

2016 Regular Session

HOUSE BILL NO. 227

BY REPRESENTATIVE PYLANT

CRIME: Provides relative to the crime of obstruction of justice

1 AN ACT

2 To enact R.S. 14:130.1(A)(4), relative to obstruction of justice; to provide for additional
3 elements of the crime of obstruction of justice; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 14:130.1(A)(4) is hereby enacted to read as follows:

6 §130.1. Obstruction of justice

7 A. The crime of obstruction of justice is any of the following when
8 committed with the knowledge that such act has, reasonably may, or will affect an
9 actual or potential present, past, or future criminal proceeding as ~~hereinafter~~
10 described in this Section:

11 * * *

12 (4) Inducing or persuading or attempting to induce or persuade any person
13 to do any of the following:

14 (a) Testify falsely or, without right or privilege to do so, to withhold any
15 testimony.

16 (b) Without the right or privilege to do so, absent himself from such
17 proceedings despite having received service of a subpoena.

18 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 227 Engrossed

2016 Regular Session

Pylant

Abstract: Adds to the crime of obstruction of justice additional elements including giving false testimony, withholding testimony, or being absent despite being served with a subpoena.

Present law defines the crime of obstruction of justice which includes elements of tampering with evidence, using or threatening force to influence testimony, or retaliating against witnesses, victims, jurors, officers of the court, and other parties. Provides for criminal penalties as follows:

- (1) A fine up to \$100,000, imprisonment for not more than 40 years at hard labor, or both, when the obstruction of justice involves a criminal proceeding in which a sentence of death or life imprisonment may be imposed.
- (2) A fine up to \$50,000, imprisonment for not more than 20 years at hard labor, or both when the obstruction of justice involves a criminal proceeding in which a sentence of imprisonment necessarily at hard labor for any period less than a life sentence may be imposed.
- (3) A fine up to \$10,000, imprisonment for not more than five years, with or without hard labor, or both, when the obstruction of justice involves any other criminal proceeding.

Proposed law retains present law and adds elements including giving false testimony, or without right or privilege to do so, withholding testimony or being absent despite being served with a subpoena.

(Adds R.S. 14:130.1(A)(4))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Removes proposed law elements relating to avoiding service of a subpoena and withholding information from a law enforcement agency.
2. Amends the proposed law element relating to a person absenting himself from certain proceedings.