

Regular Session, 2014

HOUSE BILL NO. 401

BY REPRESENTATIVE BARRAS

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. 11:243(B)(1), (C), (D), and (E), 449(A)(introductory paragraph)
6 and (B), 450(B), 1302.2(A)(1) and (2)(introductory paragraph), 1422(C)(1), 1821(B),
7 and 2096(A), (B), and (C)(introductory paragraph), R.S. 13:5077(A), R.S. 14:35, 38,
8 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,
9 88, 91.12, 91.21, 96, 97, 99, 100.1, 101, 107.2(A), 111, 112, 113, 114, 115, 118.1,
10 119.1(A), 124, 125, 126.1, 126.2, 129.2, 131, 139, 201, 203, 204, 205, 206, 208, 209,
11 210, 213, 222(A), (B), and (C), 226(B) and (C), 311, 312, 313.1, 314, 315, 318, 319,
12 320, 321, 322, 329.1, 329.3, 329.4, 351, 354, 355, 356, 357, and 401, R.S.
13 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)
14 and (3), 1033(F), and 2156(C)(2), R.S. 38:2212(D)(2), R.S. 39:1798.6(A)(2)(b), R.S.
15 40:4(A)(3)(b), 47(B), 531(A)(3), 537(B), 1563.1(B), and 2161(Section heading),
16 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),
17 446.6(Section heading), 448(A) and (E), 460.51(9), 2351(A)(6) through (9), and
18 2402(4), R.S. 49:222(B)(1)(d), (2)(b), and (3)(c), 953(F)(3)(h), 954(A) and (B)(2),
19 954.1(D), 966(A), 1101(C), and 1304(B)(1), R.S. 56:424(F)(2), 633(C), and
20 1703(C)(2)(a) through (d), Code of Civil Procedure Article 1702(C), and Code of
21 Criminal Procedure Articles 410(C) and 725.1(B), relative to the provisions of the
22 Louisiana Constitution of 1921 made statutory by Article X, Section 18 of the
23 Louisiana Constitution of 1974, the Louisiana Revised Statutes of 1950, the Code of

1 Civil Procedure, and the Code of Criminal Procedure; to provide for various
 2 technical corrections, including correcting legal citations, correcting names of
 3 agencies, department offices, and other entities, designating undesigned statutory
 4 provisions, removing references to provisions that have been repealed, correcting
 5 punctuation, correcting typographical errors, making conforming changes, and
 6 clarifying language; to direct the Louisiana State Law Institute to make certain
 7 technical changes in the Louisiana Revised Statutes of 1950; and to provide for
 8 related matters.

9 Be it enacted by the Legislature of Louisiana:

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

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

14 * * *

15 9. State Examiner and Deputy State Examiner of Municipal Fire and Police
 16 Civil Service.

17 * * *

18 e. When a vacancy occurs in the office of the state examiner or deputy state
 19 examiner, the State Civil Service Commission shall, within thirty days, make a
 20 provisional appointment of any person it deems qualified to fill the vacancy. A
 21 competitive examination shall be prepared, administered, and scored under the
 22 direction of the State Civil Service Commission in order ~~that~~ to establish a list of
 23 persons eligible for appointment to the office ~~can be established~~. As soon as such
 24 list can be and is established, the State Civil Service Commission shall appoint any
 25 person upon the eligibility list who has the experience required in Subparagraphs (a)
 26 and (b) of this Paragraph to fill the office; however, selection preference may be
 27 given to any person having such experience in the municipal fire and police
 28 classified civil service system. The person appointed shall serve a working test
 29 period of six months which shall be considered a portion of the examination. At the

1 termination of such working test period, if successfully completed, the appointee
2 shall become a regular employee as defined in the State Civil Service Law.

3 * * *

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

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

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

8 Recording and registration fees

9	Apprentice jockey	\$25.00
10	Assistant starter	\$25.00
11	Authorized agent	\$25.00
12	Colors	\$25.00
13	Duplicate	\$5.00
14	Exercise person	\$15.00
15	Groom	\$5.00
16	Hot Walker <u>walker</u>	\$5.00
17	Jockey agent	\$35.00
18	Jockey	\$35.00
19	Outrider	\$25.00
20	Owner	\$25.00
21	Miscellaneous	\$5.00
22	Mutuel	\$5.00
23	Partnership	\$25.00
24	Plater	\$35.00
25	Pony person	\$25.00
26	Stable foreman	\$25.00
27	Stable name	\$50.00
28	Subagent	\$25.00
29	Trainer	\$25.00
30	Valet	\$25.00

1	Vendor	\$50.00
2	Veterinarian	\$100.00

3 * * *

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

5 §664. Money deposited in a multiple party account

6 * * *

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

17 * * *

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

19 §4822. Preservation of claims and privileges

20 * * *

21 M.(1) The contractor may elect to furnish at the contractor's cost and without
22 ~~off-set~~ offset of the cost against the retainage amount a retainage bond equal to and
23 in lieu of the amount of the retainage required by the contract whenever a contract
24 between an owner and a contractor for the construction, alteration, or repair of any
25 work requires the withholding of sums for retainage until after the recordation of
26 formal acceptance of such work, or notice of default by the contractor or
27 subcontractor, or substantial completion, or final payment exclusive of
28 nonconforming work.

