

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 8 repealed, correcting punctuation, correcting typographical errors, making conforming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:

Recording and registration fees	
11	
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 Walker <u>walker</u> \$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

1 governing authority to provide an additional cost-of-living adjustment to retirees,
2 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 * * *

13 §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 * * *

26 §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

14 * * *

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.

* * *

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:

§35. Simple battery

A. Simple battery is a battery committed without the consent of the victim.

B. Whoever commits a simple battery shall be fined not more than one thousand dollars or imprisoned for not more than six months, or both.

* * *

§38. Simple assault

A. Simple assault is an assault committed without a dangerous weapon.

B. Whoever commits a simple assault shall be fined not more than two 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

2 A. Contaminating water supplies is the intentional performance of any act
3 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
- 19 (3) Commits a battery upon any person while in such place, or in entering
20 or leaving such place.

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

1 (2) The active assistance given by any person to one in legal custody with
2 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

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

9 (1) Impersonating any public officer, or private individual having special
10 authority by law to perform an act affecting the rights or interests of another, or the
11 assuming, without authority, of any uniform or badge by which such officer or
12 person is lawfully distinguished; or

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.

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

23 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.

28 B. Whoever commits misprision of treason shall be fined not more than one
29 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
29 required by law, or made an equivalent affirmation, swears or affirms any fact or

1 state of facts material to the issue or question in controversy; and thereafter in the
2 same or other proceedings, where such matter is material to the issue or question in
3 controversy, swears or affirms in a manner materially contradictory of or
4 inconsistent with his former sworn or affirmed statement. It shall not be necessary
5 for the prosecution, in such case, to show which of the contradictory or inconsistent
6 statements was false; but it shall be an affirmative defense that at the time he made
7 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

9 (2) Increase the payroll or other operating expenses of his office, department,
10 board, agency, or institution more than fifteen percent over its average amount of
11 such expenditures for each of the months of the first six months of the twelve months
12 next preceding ~~said~~ the election.

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:

1 (1) Use, sell, repledge, or otherwise dispose of the collateral so withdrawn,
2 for any other purpose other than that of paying the indebtedness for the security of
3 which the collateral was pledged; or,

4 (2) Fail or refuse to return the collateral on demand; or,

5 (3) Fail or refuse in lieu of the return of the collateral to make the pledgee
6 a cash payment equivalent to the full value of the collateral so withdrawn; or,

7 (4) If the collateral exceeds in value the indebtedness it secures, fail or refuse
8 to make a cash payment to the pledgee equal to the full amount of the indebtedness;
9 or,

10 (5) If the delivery of the collateral was to be made in the future and the
11 customer has taken possession or control of the collateral, fails or refuses to deliver
12 the collateral on demand.

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 penalty

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.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored
are additions.

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.

4 * * *

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:

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

10 (a) For commission of a crime in violation of R.S. 14:67, ~~R.S. 14:67.3 or~~
11 ~~R.S. 14:221~~ 67.3, or 221 or

12 (b) To conceal, or to assist another to conceal, from any supplier of
13 telecommunications services or from any lawful authority the existence or place of
14 origin or destination of any telecommunications;

15 (2) Sell, give, transport, or otherwise transfer to another, or offer or advertise
16 to sell, give, or otherwise transfer, any instrument, apparatus, equipment, or device
17 described in ~~(1) above~~ Paragraph (1) of this Subsection, or plans or instructions for
18 making or assembling the same, under circumstances evincing an intent to use or
19 employ such instrument, apparatus, equipment, or device, or to allow the same to be
20 used or employed, for a purpose described in Subparagraph (1)(a) or (1)(b) above of
21 this Subsection, or knowing or having reason to believe that the same is intended to
22 be so used, or that the aforesaid plans or instructions are intended to be used for
23 making or assembling such instrument, apparatus, equipment, or device.

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.

9 * * *

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

11 * * *

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.

21 * * *

22 §311. Discharging fire-works or explosives within one thousand feet of hospital
 23 prohibited; penalty

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.

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

7 * * *

8 §313.1. Distributing candy or gifts on Halloween and other public holidays by "sex
9 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 that 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 * * *

5 (3) "Accredited school" means a school of practical nursing approved by the
6 board;

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 * * *

18 (2) The board shall have the authority to assess an additional surcharge of
19 no more than four hundred dollars in connection with the application for and
20 issuance of a contractor's license to a contractor not domiciled in the state of
21 Louisiana, to be utilized to defray the additional cost of the investigation of the
22 application of ~~said~~ the non-Louisiana contractor, including references supplied by
23 the contractor, work history supplied by the work contractor, and other pertinent
24 information required by the board in connection with an application for a contractor's
25 license.

