health and have been issued a permit by that office to conduct such  
2       operations.

\* \* \*

4           §633. Reptile and Amphibian Research Fund

\* \* \*

\* \* \*

20           §1703. The Louisiana State Parks Improvement and Repair Fund

\* \* \*

22                   C. Except as provided in Paragraph(B)(2) of this Section, the monies in the  
23                   fund shall be used solely for the purpose of financing improvements and repairs at  
24                   state parks in the state and shall be allocated, subject to appropriation by the  
25                   legislature, as follows:

\* \* \*

27                         (2) Fifty percent of the monies in the fund shall be allocated for use  
28                         throughout the state park system on the following priority need basis, as  
29                         recommended by the assistant secretary of the office of state parks:

- 1                             (a) First, for protection of life or property on existing park areas;,  
2                             (b) Second, for general repairs and improvements to existing facilities on  
3                             existing park areas;,  
4                             (c) Third, for addition of new facilities on existing park areas;,  
5                             (d) Fourth, for acquisition of property to expand existing park areas;.

6                             \*                 \*                 \*

7                             Section 21. Code of Civil Procedure Article 1702(C) is hereby amended and  
8                             reenacted to read as follows:

9                             Art. 1702. Confirmation of default judgment

10                             \*                 \*                 \*

11                             C. In those proceedings in which the sum due is on an open account or a  
12                             promissory note, other negotiable instrument, or other conventional obligation, or a  
13                             deficiency judgment derived therefrom, including those proceedings in which one  
14                             or more mortgages, pledges, or other security for ~~said~~ the open account, promissory  
15                             note, negotiable instrument, conventional obligation, or deficiency judgment derived  
16                             therefrom is sought to be enforced, maintained, or recognized, or in which the  
17                             amount sought is that authorized by R.S. 9:2782 for a check dishonored for  
18                             nonsufficient funds, a hearing in open court shall not be required unless the judge,  
19                             in his discretion, directs that such a hearing be held. The plaintiff shall submit to the  
20                             court the proof required by law and the original and not less than one copy of the  
21                             proposed final judgment. The judge shall, within seventy-two hours of receipt of  
22                             such submission from the clerk of court, sign the judgment or direct that a hearing  
23                             be held. The clerk of court shall certify that no answer or other pleading has been  
24                             filed by the defendant. The minute clerk shall make an entry showing the dates of  
25                             receipt of proof, review of the record, and rendition of the judgment. A certified  
26                             copy of the signed judgment shall be sent to the plaintiff by the clerk of court.

27                             \*                 \*                 \*

28                             Section 22. Code of Criminal Procedure Articles 410(C) and 725.1(B) are hereby  
29                             amended and reenacted to read as follows:

1                   Art. 410. Revising and supplementing the general venire

2   \*           \*           \*

3                   C. The commission shall then supplement the list prepared at the previous  
4                   commission meeting and the corresponding slips in the box by selecting a sufficient  
5                   number of additional persons in compliance with Article 408 or Article 409,  
6                   whichever is applicable. Where the general venire list is maintained in a form  
7                   suitable for use by a computer, the general venire shall likewise ~~as hereinabove~~  
8                   provided be deleted and supplemented as provided in this Article.

9   \*           \*           \*

10                  Art. 725.1. Disclosure by the defendant; names of defense witnesses

11   \*           \*           \*

12                  B.(1) If the defendant moves, pursuant to Article 716(D), for disclosure of  
13                   statements of witnesses to be called by the state in its case in chief, the defendant  
14                   shall, upon motion by the state, disclose to the district attorney, and ~~to~~ permit or  
15                   authorize the district attorney to inspect and copy any written or recorded statements  
16                   of any witness the defendant intends to call at trial.

17                  (2) For purposes of this Article:

18                  (1) "~~written~~ (a) "Written or recorded statement of a witness" shall mean any  
19                   audio or audio-video recording of an oral statement or interview of a witness, and  
20                   any statement a witness writes or signs;

21                  ~~and (2) for the purposes of this Article, "trial" (b) "Trial"~~ shall mean the  
22                   phase of the case at which the defense responds to the state's attempt to meet its  
23                   burden as to guilt, and specifically does not extend to pretrial matters or hearings, or  
24                   to the penalty phase in capital prosecutions.

25                  Section 23. The Louisiana State Law Institute is directed to delete the following:

26                  (A) The Subsection heading of R.S. 11:2178(D) "Death Benefits."

27                  (B) The Paragraph heading of R.S. 11:2178(I)(1) "Maximum benefit."

**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)]

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Baras

HB No. 401

**Abstract:** Provides for technical corrections to certain provisions of the La. Constitution of 1921 made statutory by Article X, Section 18 of the La. Constitution of 1974, the La. Revised Statutes of 1950, the Code of Civil Procedure, and the Code of Criminal Procedure.

Proposed law makes technical corrections in provisions of the La. Constitution of 1921 made statutory by Article X, Section 18 of the La. Constitution of 1974, the La. Revised Statutes of 1950, the Code of Civil Procedure, and the Code of Criminal Procedure, including correcting legal citations, correcting names of agencies, department offices, and other entities, designating undesignated statutory provisions, removing references to provisions that have been repealed, correcting punctuation, correcting typographical errors, conforming terms to those elsewhere in the law, and clarifying language.

Proposed law directs the La. State Law Institute to delete certain headings in the La. Revised Statutes of 1950.

(Amends Art. XIV, §15.1(9)(e) of 1921 Const. of La., R.S. 4:169(A)(1), R.S. 6:664(B)(1), R.S. 9:4822(M)(1), R.S. 13:5077(A), R.S. 11:243(B)(1), (C), (D), and (E), 449(A)(intro. para.) and (B), 450(B), 1302.2(A)(1) and (2)(intro. para.), 1422(C)(1), 1821(B), and 2096(A), (B), and (C)(intro. para.), R.S. 14:35, 38, 38.1, 40, 46, 51, 53, 54.2, 55, 56.1, 57, 58, 60, 62.2, 70, 73, 76, 77, 87.1, 87.2, 87.4, 88, 91.12, 91.21, 96, 97, 99, 100.1, 101, 107.2(A), 111, 112, 113, 114, 115, 118.1, 119.1(A), 124, 125, 126.1, 126.2, 129.2, 131, 139, 201, 203, 204, 205, 206, 208, 209, 210, 213, 222(A), (B), and (C), 226(B) and (C), 311, 312, 313.1, 314, 315, 318, 319, 320, 321, 322, 329.1, 329.3, 329.4, 351, 354, 355, 356, 357, and 401, R.S. 21:203(6), R.S. 22:691.4(F)(1)(a), R.S. 23:1203.1(H), (I), and (N), R.S. 36:651(CC), R.S. 37:961(1) and (3), 1033(F), and 2156(C)(2), R.S. 38:2212(D)(2), R.S. 39:1798.6(A)(2)(b), R.S. 40:4(A)(3)(b), 47(B), 531(A)(3), 537(B), 1563.1(B), and 2161(Section heading), R.S. 42:19.1(A)(1), R.S. 44:4(4)(b), (c), and (d) and (14), R.S. 46:2(A) and (B), 446.6(Section heading), 448(A) and (E), 460.51(9), 2351(A)(6)-(9), and 2402(4), R.S. 49:222(B)(1)(d), (2)(b), and (3)(c), 953(F)(3)(h), 954(A) and (B)(2), 954.1(D), 966(A), 1101(C), and 1304(B)(1), R.S. 56:424(F)(2), 633(C), and 1703(C)(2)(a)-(d), C.C.P. Art. 1702(C), and C.Cr.P. Arts. 410(C) and 725.1(B))