29 * * *

1 Section 5. R.S. 11:243(B)(1), (C), (D), and (E), 449(A)(introductory paragraph) and
2 (B), 450(B), 1302.2(A)(1) and (2)(introductory paragraph), 1422(C)(1), 1821(B), and
3 2096(A), (B), and (C)(introductory paragraph) are hereby amended and reenacted to read as
4 follows:

5 §243. Cost-of-living adjustments; permanent benefit increases; restrictions; funding
6 criteria

7 * * *

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

15 * * *

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

21 D. The power of the governing authority of a system covered by this Section
22 to provide a cost-of-living adjustment or permanent benefit increase shall be
23 effective in a particular calendar year only if the legislature fails to enact legislation
24 granting a cost-of-living adjustment, unless in the legislation granting the
25 cost-of-living adjustment, the legislature specifically ~~authorized~~ authorizes the
26 governing authority to provide an additional cost-of-living adjustment to retirees,
27 beneficiaries, or survivors of retired public employees of that system.

28 E. No governing authority to which this Section applies shall provide a
29 cost-of-living adjustment or permanent benefit increase to any retiree, beneficiary,
30 or survivor during any calendar year prior to the final adjournment of the regular

1 session of the legislature ~~and shall not~~ or do so during the same year within which
 2 the legislature has granted an increase, unless in the legislation granting the increase,
 3 the legislature specifically authorizes the governing body to provide an additional
 4 increase to retirees, beneficiaries, and survivors of that system. The restrictions
 5 contained in this Subsection shall be inapplicable with respect to any system for
 6 which the legislature has failed to grant an increase.

7 * * *

8 §449. Deferred Retirement Option Plan

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

13 * * *

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

20 * * *

21 §450. Termination of participation

22 * * *

23 B. Upon termination of participation in the plan but not employment, credits
 24 to the account shall cease and no retirement benefits shall be paid to the participant
 25 until employment is terminated. The balance in the participant's subaccount shall be
 26 placed in a self-directed subaccount in the name of the participant as provided for in
 27 R.S. 11:451.1, and the participant shall then be bound by the provisions of ~~said~~ that
 28 Section. No payment shall be made based on credits in the subaccount until
 29 employment is terminated as defined in this Section. The participant may continue
 30 employment after termination of participation in the plan for the sole purpose of

1 accruing a supplemental benefit, and employer and employee contributions shall
 2 resume. Correction officers, probation and parole officers, and security officers of
 3 the Department of Public Safety and Corrections; peace officers of the Department
 4 of Public Safety and Corrections, office of state police, other than state troopers, as
 5 provided in R.S. 11:444(A)(2)(b); and personnel employed by the Department of
 6 Revenue, office of alcohol and tobacco control, as provided in R.S. 11:444(A)(2)(c),
 7 who have ended their participation in the Deferred Retirement Option Plan but not
 8 employment shall make contributions at the rate established in R.S. 11:62(5)(b).

9 * * *

10 §1302.2. Actuary; appointment; duties and powers; actuarial assumptions

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

15 (2) Beginning with the 2012-2013 fiscal year, and at least once in each
 16 five-year period thereafter, the actuary shall make an actuarial investigation into the
 17 mortality, service, and compensation experience of the members and beneficiaries
 18 of the retirement ~~system~~, system and shall make a valuation of the assets and
 19 liabilities of the system, and taking into account the result of such investigation and
 20 valuation, the board of trustees shall:

21 * * *

22 §1422. Computation of normal retirement benefit

23 * * *

24 C.(1) Except as provided in Paragraph (2) of this Subsection, any member
 25 whose first employment making him eligible for membership in the system began
 26 on or after October 1, 2013, and who is eligible for normal retirement, but who has
 27 less than thirty years of creditable service shall, upon making written application to
 28 the board of trustees, be ~~retired~~, retired and shall be paid a monthly sum equal to
 29 three percent of the highest monthly average final compensation received during any
 30 sixty consecutive months while employed in an assessor's office or other creditable

1 employment times the number of years of the member's creditable service not to
2 exceed one hundred percent of the member's monthly average final compensation
3 after taking into account the reduction arising from any optional retirement selected.

4 * * *

5 §1821. Board of trustees; membership; term of office; oath of office; compensation;
6 voting power; vacancies

7 * * *

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

21 * * *

22 §2096. Actuary; appointment; duties and powers

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

27 B. Immediately after the establishment of the retirement system, the actuary
28 shall make such investigation of the mortality, service, and compensation experience
29 of the members of the system as he shall recommend and the board of trustees shall
30 authorize, and on the basis of such investigation, he shall recommend for adoption

1 by the board of trustees such tables and such rates as are required in Subsection C of
 2 this Section. The board of trustees shall adopt tables and certify rates, and as soon
 3 as practicable thereafter, the actuary shall make a valuation based on such tables and
 4 rates of the assets and liabilities of the system created by this Chapter.

