



An Overview of Acts of the
2010 Regular Session
of the Louisiana Legislature
That Affect Louisiana's Criminal Justice System

October 2010

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**CHANGES EFFECTED TO THE CRIMINAL JUSTICE SYSTEM
DURING THE 2010 REGULAR SESSION OF THE LOUISIANA LEGISLATURE**

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A. PROPOSED CHANGES TO CONSTITUTION

ARTICLE	SECTION	CHANGE	ACT NO.
I	17(A)	AMEND	ACT 1053

B. CHANGES IN CODE OF CRIMINAL PROCEDURE

ARTICLE	CHANGE	ACT NO.
162	AMEND	ACT 58
202(A)(intro para)	AMEND	ACT 58
202(A)(1)	AMEND	ACT 58
211.5(A)	AMEND	ACT 910
211.5(C)	AMEND	ACT 910
211.5(D)	ADD	ACT 910
228.4	ADD	ACT 976
230.2(A)	AMEND	ACT 260
233	ADD	ACT 583
312	AMEND	ACT 914
313	AMEND	ACT 914
315	AMEND	ACT 914
318	AMEND	ACT 914
319	AMEND	ACT 914
322(A)	AMEND	ACT 710/914
322(B)	AMEND	ACT 710/914
322(C)	AMEND	ACT 914
322(D)	REPEAL	ACT 914
322(E)	REPEAL	ACT 914
326(B)	AMEND	ACT 914
330.2(E)	AMEND	ACT 914

C. CHANGES IN CODE OF CRIMINAL PROCEDURE (CONT'D)

ARTICLE	CHANGE	ACT NO.
332(A)	AMEND	ACT 914
334.1	AMEND	ACT 914
334.2	AMEND	ACT 479/584
334.3(A)(2)	AMEND	ACT 914
334.3(A)(4)	ADD	ACT 892
335.1	AMEND	ACT 126
338	AMEND	ACT 914
339	REPEAL	ACT 914
340(E)	REPEAL	ACT 914
342	AMEND	ACT 914
344	AMEND	ACT 914
345(A)	AMEND	ACT 709/914
345(B)	AMEND	ACT 709/914
345(C)	AMEND	ACT 914
345(D)(intro para)	AMEND	ACT 914
345(D)(1)	AMEND	ACT 914
345(D)(2)	AMEND	ACT 914
345(G)	AMEND	ACT 914
345(I)(intro para)	AMEND	ACT 914
345(I)(2)	AMEND	ACT 914
345(J)(intro para)	AMEND	ACT 914
345(J)(2)	AMEND	ACT 914
349	ADD	ACT 914
349.1	ADD	ACT 914
349.2	ADD	ACT 914
349.3	ADD	ACT 914
349.4	ADD	ACT 914
349.5	ADD	ACT 914
349.6	ADD	ACT 914
349.7	ADD	ACT 914
349.8	ADD	ACT 914
349.9	ADD	ACT 914
401(A)(5)	AMEND	ACT 438
411(A)	AMEND	ACT 347
413	AMEND	ACT 347
415	AMEND	ACT 347
437	AMEND	ACT 663
523	ADD	ACT 713
573.1	ADD	ACT 317
580	AMEND	ACT 744
648(A)(2)	AMEND	ACT 419
673	AMEND	ACT 262
709	AMEND	ACT 744
731(B)	AMEND	ACT 58
732.1	ADD	ACT 514
814(A)(26)	AMEND	ACT 396
814(A)(27)	AMEND	ACT 396

