

2015 Regular Session

SENATE BILL NO. 264

BY SENATOR DORSEY-COLOMB

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

CRIME/PUNISHMENT. Increases penalties for the illegal use of a tracking device. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 14:323(B) and to enact R.S. 14:323(C)(8), relative to the

3 prohibited use of a tracking device; to increase penalties for the use of a tracking

4 device under certain circumstances; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:323(B) is hereby amended and reenacted and R.S. 14:323(C)(8)

7 is hereby enacted to read as follows:

8 §323. Tracking devices prohibited; penalty

9 * * *

10 ~~B. Whoever violates this Section shall be fined not less than one hundred~~

11 ~~dollars and not more than five hundred dollars or imprisoned for not more than six~~

12 ~~months, or both.~~

13 **The following penalties shall be imposed for a violation of this Section:**

14 **(1) For the first offense, the fine shall be not less than five hundred**

15 **dollars nor more than one thousand dollars, or imprisonment for not more than**

16 **six months, or both.**

17 **(2) For the second offense, the fine shall be not less than seven hundred**

1 **fifty dollars nor more than one thousand five hundred dollars, or imprisonment**
2 **for not less than thirty days nor more than six months, or both.**

3 **(3) For the third offense and all subsequent offenses, the fine shall be not**
4 **less than one thousand dollars nor more than two thousand dollars, or**
5 **imprisonment for not less than sixty days nor more than one year, or both.**

6 * * *

7 C. The provisions of this Section shall not apply to the following:

8 * * *

9 **(8) Any employer that provides a cellular device to employees for use**
10 **during the course and scope of employment.**

11 * * *

12 Section 2. This Act shall become effective upon signature by the governor or, if not
13 signed by the governor, upon expiration of the time for bills to become law without signature
14 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
15 vetoed by the governor and subsequently approved by the legislature, this Act shall become
16 effective on the day following such approval.

The original instrument was prepared by Alden A. Clement, Jr. The following digest, which does not constitute a part of the legislative instrument, was prepared by Tammy Crain-Waldrop.

DIGEST

SB 264 Reengrossed

2015 Regular Session

Dorsey-Colomb

Present law provides relative to the prohibited use of a tracking device and provides penalties for a violation of present law.

Present law provides that a violation of present law is to be punished by a fine of between \$100 and \$500, up to six months imprisonment, or both.

Proposed law increases the penalties for a violation of present law as follows:

- (1) For the first offense, the violation is to be punished by a fine of between \$500 and \$1,000, up to six months imprisonment, or both.
- (2) For the second offense, the violation is to be punished by a fine of between \$750 and \$1,500, imprisonment for between 30 days and six months, or both.
- (3) For the third offense and all subsequent offenses, the violation is to be punished by a fine of between \$1,000 and \$2,000, or imprisonment for between 60 days and one year, or both.

Proposed law otherwise retains present law.

Proposed law exempts any employer that provides a cellular device to employees for use during the course and scope of employment.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:323(B); adds R.S. 14:323(C)(8))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Exempts any employer who provides a cellular device to employees for use during the course and scope of employment.