5 C. In ~~1956~~, 1956 and at least once in each five-year period thereafter, the
 6 actuary shall make an actuarial investigation into the mortality, service, and
 7 compensation experience of the members and beneficiaries of the retirement ~~system,~~
 8 system and shall make a valuation of the assets and liabilities of the funds of the
 9 system, and taking into account the result of such investigation and valuation, the
 10 board of trustees shall:

11 * * *

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

13 §5077. Miscellaneous provisions

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

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

21 ~~(1) fully~~ (a) Fully cure the failure or violation ~~or,~~

22 ~~(2) submit~~ (b) Submit documentation to the attorney general demonstrating
 23 that its determination described in the notice was incorrect.

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

27 A determination of the attorney general to not include or to remove from the
 28 directory a brand family or tobacco product manufacturer shall be subject to review
 29 in the manner prescribed by the Administrative Procedure Act. A manufacturer that
 30 unsuccessfully challenges a decision not to include or to remove from the directory

1 a brand family or manufacturer shall pay the state's reasonable costs and attorney
2 fees incurred in contesting the challenge.

3 * * *

4 Section 7. R.S. 14:35, 38, 38.1, 40, 46, 51, 53, 54.2, 55, 56.1, 57, 58, 60, 62.2, 70,
5 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,
6 114, 115, 118.1, 119.1(A), 124, 125, 126.1, 126.2, 129.2, 131, 139, 201, 203, 204, 205, 206,
7 208, 209, 210, 213, 222(A), (B), and (C), 226(B) and (C), 311, 312, 313.1, 314, 315, 318,
8 319, 320, 321, 322, 329.1, 329.3, 329.4, 351, 354, 355, 356, 357, and 401 are hereby
9 amended and reenacted to read as follows:

10 §35. Simple battery

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

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

14 * * *

15 §38. Simple assault

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

17 B. Whoever commits a simple assault shall be fined not more than two
18 hundred dollars, or imprisoned for not more than ninety days, or both.

19 §38.1. Mingling harmful substances

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

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

26 * * *

27 §40. Intimidation by officers

28 A. Intimidation by officers is the intentional use, by any police officer or
29 other person charged with the custody of parties accused of a crime or violation of
30 a municipal ordinance, of threats, violence, or any means of inhuman treatment

1 designed to secure a confession or incriminating statement from the person in
2 custody.

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

5 * * *

6 §46. False imprisonment

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

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

11 * * *

12 §51. Aggravated arson

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

16 B. Whoever commits the crime of aggravated arson shall be imprisoned at
17 hard labor for not less than six nor more than twenty years, and shall be fined not
18 more than twenty-five thousand dollars. Two years of such imprisonment at hard
19 labor shall be without benefit of parole, probation, or suspension of sentence.

20 * * *

21 §53. Arson with intent to defraud

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

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

27 * * *

28 §54.2. Manufacture and possession of delayed action incendiary devices; penalty

29 A. It shall be unlawful for any person; without proper license as required by
30 R.S. ~~40:1471.1~~ 40:1472.1 et seq. to knowingly and intentionally possess or have

1 under his control any instrument, device, chemical, or explosive substance which is
2 arranged, manufactured, mixed, or so made up as to be a device or substance which,
3 when exposed to heat, humidity, air, or foreign elements, will after prolongation of
4 time burst into flame, ignite, cause to be ignited, or explode.

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

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

9 * * *

10 §55. Aggravated criminal damage to property

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

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

17 * * *

18 §56.1. Criminal damage to coin-operated devices

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

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

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

26 D.(1) Whoever commits the crime of criminal damage to a coin-operated
27 device, when the damage done amounts to one hundred dollars or more, shall be
28 fined not more than two thousand dollars or imprisoned for not more than two years,
29 or both.

1 (2) ~~After~~ If, after entering, the offender arms himself with a dangerous
2 weapon, ~~or~~.

3 (3) ~~Commits~~ If the offender commits a battery upon any person while in such
4 place, or in entering or leaving such place.

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

7 * * *

8 §62.2. Simple burglary of an inhabited dwelling

9 A. Simple burglary of an inhabited home is the unauthorized entry of any
10 inhabited dwelling, house, apartment, or other structure used in whole or in part as
11 a home or place of abode by a person or persons with the intent to commit a felony
12 or any theft therein, other than as set forth in ~~Article 60~~ R.S. 14:60.

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

16 * * *

17 §70. False accounting

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

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

23 * * *

24 §73. Commercial bribery

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

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

4 C. ~~The An~~ offender under this ~~article~~ Section who states the facts, under
5 oath, to the district attorney charged with prosecution of the offense, and who gives
6 evidence tending to convict any other offender under this article, may, in the
7 discretion of the district attorney, be granted full immunity from prosecution for
8 commercial bribery, in respect to the particular offense reported.

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

11 * * *

12 §76. Bigamy

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

16 B. The provisions of this ~~article~~ Section shall not extend to any of the
17 following:

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

21 (2) ~~To any~~ Any person whose former marriage has been annulled or
22 dissolved at the time of the second marriage, by the judgment of a competent court;
23 or,

24 (3) ~~To any~~ Any person who has, at the time of the second marriage, a
25 reasonable and honest belief that his or her former husband or wife is dead, or that
26 a valid divorce or annulment has been secured, or that his or her former marriage was
27 invalid.