C. CHANGES IN CODE OF CRIMINAL PROCEDURE (CONT'D)

ARTICLE	CHANGE	ACT NO.
871(B)(1)(a)	AMEND	ACT 513
871(B)(2)(f)	ADD	ACT 513
871(B)(2)(g)	ADD	ACT 513
871(B)(2)(h)	ADD	ACT 513
875(A)(3)	AMEND	ACT 562
876	AMEND	ACT 805
883.2(C)	ADD	ACT 160
893(B)	AMEND	ACT 801
894.1(D)	AMEND	ACT 350
894.1(E)(intro para)	AMEND	ACT 350
894.2(E)	AMEND	ACT 812
894.2(F)	AMEND	ACT 812
894.2(G)	AMEND	ACT 812
894.2(H)	AMEND	ACT 812
894.2(I)	AMEND	ACT 812
894.2(J)	AMEND	ACT 812
894.2(K)	AMEND	ACT 812
894.2(L)	ADD	ACT 812
894.4	AMEND	ACT 808
895.1(F)	AMEND	ACT 760
899(E)	AMEND	ACT 352
899(F)	AMEND	ACT 924
900(A)(intro para)	AMEND	ACT 352
912.1(A)	AMEND	ACT 674
955(F)	AMEND	ACT 914
957	ADD	ACT 141

D. CHANGES IN CHILDREN'S CODE

ARTICLE	CHANGE	ACT NO.
305(A)(1)(b)	AMEND	ACT 594
305(B)(1)(b)	AMEND	ACT 594
320	AMEND	ACT 593
321	AMEND	ACT 593
730(11)	ADD	ACT 989
804(3)	AMEND	ACT 594/993
809	AMEND	ACT 593
841(A)	AMEND	ACT 594
841(C)	AMEND	ACT 594
841(D)	ADD	ACT 594
855(B)(7)	AMEND	ACT 594
857(C)	ADD	ACT 805
858(B)	AMEND	ACT 594
860(A)	AMEND	ACT 594
860(B)	AMEND	ACT 594

D. CHANGES IN CHILDREN'S CODE (CONT'D)

ARTICLE	CHANGE	ACT NO.
867(A)	AMEND	ACT 594
867(C)	AMEND	ACT 594
881.1	ADD	ACT 593
884.1	ADD	ACT 594

E. CHANGES IN CODE OF EVIDENCE

ARTICLE	CHANGE	ACT NO.
804(B)(7)	AMEND	ACT 543
902(1)	AMEND	ACT 541

F. CHANGES IN REVISED STATUTES

TITLE	SECTION	CHANGE	ACT NO.
3	2891	AMEND	ACT 980
3	2892	AMEND	ACT 980
3	2896	AMEND	ACT 980
9	2603.1(F)	ADD	ACT 58
9	2790.5	ADD	ACT 811
9	2790.6	ADD	ACT 811
3	846(A)(1)(B)	REPEAL	ACT 733
13	846(A)(1)(C)	AMEND	ACT 914
13	847(A)(1)	AMEND	ACT 733
13	847(A)(2)	AMEND	ACT 733
13	847(A)(3)	AMEND	ACT 733
13	847(A)(4)	AMEND	ACT 733
13	847(A)(5)	AMEND	ACT 733
13	847(A)(6)	AMEND	ACT 733
13	847(A)(7)	AMEND	ACT 733
13	847(A)(8)	AMEND	ACT 733
13	847(A)(9)	REPEAL	ACT 733
13	847(A)(10)	REPEAL	ACT 733
13	847(A)(11)	REPEAL	ACT 733
13	847(A)(12)	REPEAL	ACT 733
13	847(A)(13)	REPEAL	ACT 733
13	847(A)(14)	REPEAL	ACT 733
13	847(A)(15)	REPEAL	ACT 733
13	847(A)(16)	REPEAL	ACT 733
13	847(A)(17)	REPEAL	ACT 733
13	847(A)(18)	REPEAL	ACT 733
13	847(A)(19)	REPEAL	ACT 733
13	847(A)(20)	REPEAL	ACT 733