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 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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

15 * * *

16 Section 15. R.S. 40:4(A)(3)(b), 47(B), 531(A)(3), 537(B), 1563.1(B), and
 17 2161(Section heading) are hereby amended and reenacted to read as follows:

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 * * *

1 (b) In order to protect the public from disease associated with the handling
 2 of dead human remains, the state health officer, acting through the office of public
 3 health, shall prepare and promulgate all rules necessary to ensure that all hospitals
 4 will identify corpses that are infected with a contagious disease, when there is actual
 5 knowledge of such infection, and report such to embalmers and funeral directors who
 6 handle the corpses for interment or cremation. The state health officer shall prepare
 7 a list of contagious diseases, and such list shall be added to or deleted from as
 8 circumstances warrant.

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 * * *

21 (3) Notwithstanding any other provision of law to the contrary, when the
 22 governing body of a parish with a population of not more than forty-six thousand
 23 five hundred persons and not less than forty-five thousand five hundred persons
 24 based on the latest federal decennial census has determined by resolution as set forth
 25 in R.S. ~~40:393~~, 40:393 that it is expedient to establish a local housing authority, the
 26 chief elected official of the parish shall appoint five persons who shall constitute the
 27 governing body of the local housing authority and who shall be called
 28 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

1 which a political subdivision as defined in Article VI, Section 44(2) of the
2 Constitution of Louisiana intends to levy, increase, renew, or continue any ad
3 valorem property tax or sales and use tax or authorize the calling of an election for
4 submittal of such question to the voters of the political subdivision shall be both
5 published in the official journal of the political subdivision no more than sixty days
6 nor less than thirty days before such public meeting and ~~shall be~~ announced to the
7 public during the course of a public meeting of such political subdivision no more
8 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)

16 * * *

17 (b) To copies of items exempted under Subparagraph (a) of this Paragraph
18 in the custody or control of the ~~office of financial institutions~~ Office of Financial
19 Institutions or any agent or employee of that agency, except as otherwise provided
20 in R.S. 6:103, R.S. 9:3518.1, R.S. 37:1806, or R.S. 51:1934 or 2389.

21 (c) To investigative records of the ~~office of financial institutions~~ Office of
22 Financial Institutions which pertain to the application of any person for a charter or
23 license for a new financial institution, and the confidential portion of any application
24 by an entity chartered, licensed, and/or supervised by the ~~office of financial~~
25 ~~institutions~~ Office of Financial Institutions pursuant to Title 6, 9, 37, or 51 of the
26 Louisiana Revised Statutes of 1950, except as otherwise provided in R.S. 6:103, R.S.
27 9:3518.1, R.S. 37:1806, or R.S. 51:1934 or 2389.

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 * * *

1 §446.6. Definitions; requirements of health insurers for the right of the Department
2 of Health and ~~Hospital's~~ Hospitals and of health care ~~provider's right~~
3 providers to recover in Medicaid claims

4 * * *

5 §448. Emergency assistance information and referral

6 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.

14 ~~3. As used in this Section, "governmental~~ (3) "Governmental agency" shall
15 mean any political subdivision department, office, agency, board, corporation, or
16 other instrumentality funded in whole or in part by local, state, or federal funds that
17 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.

23 * * *

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.

27 * * *

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~~ 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

3 * * *

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.

13 * * *

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.

25 * * *

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

28 * * *

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 * * *

24 (2) ~~Provisions~~ The provisions of Paragraph (1) ~~herein~~ of this Subsection
 25 notwithstanding, the secretary may grant permits for culling and oyster harvesting
 26 to those individuals involved in molluscan depuration operations and container
 27 relaying operations on a case-by-case basis, provided that the individuals conducting
 28 such operations have fully complied with the rules and regulations of the office of

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

3 * * *

4 §633. Reptile and Amphibian Research Fund

5 * * *

6 C. After compliance with the requirements of Article VII, Section 9(B) of
7 the Constitution of Louisiana relative to the Bond Security and Redemption Fund,
8 and prior to monies being placed in the state general fund, an amount equal to that
9 deposited as required by Subsection B hereof shall be credited to a special fund
10 hereby created in the state treasury to be known as the "Reptile and Amphibian
11 Research Fund". The monies in this fund shall be used solely as provided by
12 Subsection D hereof and only in the amounts appropriated by the legislature. All
13 unexpended and unencumbered monies in this fund at the end of the fiscal year shall
14 remain in such fund. The monies in this fund shall be invested by the state treasurer
15 in the same manner as monies in the state general fund, and interest earned on the
16 investment of these monies shall be credited to this fund, again, following
17 compliance with the requirement of Article VII, Section 9(B) of the Constitution of
18 Louisiana relative to the Bond Security and Redemption Fund.

19 * * *

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

21 * * *

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:

26 * * *

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)]

Barras

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))