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

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

1 §77. Abetting in bigamy

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

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

9 * * *

10 §87.1. Killing a child during delivery

11 A. Killing a child during delivery is the intentional destruction, during
12 parturition of the mother, of the vitality or life of a child in a state of being born and
13 before actual birth, which child would otherwise have been born alive; provided,
14 however, that the crime of killing a child during delivery shall not be construed to
15 include any case in which the death of a child results from the use by a physician of
16 a procedure during delivery which is necessary to save the life of the child or of the
17 mother and is used for the express purpose of and with the specific intent of saving
18 the life of the child or of the mother.

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

21 §87.2. Human experimentation

22 A. Human experimentation is the use of any live born human being, without
23 consent of that live born human being, as hereinafter defined, for any scientific or
24 laboratory research or any other kind of experimentation or study except to protect
25 or preserve the life and health of ~~said~~ the live born human being, or the conduct, on
26 a human embryo or fetus in utero, of any experimentation or study except to preserve
27 the life or to improve the health of ~~said~~ the human embryo or fetus.

28 B. A human being is live born, or there is a live birth, whenever there is the
29 complete expulsion or extraction from its mother of a human embryo or fetus,
30 irrespective of the duration of pregnancy, which after such separation, breathes or

1 shows any other evidence of life such as beating of the heart, pulsation of the
2 umbilical cord, or movement of voluntary muscles, whether or not the umbilical cord
3 has been cut or the placenta is attached.

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

7 §87.4. Abortion advertising

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

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

13 * * *

14 §88. Distribution of abortifacients

15 A. Distribution of abortifacients is the intentional:

16 (1) Distribution or advertisement for distribution of any drug, potion,
17 instrument, or article for the purpose of procuring an abortion; or

18 (2) Publication of any advertisement or account of any secret drug or
19 nostrum purporting to be exclusively for the use of females, for preventing
20 conception or producing abortion or miscarriage.

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

24 * * *

25 §91.12. Sale, distribution or making available to minors publications encouraging,
26 advocating, or facilitating the illegal use of controlled dangerous substances

27 A. No person shall sell, distribute or make available to a person under
28 eighteen years of age any publication which has as its dominant theme articles or a
29 substantial number of advertisements encouraging, advocating, or facilitating the

1 illegal use of any substance classified as a controlled dangerous substance pursuant
2 to Title 40 of the Louisiana Revised Statutes of 1950.

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

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

8 * * *

9 §91.21. Sale of poisonous reptiles to minors; penalty

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

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

16 * * *

17 §96. Aggravated obstruction of a highway of commerce

18 A. Aggravated 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 wherein it is foreseeable that human life might be endangered.

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

25 §97. Simple obstruction of a highway of commerce

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

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

4 * * *

5 §99. Reckless operation of a vehicle

6 A. Reckless operation of a vehicle is the operation of any motor vehicle,
7 aircraft, vessel, or other means of conveyance in a criminally negligent or reckless
8 manner.

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

12 (2) On a second or subsequent conviction the offender shall be fined not less
13 than twenty-five nor more than five hundred dollars, or imprisoned for not less than
14 ten days nor more than six months, or both.

15 * * *

16 §100.1. Obstructing public passages

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

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

25 C. This Section shall not be applicable to the erection or construction of any
26 barricades or other forms of obstructions as a safety measure in connection with
27 construction, excavation, maintenance, repair, replacement, or other work, in or
28 adjacent to any public sidewalk, street, highway, bridge, alley, road, or other
29 passageway, nor to the placing of barricades or other forms of obstruction by

1 governmental authorities, or any officer or agent thereof, in the proper performance
2 of duties.

3 * * *

4 §101. Desecration of graves

5 A. Desecration of graves is ~~the:~~ either of the following:

6 (1) Unauthorized opening of any place of interment, or building wherein the
7 dead body of a human being is located, with the intent to remove or to mutilate the
8 body or any part thereof, or any article interred or intended to be interred with the
9 ~~said body, or,~~

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

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

14 * * *

15 §107.2. Hate crimes

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

1 purse snatching; extortion; theft; desecration of graves; institutional vandalism; or
2 assault by drive-by shooting.

3 * * *

4 §111. Assisting escape

5 A. Assisting escape is ~~the~~ either of the following:

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

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

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

13 §112. False personation

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

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

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

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

23 * * *

24 §113. Treason

25 A. Treason is the levying of war against the United States or the State of
26 Louisiana, adhering to enemies of the United States or of the State of Louisiana, or
27 giving such enemies aid and comfort.

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

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

1 §114. Misprision of treason

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

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

7 §115. Criminal anarchy

8 A. Criminal anarchy is: either of the following:

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

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

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

18 * * *

19 §118.1. Bribery of sports participants

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

1 margin of victory in any baseball, football, hockey, or basketball game, boxing,
2 tennis, or polo match or horse race or any professional or amateur sport or game in
3 which such player or participant or jockey or driver is taking part or expects to take
4 part, or has any duty in connection therewith.

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

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

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

17 * * *

18 §119.1. Bribery of parents of school children

19 A.(1) Bribery of parents of school children is the giving or offering to give,
20 directly or indirectly, any money; or anything of apparent present or prospective
21 value to any parent, to any tutor or guardian, to any person having legal or actual
22 custody of, or to any person standing in loco parentis to, any child eligible to attend
23 a public school in this ~~State~~ state, as an inducement to encourage, influence, prompt,
24 reward, or compensate any such person to permit, prompt, force, or cause any such
25 child to attend any such school in violation of any law of this state.