F. CHANGES IN REVISED STATUTES (CONT'D)

TITLE	SECTION	CHANGE	ACT NO.
13	847(A)(21)	REPEAL	ACT 733
13	847(A)(22)	REPEAL	ACT 733
13	847(A)(23)	REPEAL	ACT 733
13	847(A)(24)	REPEAL	ACT 733
13	847(A)(25)	REPEAL	ACT 733
13	847(A)(26)	REPEAL	ACT 733
13	847(A)(27)	REPEAL	ACT 733
13	847(A)(28)	REPEAL	ACT 733
13	847(A)(29)	REPEAL	ACT 733
13	847(A)(30)	REPEAL	ACT 733
13	847(A)(31)	REPEAL	ACT 733
13	847(A)(32)	REPEAL	ACT 733
13	847(A)(33)	REPEAL	ACT 733
13	847(A)(34)	REPEAL	ACT 733
13	847(A)(35)	REPEAL	ACT 733
13	847(A)(36)	REPEAL	ACT 733
13	847(A)(37)	REPEAL	ACT 733
13	847(A)(38)	REPEAL	ACT 733
13	847(B)	REPEAL	ACT 733
13	847(C)	REPEAL	ACT 733
13	967(C)(1)	AMEND	ACT 178
13	967(J)	AMEND	ACT 178
13	967(L)	AMEND	ACT 178
13	967(M)	ADD	ACT 178
14	2(B)(42)	ADD	ACT 387/524
14	2(B)(43)	ADD	ACT 387
14	27(D)(2)	AMEND	ACT 531
14	34.6	AMEND	ACT 820
14	35.3(G)(1)	AMEND	ACT 380
14	37.6	ADD	ACT 507
14	40.3(C)(4)	ADD	ACT 763
14	40.7	ADD	ACT 989
14	43(A)(2)	AMEND	ACT 359
14	46.2(A)	AMEND	ACT 382
14	46.2(B)(4)	ADD	ACT 763
14	46.3(D)(3)	ADD	ACT 763
14	51.1	ADD	ACT 972
14	52(A)	AMEND	ACT 818
14	56.5	ADD	ACT 990
14	62.8(B)(2)	AMEND	ACT 524
14	62.9	ADD	ACT 972
14	67(B)	AMEND	ACT 585
14	67.2(B)(1)	AMEND	ACT 585
14	67.2(B)(2)	AMEND	ACT 585
14	67.2(B)(3)	AMEND	ACT 585
14	67.5(B)	AMEND	ACT 585

F. CHANGES IN REVISED STATUTES (CONT'D)

TITLE	SECTION	CHANGE	ACT NO.
14	67.10(B)(1)	AMEND	ACT 585
14	67.10(B)(2)	AMEND	ACT 585
14	67.10(B)(3)	AMEND	ACT 585
14	67.13(B)	AMEND	ACT 585
14	67.18(B)	AMEND	ACT 585
14	67.21(C)(1)	AMEND	ACT 585
14	67.21(C)(2)	AMEND	ACT 585
14	67.21(C)(3)	AMEND	ACT 585
14	67.23(C)	AMEND	ACT 585
14	67.26(C)	AMEND	ACT 585
14	68(B)	AMEND	ACT 396
14	68.2(C)	AMEND	ACT 585
14	68.7(B)(1)	AMEND	ACT 585
14	69(B)(1)	AMEND	ACT 585
14	69(B)(2)	AMEND	ACT 585
14	69(B)(3)	AMEND	ACT 585
14	70.2(C)(2)	AMEND	ACT 585
14	70.2(C)(3)	AMEND	ACT 585
14	70.2(C)(4)	AMEND	ACT 585
14	70.4(E)(1)	AMEND	ACT 585
14	70.4(E)(2)	AMEND	ACT 585
14	70.4(E)(3)	AMEND	ACT 585
14	71(C)	AMEND	ACT 585
14	71(D)	AMEND	ACT 585
14	71(E)	AMEND	ACT 585
14	72.5	ADD	ACT 206
14	73.1(11)	AMEND	ACT 62
14	73.1(12)	AMEND	ACT 62
14	73.1(13)	AMEND	ACT 62
14	73.1(14)	ADD	ACT 62
14	73.9	ADD	ACT 62
14	80(D)	AMEND	ACT 763
14	81(H)(3)	ADD	ACT 763
14	81.1(A)	AMEND	ACT 516
14	81.1(B)	AMEND	ACT 516
14	81.1(C)	AMEND	ACT 516
14	81.1(E)	AMEND	ACT 516
14	81.1(E)(3)	AMEND	ACT 763
14	81.1(E)(4)	AMEND	ACT 763
14	81.1(E)(5)	AMEND	ACT 763
14	81.1(E)(6)	AMEND	ACT 763
14	81.1(E)(7)	ADD	ACT 763
14	81.1(H)	ADD	ACT 516
14	81.1.1	ADD	ACT 993
14	81.2(G)	ADD	ACT 763
14	81.3(B)(1)(D)	ADD	ACT 517
14	81.3(B)(4)	ADD	ACT 763