26 (2) The acceptance of, or the offer to accept, directly or indirectly, any
27 money, or anything of apparent present or prospective value, by any such person
28 under any such circumstances, shall also constitute bribery of parents of school
29 children.

30 * * *

1 §124. Inconsistent statements; perjury

2 A. It shall constitute perjury whenever any person, having taken an oath
3 required by law, or made an equivalent affirmation, swears or affirms any fact or
4 state of facts material to the issue or question in controversy; and thereafter in the
5 same or other proceedings, where such matter is material to the issue or question in
6 controversy, swears or affirms in a manner materially contradictory of or
7 inconsistent with his former sworn or affirmed statement. It shall not be necessary
8 for the prosecution, in such case, to show which of the contradictory or inconsistent
9 statements was false; but it shall be an affirmative defense that at the time he made
10 them, the accused honestly believed both statements to be true.

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

15 §125. False swearing

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

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

24 * * *

25 §126.1. False swearing for purpose of violating public health or safety

26 A. No person shall make a false statement, report, or allegation concerning
27 the commission of a crime for the purpose of violating, disrupting, interfering with,
28 or endangering the public health or safety, or to deprive any person or persons of any
29 right, privilege, or immunity secured by the United States Constitution and laws or
30 by the Louisiana Constitution and laws, or cause such false statement or report to be

1 made to any official or agency of the state or any parish, city, or political subdivision
2 thereof, or to any judicial, executive, or legislative body or subdivision thereof
3 within this state, knowing or having reason to believe the same or any material part
4 thereof to be false and with the intent to cause an investigation of or any other action
5 to be taken as a result thereof.

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

10 §126.2. False statements concerning denial of constitutional rights

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

10 (1) ~~to~~ To record or attempt to record; the proceedings of any grand or petit
 11 jury in any court of the state of Louisiana while such jury is deliberating or voting;
 12 ~~or;~~

13 (2) ~~to~~ To listen to or observe, or attempt to listen to or observe, the
 14 proceedings of any grand or petit jury of which he is not a member in any court of
 15 the state of Louisiana while such jury is deliberating or voting.

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

18 * * *

19 §131. Compounding a felony

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

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

28 * * *

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 do any of the following:

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

- 1 (2) Fail or refuse to return the collateral on demand;~~or,~~
- 2 (3) Fail or refuse in lieu of the return of the collateral to make the pledgee
- 3 a cash payment equivalent to the full value of the collateral so withdrawn;~~or,~~
- 4 (4) If the collateral exceeds in value the indebtedness it secures, fail or refuse
- 5 to make a cash payment to the pledgee equal to the full amount of the indebtedness;
- 6 ~~or,~~
- 7 (5) If the delivery of the collateral was to be made in the future and the
- 8 customer has taken possession or control of the collateral, fails or refuses to deliver
- 9 the collateral on demand.

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

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

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

22 * * *

23 §203. Electrical appliances, sale without original factory serial number prohibited;
 24 penalty

25 A. No person shall offer to sell or cause to be sold or distributed, either retail
 26 or wholesale, new household appliances, such as radios, television sets, refrigerators,
 27 washing machines, ironers, dryers, gas or electric ranges, or air conditioners, without
 28 the appliance having the original factory serial number indicated thereon provided
 29 it is the custom of the manufacturer to place serial numbers on the appliances.

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

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

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

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

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

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

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

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

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

27 * * *

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

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

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

8 §206. Fire prevention interference; penalty

9 A. Fire prevention interference is the intentional performance of any of the
10 following acts:

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

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

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

18 * * *

19 §208. Operas, performance or representation without consent of owner prohibited;
20 penalty

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

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

1 §209. Seals, breaking prohibited; penalty

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

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

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

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

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

14 * * *

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

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

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

30 * * *

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

3 A. It shall be unlawful for any person ~~knowingly to:~~ to knowingly do either
4 of the following:

5 (1) Make or possess any instrument, apparatus, equipment, or device
6 designed, adapted, or which can be used for either of the following purposes:

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

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

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

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

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

26 C. Any such instrument, apparatus, equipment, or device, or plans or
27 instructions therefor, may be seized by court order under a search warrant or incident
28 to a lawful arrest; and upon the conviction of any person for a violation of any
29 provision of this Section, or R.S. 14:67, ~~R.S. 14:67.3 or R.S. 14:221~~ 67.3, or 221,
30 such instrument, apparatus, equipment, device, plans, or instructions shall either be

1 destroyed as contraband by the sheriff of the parish in which such person was
2 convicted or turned over to the telephone company in whose territory such
3 instrument, apparatus, equipment, device, plans, or instructions were seized.

4 * * *

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

6 * * *

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

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

16 * * *

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

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

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

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

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

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

30 * * *

1 §313.1. Distributing candy or gifts on Halloween and other public holidays by "sex
2 offenders" prohibited; penalty

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 §322. Wire-tapping prohibited; penalty

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

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

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

10 * * *

11 §329.1. Riot

12 A. A riot is a public disturbance involving an assemblage of three or more
13 persons acting together or in concert which by tumultuous and violent conduct, or
14 the imminent threat of tumultuous and violent conduct, results in injury or damage
15 to persons or property or creates a clear and present danger of injury or damage to
16 persons or property.

17 * * *

18 §329.3. Command to disperse; who may give; failure to comply

19 A. Any law enforcement or peace officer or public official responsible for
20 keeping the peace may issue a command to disperse under the authority of R.S.
21 ~~14:329.1-14:329.8~~ 14:329.1 through 329.8 if he reasonably believes that riot is
22 occurring or about to occur. The command to disperse shall be given in a manner
23 reasonably calculated to be communicated to the assemblage.

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

26 §329.4. Wrongful use of public property; permits for use of public property

27 A. Wrongful use of public property is:

28 (1) The intentional entering of or onto any public property without the
29 permission of the lawful custodian thereof, or his designated representative, at any
30 time when the public property is not open to the public and the remaining in or

1 occupying of any public property after having been requested to leave by the lawful
2 custodian thereof, or his designated representative, or any law enforcement or peace
3 officer, and

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

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

12 C. The lawful custodian, or his designated representative, may issue the
13 permit if he determines that the use or occupation of the public property will not
14 reasonably interfere with the intended or customary use of the public property by the
15 general public and that the intended use will not destroy or damage the public
16 property.

17 D. For the purposes of this ~~section~~ Section, the term "public property" means
18 any public land, building, facility, structure, or enclosure used for a public purpose
19 or as a place of public gathering, owned ~~and/or~~ or under the control of the state or
20 one of its agencies or political subdivisions.

21 * * *

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

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

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

29 * * *

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

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

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

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

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

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

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

16 A. No sheriff, clerk of court, constable, or their deputies, or any police
17 officer or detective, whether commissioned without pay or otherwise, shall procure
18 or solicit any legal business for any attorney at law under the expectation or promise,
19 whether express or implied, of being paid in any manner.

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

22 C. Proof of solicitation or procurement of any legal business for any attorney
23 at law shall be considered prima facie evidence that the solicitation or procurement
24 has been done for pecuniary reward.

25 * * *

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

27 A. No manufacturer of candies or sweets or transient vendor selling candies
28 or sweets; shall consign to or leave any candies or manufactured sweets on
29 consignment with any person, firm, or corporation, other than schools, churches,
30 religious societies, and civil ~~organization~~ organizations, who has not paid the

1 privilege or license tax; required by law in order to obtain a license to sell and
2 dispose of the articles.

3 B. Whoever violates this Section, for the first offense, shall be fined not
4 more than one hundred dollars, and for the second offense, not more than five
5 hundred dollars.

6 * * *

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

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

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

19 Section 8. R.S. 22:691.4(F)(1)(a) is hereby amended and reenacted to read as
20 follows:

21 §691.4. Acquisition of control of or merger with domestic insurer

22 * * *

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

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

29 * * *

1 Section 9. R.S. 23:1203.1(H), (I), and (N) are hereby amended and reenacted to read
2 as follows:

3 §1203.1. Definitions; medical treatment schedule; medical advisory council

4 * * *

5 H. The director, with the assistance of the medical advisory council, is
6 authorized to review and update the medical treatment schedule no less often than
7 once every two years. Such updates shall be made by rules promulgated in
8 accordance with the Administrative Procedure Act, R.S. 49:950; et seq. In no event
9 shall the schedule contain multiple guidelines covering the same aspects of the same
10 medical condition which are simultaneously in force.

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

21 * * *

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

26 * * *

1 Section 10. R.S. 36:651(CC) is hereby amended and reenacted to read as follows:

2 §651. Transfer of boards, commissions, departments, and agencies to Department
3 of Education; boards, commissions, and agencies within Department of
4 Education

5 * * *

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

9 Section 11. R.S. 37:961(1) and (3), 1033(F), and 2156(C)(2) are hereby amended
10 and reenacted to read as follows:

11 §961. Definitions

12 As used in this Part:

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

14 * * *

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

17 * * *

18 §1033. Required training

19 * * *

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

23 * * *

24 §2156. Unexpired licenses; fees; renewals

25 * * *

26 C.

27 * * *

28 (2) The board shall have the authority to assess an additional surcharge of
29 no more than four hundred dollars in connection with the application for and
30 issuance of a contractor's license to a contractor not domiciled in the state of

1 Louisiana, to be utilized to defray the additional cost of the investigation of the
2 application of ~~said~~ the non-Louisiana contractor, including references supplied by
3 the contractor, work history supplied by the work contractor, and other pertinent
4 information required by the board in connection with an application for a contractor's
5 license.