F. CHANGES IN REVISED STATUTES (CONT'D)

TITLE	SECTION	CHANGE	ACT NO.
14	86	AMEND	ACT 763
14	89.2	ADD	ACT 882
14	89(A)	AMEND	ACT 882
14	90(C)	AMEND	ACT 518
14	90(D)	REPEAL	ACT 518
14	90(E)	REPEAL	ACT 518
14	90.3(F)	AMEND	ACT 518
14	93.3(E)(1)	AMEND	ACT 831
14	95.1(C)(1)	AMEND	ACT 942
14	95.2(C)(4)	AMEND	ACT 925
14	98(D)(1)	AMEND	ACT 801
14	98(D)(2)	AMEND	ACT 801
14	98(E)(1)(A)	AMEND	ACT 801
14	98(E)(2)	AMEND	ACT 801
14	98(E)(4)(B)	AMEND	ACT 801
14	102.2(C)	AMEND	ACT 916
14	102.24	ADD	ACT 977
14	102.24	ADD	ACT 114/361/ 977
14	102.24	ADD	ACT 361
14	108.1(E)	AMEND	ACT 512
14	108.1(F)	ADD	ACT 512
14	110.1.1	ADD	ACT 215
14	110.3	ADD	ACT 351
14	118(C)	AMEND	ACT 811
14	119	REPEAL	ACT 797
14	120(B)	AMEND	ACT 811
14	133(C)	AMEND	ACT 811
14	134	AMEND	ACT 811
14	134.3(B)	AMEND	ACT 811
14	138(C)	AMEND	ACT 811
14	140	AMEND	ACT 811
14	204.1	ADD	ACT 379
14	207(A)	AMEND	ACT 389
14	230(A)(2)(D)	ADD	ACT 608
14	230(A)(2)(E)	ADD	ACT 608
14	329	ADD	ACT 349
14	402(D)(9)	AMEND	ACT 505
14	402(E)(7)	AMEND	ACT 505
14	434.1(A)	AMEND	ACT 915
14	434.1(C)	ADD	ACT 915
15	33	ADD	ACT 363
15	85	AMEND	ACT 914
15	85(1)	AMEND	ACT 710
15	85(2)	AMEND	ACT 710
15	85(4)	AMEND	ACT 710
15	85(7)	AMEND	ACT 710