6 * * *

7 Section 12. R.S. 38:2212(D)(2) is hereby amended and reenacted to read as follows:

8 §2212. Advertisement and letting to lowest responsible bidder; public work;
9 electronic bidding; participation in mentor-protégé program; exemptions

10 * * *

11 D.

12 * * *

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

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

26 * * *

1 Section 13. R.S. 39:1798.6(A)(2)(b) is hereby amended and reenacted to read as
2 follows:

3 §1798.6. Powers

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

8 * * *

9 (2)

10 * * *

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

25 * * *

26 Section 14. R.S. 40:4(A)(3)(b), 47(B), 531(A)(3), 537(B), 1563.1(B), and
27 2161(Section heading) are hereby amended and reenacted to read as follows:

28 §4. Sanitary Code

29 A. The state health officer acting through the office of public health of the
30 Department of Health and Hospitals shall prepare, promulgate, and enforce rules and

1 regulations embodied within the state's Sanitary Code covering all matters within his
2 jurisdiction as defined and set forth in R.S. 40:5. The promulgation of this Sanitary
3 Code shall be accomplished in strict accordance with the provisions of the
4 Administrative Procedure Act, and further, in conformity with the following
5 guidelines and directives:

6 * * *

7 (3)

8 * * *

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

17 * * *

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

19 * * *

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

25 * * *

26 §531. Appointment of commissioners to local housing authority

27 A.

28 * * *

29 (3) Notwithstanding any other provision of law to the contrary, when the
30 governing body of a parish with a population of not more than forty-six thousand

1 five hundred persons and not less than forty-five thousand five hundred persons
 2 based on the latest federal decennial census has determined by resolution as set forth
 3 in R.S. ~~40:393~~, 40:393 that it is expedient to establish a local housing authority, the
 4 chief elected official of the parish shall appoint five persons who shall constitute the
 5 governing body of the local housing authority and who shall be called
 6 commissioners.

7 * * *

8 §537. Removal of commissioners

9 * * *

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

23 * * *

24 §1563.1. Authority to make arrests and carry firearms; arson task force

25 * * *

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

29 * * *

1 §2161. Drug free zone; notice; signs

2 * * *

3 Section 15. R.S. 42:19.1(A)(1) is hereby amended and reenacted to read as follows:

4 §19.1. Procedure for the levy, increase, renewal, or continuation of a tax or for
5 calling an election for such purposes by political subdivisions

6 A.(1) In addition to any other requirements provided for in R.S. 42:19 or
7 other provisions of law, public notice of the date, time, and place of any meeting at
8 which a political subdivision as defined in Article VI, Section 44(2) of the
9 Constitution of Louisiana intends to levy, increase, renew, or continue any ad
10 valorem property tax or sales and use tax or authorize the calling of an election for
11 submittal of such question to the voters of the political subdivision shall be both
12 published in the official journal of the political subdivision no more than sixty days
13 nor less than thirty days before such public meeting and ~~shall be~~ announced to the
14 public during the course of a public meeting of such political subdivision no more
15 than sixty days nor less than thirty days before such public meeting.

16 * * *

17 Section 16. R.S. 44:4(4)(b), (c), and (d) and (14) are hereby amended and reenacted
18 to read as follows:

19 §4. Applicability

20 This Chapter shall not apply:

21 * * *

22 (4)

23 * * *

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

28 (c) To investigative records of the ~~office of financial institutions~~ Office of
29 Financial Institutions which pertain to the application of any person for a charter or
30 license for a new financial institution, and the confidential portion of any application

1 by an entity chartered, licensed, and/or supervised by the ~~office of financial~~
 2 ~~institutions~~ Office of Financial Institutions pursuant to Title 6, 9, 37, or 51 of the
 3 Louisiana Revised Statutes of 1950, except as otherwise provided in R.S. 6:103, R.S.
 4 9:3518.1, R.S. 37:1806, or R.S. 51:1934 or 2389.

5 (d) To records of the ~~office of financial institutions~~ Office of Financial
 6 Institutions which pertain to the application for a merger approval or an additional
 7 branch office for any existing financial institution governed by Titles 6 and 9 of the
 8 Louisiana Revised Statutes of 1950, except as otherwise provided in R.S. 6:103.

9 * * *

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

16 Section 17. R.S. 46:2(A) and (B), 446.6(Section heading), 448(A) and (E),
 17 460.51(9), 2351(A)(6) through (9), and 2402(4) are hereby amended and reenacted to read
 18 as follows:

19 §2. Administration of oaths

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

27 B. Employees of the office of children and family services of the Department
 28 of Children and Family Services; and employees of the parish or district offices of
 29 the department may administer oaths and pass authentic acts, except acts of
 30 voluntary surrender under R.S. 9:402, in connection with any documents relative to

1 services now or to be furnished by the state or any political subdivision, either
2 directly or through contractual agreement, under the provisions of this Title or the
3 provisions of the Social Security Act.

4 * * *

5 §446.6. Definitions; requirements of health insurers for the right of the Department
6 of Health and ~~Hospital's~~ Hospitals and of health care ~~provider's right~~
7 providers to recover in Medicaid claims

8 * * *

9 §448. Emergency assistance information and referral

10 A. ~~Definitions~~ As used in this Section:

11 ~~1. As used in this Section, "office~~ (1) "Office of children and family
12 services" shall mean the office of children and family services, Department of
13 Children and Family Services, state of Louisiana.

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

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

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

27 * * *

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

4 * * *

5 §460.51. Definitions

6 The following terms shall have the following meanings unless the context
7 clearly indicates otherwise:

8 * * *

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

13 * * *

14 §2351. Creation; membership; terms; compensation

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

18 * * *

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

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

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

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

24 * * *

25 §2402. Definitions

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

27 * * *

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

30 * * *

1 Section 18. R.S. 49:222(B)(1)(d), (2)(b), and (3)(c), 953(F)(3)(h), 954(A) and (B)(2),
2 954.1(D), 966(A), 1101(C), and 1304(B)(1) are hereby amended and reenacted to read as
3 follows:

4 §222. Fees chargeable by secretary of state

5 * * *

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

7 (1) Domestic corporations and limited liability companies.

8 * * *

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

13 * * *

14 (2) Nonprofit corporations.

15 * * *

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

19 * * *

20 (3) Foreign corporations and limited liability companies.

21 * * *

22 (c) Twenty dollars for issuing and sealing any other certificate required or
23 permitted by the ~~foreign corporation law~~ Foreign Corporation Law, R.S. 12:301 et
24 seq., or the ~~limited liability companies law~~ Limited Liability Company Law, R.S.
25 12:1301 et seq.

26 * * *

27 §953. Procedure for adoption of rules

28 * * *

29 F.

30 * * *

1 (3) Notwithstanding any other provision of this Chapter to the contrary,
 2 when the Department of Environmental Quality proposes a rule that is identical to
 3 a federal law or regulation applicable in Louisiana, except as provided in Paragraph
 4 (4) of this Subsection, it may use the following procedure for the adoption of the
 5 rule:

6 * * *

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

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

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

21 * * *

22 §954. Filing; taking effect of rules

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

1 officers of the respective houses as provided in R.S. 49:968. No rule; adopted on or
 2 after September 12, 1980, shall be effective, nor may it be enforced, unless the
 3 approved economic and fiscal impact statements, as provided in R.S. 49:953(A),
 4 have been filed with the Office of the State Register and published in the Louisiana
 5 Register. The inadvertent failure to mail notice and statements to persons making
 6 request for such mail notice, as provided in R.S. 49:953, shall not invalidate any rule
 7 adopted hereunder. A proceeding under R.S. 49:963 to contest any rule on the
 8 grounds of noncompliance with the procedures for adoption, as given in this Chapter,
 9 must be commenced within two years from the date upon which the rule became
 10 effective.

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

14 * * *

15 (2) Subject to applicable constitutional or statutory provisions, an emergency
 16 rule shall become effective on the date of its adoption, or on a date specified by the
 17 agency to be not more than sixty days future from the date of its adoption, provided
 18 written notice is given within five days of the date of adoption to the governor of
 19 Louisiana, the attorney general of Louisiana, the speaker of the House of
 20 Representatives, ~~and~~ the president of the Senate, and the Office of the State Register
 21 as provided in R.S. 49:953(B). Such emergency rule shall not remain in effect
 22 beyond the publication date of the Louisiana Register published in the month
 23 following the month in which the emergency rule is adopted, unless such rule and
 24 the reasons for adoption thereof are published in ~~said~~ that issue; ~~provided;~~ however,
 25 ~~that~~ any emergency rule so published shall not be effective for a period longer than
 26 one hundred twenty days, ~~except as provided by R.S. 49:967(D);~~ but the adoption of
 27 an identical rule under R.S. 49:953(A)(1), (2), and (3) is not precluded. The agency
 28 shall take appropriate measures to make emergency rules known to the persons who
 29 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 * * *

29 C. Any contrary action taken by any management board of higher education
30 notwithstanding, the names of the public institutions of higher education in the state

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

7 * * *

8 §1304. Submission of other information

9 * * *

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

15 * * *

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

18 §424. Taking of oysters

19 * * *

20 F.

21 * * *

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

29 * * *

1 §633. Reptile and Amphibian Research Fund

2 * * *

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

17 * * *

18 §1703. The Louisiana State Parks Improvement and Repair Fund

19 * * *

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

24 * * *

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

28 (a) First, for protection of life or property on existing park areas;

29 (b) Second, for general repairs and improvements to existing facilities on
30 existing park areas;

1 (c) Third, for addition of new facilities on existing park areas;

2 (d) Fourth, for acquisition of property to expand existing park areas;

3 * * *

4 Section 20. Code of Civil Procedure Article 1702(C) is hereby amended and
5 reenacted to read as follows:

6 Art. 1702. Confirmation of default judgment

7 * * *

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

24 * * *

25 Section 21. Code of Criminal Procedure Articles 410(C) and 725.1(B) are hereby
26 amended and reenacted to read as follows:

27 Art. 410. Revising and supplementing the general venire

28 * * *

29 C. The commission shall then supplement the list prepared at the previous
30 commission meeting and the corresponding slips in the box by selecting a sufficient

1 number of additional persons in compliance with Article 408 or Article 409,
 2 whichever is applicable. Where the general venire list is maintained in a form
 3 suitable for use by a computer, the general venire shall likewise ~~as hereinabove~~
 4 ~~provided~~ be deleted and supplemented as provided in this Article.

* * *

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

7 * * *

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

13 (2) For purposes of this Article:

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

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

21 Section 22. The Louisiana State Law Institute is directed to delete the following:

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

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

1 Section 23. The Louisiana State Law Institute is directed to alphabetize the terms
2 defined in Code of Criminal Procedure Article 725.1 as amended by the provisions of this
3 Act.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____