F. CHANGES IN REVISED STATUTES (CONT'D)

TITLE	SECTION	CHANGE	ACT NO.
15	86	AMEND	ACT 914
15	87	REPEAL	ACT 914
15	88	AMEND	ACT 914
15	257	AMEND	ACT 485
15	321(D)	AMEND	ACT 856
15	323(A)	AMEND	ACT 856
15	323(B)	AMEND	ACT 856
15	323(G)	ADD	ACT 856
15	451	AMEND	ACT 433
15	499(B)	AMEND	ACT 693
15	499(D)	ADD	ACT 693
15	501	AMEND	ACT 693
15	529.1(A)	AMEND	ACT 911
15	529.1(C)	AMEND	ACT 911
15	529.1(D)	AMEND	ACT 911
15	529.1(E)	AMEND	ACT 911
15	529.1(G)	AMEND	ACT 69
15	529(A)(1)	AMEND	ACT 973
15	539.1	ADD	ACT 763
15	541(2)(N)	AMEND	ACT 387
15	541(12)(A)	AMEND	ACT 387
15	541(24)	AMEND	ACT 387
15	541(25)(C)	AMEND	ACT 387
15	542.1(A)(1)(B)	AMEND	ACT 859
15	542.1(A)(5)	ADD	ACT 413
15	543.1	AMEND	ACT 973
15	544(D)(3)(E)	ADD	ACT 149
15	553	ADD	ACT 973
15	562	ADD	ACT 796
15	562.1	ADD	ACT 796
15	562.2	ADD	ACT 796
15	562.3	ADD	ACT 796
15	562.4	ADD	ACT 796
15	562.5	ADD	ACT 796
15	562.6	ADD	ACT 796
15	570(A)(6)	AMEND	ACT 343
15	571.3(B)(1)	AMEND	ACT 649
15	571.35.1	ADD	ACT 821
15	571.36	ADD	ACT 416
15	572.1(A)	AMEND	ACT 961
15	574.2(A)	AMEND	ACT 469
15	574.2(A)(1)	AMEND	ACT 57/961
15	574.2(B)	AMEND	ACT 566
15	574.2(C)	AMEND	ACT 566
15	574.2(D)	AMEND	ACT 566
15	574.2(E)	AMEND	ACT 566
15	574.2(F)	AMEND	ACT 566

F. CHANGES IN REVISED STATUTES (CONT'D)

TITLE	SECTION	CHANGE	ACT NO.
15	574.2(G)	ADD	ACT 566
15	574.8(A)	AMEND	ACT 924
15	574.9(E)	AMEND	ACT 792
15	574.9(G)(1)	AMEND	ACT 520
15	574.9(G)(2)(A)(II)	REPEAL	ACT 510
15	587(A)(1)(F)	ADD	ACT 355/781
15	587(F)	AMEND	ACT 833
15	587.1(B)	AMEND	ACT 355/781
15	587.1.1	ADD	ACT 508
15	603(10)	AMEND	ACT 209
15	609(J)	ADD	ACT 213
15	739(A)	AMEND	ACT 110
15	739(C)	AMEND	ACT 110
15	827(A)(6)	ADD	ACT 832
15	893.1(1)	AMEND	ACT 560
15	1110	AMEND	ACT 863
15	1111(H)	AMEND	ACT 809
15	1199.1	AMEND	ACT 836
15	1199.2(A)(INTRO PARA)	AMEND	ACT 836
15	1199.2(A)(5)	ADD	ACT 836
15	1199.2(A)(6)	ADD	ACT 836
15	1199.2(A)(7)	ADD	ACT 836
15	1199.2(A)(8)	ADD	ACT 836
15	1199.2(A)(9)	ADD	ACT 836
15	1199.2(F)	REPEAL	ACT 836
15	1199.2(G)	ADD	ACT 836
15	1199.2(H)	ADD	ACT 836
15	1199.2(I)	ADD	ACT 836
15	1199.2(J)	ADD	ACT 836
15	1199.2(K)	ADD	ACT 836
15	1199.2(L)	ADD	ACT 836
15	1199.3(2)	AMEND	ACT 836
15	1199.3(9)	ADD	ACT 836
15	1199.4(A)	AMEND	ACT 836
15	1199.4(M)	AMEND	ACT 836
15	1199.4(N)	ADD	ACT 836
15	1199.7(A)	AMEND	ACT 836
15	1199.9	AMEND	ACT 836
15	1199.10(B)(1)	AMEND	ACT 836
15	1199.11	AMEND	ACT 836
15	1199.12	AMEND	ACT 836
15	1199.14(B)	AMEND	ACT 836
15	1352(A)(12)	AMEND	ACT 787/830
15	1352(A)(20)	ADD	ACT 787/830
15	1352(A)(21)	ADD	ACT 787/830
15	1352(A)(22)	ADD	ACT 787/830
15	1352(A)(23)	ADD	ACT 787/830

F. CHANGES IN REVISED STATUTES (CONT'D)

TITLE	SECTION	CHANGE	ACT NO.
15	1352(A)(24)	ADD	ACT 787/830
15	1352(A)(25)	ADD	ACT 787/830
15	1352(A)(26)	ADD	ACT 787/830
15	1352(A)(27)	ADD	ACT 787/830
15	1352(A)(28)	ADD	ACT 787/830
15	1352(A)(29)	ADD	ACT 787/830
15	1403.1(B)	AMEND	ACT 626
17	81.6(C)	ADD	ACT 534
17	81.6(D)	ADD	ACT 534
17	81.6(E)	ADD	ACT 534
17	81.6(F)	ADD	ACT 534
17	270(A)	AMEND	ACT 618
17	405(A)(1)(B)	AMEND	ACT 506
17	405(A)(1)(I)	AMEND	ACT 506
17	405(C)(1)	AMEND	ACT 506
17	493(A)	AMEND	ACT 533
17	493(C)	AMEND	ACT 533
17	491.3	ADD	ACT 533
17	3982(A)(2)	AMEND	ACT 772
17	3996(B)(24)	ADD	ACT 533
22	1441(A)(2)	AMEND	ACT 914
22	1441(A)(4)	AMEND	ACT 914
22	1441(A)(5)	AMEND	ACT 914
22	1441(C)(1)	AMEND	ACT 914
22	1441(C)(2)(B)	AMEND	ACT 914
22	1441(C)(2)(D)	AMEND	ACT 914
22	1441(C)(2)(E)	AMEND	ACT 914
22	1441(D)	AMEND	ACT 914
22	1585(A)	AMEND	ACT 914
22	1924(A)(1)	AMEND	ACT 632
22	1924(A)(3)	ADD	ACT 632
28	53(G)(2)	AMEND	ACT 894
28	53(G)(7)	ADD	ACT 894
32	1(48)	AMEND	ACT 618
32	1(65)	AMEND	ACT 618
32	1(95)	ADD	ACT 618
32	1(96)	ADD	ACT 618
32	1(97)	ADD	ACT 618
32	1(98)	ADD	ACT 618
32	1(99)	ADD	ACT 618
32	1(100)	ADD	ACT 618
32	76.1(B)	AMEND	ACT 618
32	106	AMEND	ACT 618
32	123(E)(1)	AMEND	ACT 981
32	197	AMEND	ACT 813
32	197(A)	AMEND	ACT 618
32	197(C)	REPEAL	ACT 618

F. CHANGES IN REVISED STATUTES (CONT'D)

TITLE	SECTION	CHANGE	ACT NO.
32	197(D)	ADD	ACT 618
32	197(E)	ADD	ACT 618
32	203	ADD	ACT 618
32	232.1	AMEND	ACT 259
32	266(B)	AMEND	ACT 806
32	283	AMEND	ACT 618
32	296(A)	AMEND	ACT 618
32	297.1	REPEAL	ACT 761
32	299.2	AMEND	ACT 761
32	300.2	AMEND	ACT 618
32	300.5(C)(4)	AMEND	ACT 203
32	300.7(D)	AMEND	ACT 203
32	318(H)	ADD	ACT 592
32	329(B)	AMEND	ACT 813
32	329(C)	ADD	ACT 813
32	329(D)	ADD	ACT 813
32	329(E)	ADD	ACT 813
32	329(F)	ADD	ACT 813
32	329(G)	ADD	ACT 813
32	392.1	ADD	ACT 82
32	405.1	AMEND	ACT 1039
32	407(A)(3)	AMEND	ACT 1039
32	407(A)(4)	AMEND	ACT 1039
32	407(A)(5)	AMEND	ACT 1039
32	407(A)(6)	ADD	ACT 1039
32	407(E)	REPEAL	ACT 1039
32	414(B)(1)	AMEND	ACT 403
32	414(B)(2)(B)	AMEND	ACT 409
32	414(T)(1)	AMEND	ACT 963
32	414.2(E)	ADD	ACT 401
32	473.1(D)	ADD	ACT 902
32	667(I)(4)	ADD	ACT 405
32	667(J)	ADD	ACT 844
32	1518(A)	AMEND	ACT 653
32	1518(C)	ADD	ACT 653
32	1728(D)(3)	AMEND	ACT 839
32	1728(D)(4)	AMEND	ACT 839
32	1728(D)(5)	AMEND	ACT 839
32	1728(D)(6)	ADD	ACT 839
32	1728.2(D)(INTRO PARA)	AMEND	ACT 839
32	1728.2(F)(INTRO PARA)	AMEND	ACT 839
32	1728.2(G)(2)	AMEND	ACT 839
32	1728.2(G)(6)	AMEND	ACT 839
32	1734(C)	AMEND	ACT 837
32	1734(E)	ADD	ACT 837
32	1735.1	ADD	ACT 949
33	4890	AMEND	ACT 610

F. CHANGES IN REVISED STATUTES (CONT'D)

TITLE	SECTION	CHANGE	ACT NO.
33	4891	AMEND	ACT 610
37	1788(B)(3)	ADD	ACT 918
37	1862.1	AMEND	ACT 918
37	1864.1(A)	AMEND	ACT 918
37	1866	AMEND	ACT 918
37	3521(B)	AMEND	ACT 909
38	2212.8	ADD	ACT 864
38	2227	ADD	ACT 945
39	2181	ADD	ACT 864
39	2182	ADD	ACT 864
40	964(SCHEDULE I)(C)(13.1)	ADD	ACT 810
40	964(SCHEDULE I)(C)(16.1)	ADD	ACT 810
40	964(SCHEDULE I)(C)(32)	ADD	ACT 565/810/ 866
40	964(SCHEDULE II)(A)(1)(s)	ADD	ACT 810
40	964(SCHEDULE II)(B)(28)	ADD	ACT 810
40	964(SCHEDULE II)(C)(7)	ADD	ACT 810
40	964(SCHEDULE III)(E)(9)	AMEND	ACT 810
40	964(SCHEDULE III)(E)(12.1)	ADD	ACT 810
40	964(SCHEDULE III)(E)(15.1)	ADD	ACT 810
40	964(SCHEDULE III)(E)(44.1)	ADD	ACT 810
40	964(SCHEDULE IV)(B)(4.1)	ADD	ACT 810
40	964(SCHEDULE IV)(B)(22.1)	ADD	ACT 810
40	964(SCHEDULE IV)(B)(52)	REPEAL	ACT 810
40	964(SCHEDULE V)(D)(2)	ADD	ACT 810
40	966(B)(INTRO PARA)	AMEND	ACT 810
40	966(B)(3)	AMEND	ACT 565/810/ 866
40	966(E)	AMEND	ACT 565/810/ 866
40	966(E)(2)	AMEND	ACT 661
40	966(F)	ADD	ACT 565/810/ 866
40	971.1(A)	AMEND	ACT 530
40	981.3(A)	AMEND	ACT 506
40	981.3(B)	AMEND	ACT 506
40	981.3(D)	AMEND	ACT 506
40	989.2	ADD	ACT 565
40	1058.10(A)	AMEND	ACT 506
40	1058.10(C)(1)	AMEND	ACT 506
40	1238.1(B)	REPEAL	ACT 360
40	1300.53	AMEND	ACT 876
40	1321(A)	AMEND	ACT 842
40	1379.3(C)(10)	AMEND	ACT 925
40	1379.3(D)(3)	ADD	ACT 944
40	1379.3(H)(2)	AMEND	ACT 944
40	1379.3(N)(8)	AMEND	ACT 944

F. CHANGES IN REVISED STATUTES (CONT'D)

TITLE	SECTION	CHANGE	ACT NO.
40	1379.3(N)(11)	AMEND	ACT 925
40	1379.3(U)	ADD	ACT 944
40	1563.1(A)(16)	AMEND	ACT 972
40	1563.1(A)(17)	ADD	ACT 972
40	2531(A)	AMEND	ACT 924
44	4.1(B)(18)	AMEND	ACT 600/610
44	9(A)(5)	ADD	ACT 609
44	9(F)	AMEND	ACT 355/781
44	9(G)	AMEND	ACT 355/781
44	9(I)	AMEND	ACT 355/781
44	9(K)(2)	AMEND	ACT 348
44	9(K)(3)	ADD	ACT 348
44	9(L)	ADD	ACT 587
46	1802(8)(A)	AMEND	ACT 772
46	1802(8)(B)(v)	ADD	ACT 772
46	1803(B)	AMEND	ACT 961
46	1806(D)	ADD	ACT 772
46	1844(C)(3)	AMEND	ACT 177
46	1844(W)(1)	AMEND	ACT 835
46	1844(W)(1)(B)	AMEND	ACT 176
46	1844(W)(1)(C)	ADD	ACT 176
48	1(24)	ADD	ACT 618
48	21(B)	AMEND	ACT 618
48	163.1(A)	AMEND	ACT 618
48	163.1(B)	AMEND	ACT 618
48	163.1(C)	REPEAL	ACT 618
48	163.1(D)	AMEND	ACT 618
48	163.1(E)(INTRO PARA)	AMEND	ACT 618
48	163.1(F)	AMEND	ACT 618
48	163.1(G)	AMEND	ACT 618
48	163.1(H)	AMEND	ACT 618
49	316.1(A)(2)(A)	AMEND	ACT 559
49	316.1(A)(2)(C)	AMEND	ACT 559
56	109(C)	AMEND	ACT 790
56	116.1(B)(3)	AMEND	ACT 29
56	116.1(B)(10)	AMEND	ACT 254
56	116.1(D)	AMEND	ACT 254
56	325.3(A)(1)	AMEND	ACT 979
56	428(C)	SUSPEND	ACT 979
56	1691	ADD	ACT 790

G. CHANGES IN SPECIAL LEGISLATIVE ACTS

ACT	SECTION	CHANGE	ACT NO.
77 of 2009 R.S.		REPEAL	ACT 178

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<u>Act No.</u>	<u>Summary</u>
29	Amends R.S. 56:116.1(B)(3) to add laser sights to the list of prohibited items that hunters of game birds or wild quadrupeds cannot use , with an exception for visually impaired hunters. (Effective August 15, 2010.)
57	Amends R.S. 15:574.2(A)(1) , by adding a new requirement for membership on parole board . As of January 9, 2012, members of the board must possess “not less than five years actual experience in the field of penology, corrections, law enforcement, sociology, law, education, social work, medicine, or a combination thereof, or were serving as a member of the board of parole on August 15, 2010.” (Effective January 9, 2012.)
58	Amends C.Cr.P. arts. 162, 202(A)(intro paragraph) and (1), and 731(B) ; adds R.S. 9:2603.1(F) . An affidavit containing the electronic signature of an applicant shall satisfy the constitutional requirement in any application for a warrant . Also, all courts and clerks of court are authorized to place their signatures by electronic means on all issued subpoenas. (Effective August 15, 2010.)
62	Amends R.S. 14:73.1(11), (12), and (13) ; adds R.S. 14:73.1(14) and 73.9 . Defines "Internet, virtual, street-level map" as any map or image, that contains the picture or pictures of homes, buildings, or people that are taken and dispensed, electronically, over the internet or by a computer network, where the picture can be accessed by entering the address of the home, building, or person. When an Internet, virtual, street-level map is used in the commission of a criminal offense against a person or against property , an additional sentence of not less than one year shall be imposed and shall be served consecutively with the sentence imposed for the underlying offense. When an Internet, virtual, street-level map is used in the commission or attempted commission of an act of terrorism , an additional sentence of not less than 10 years shall be imposed without the benefit of parole, probation, or suspension of the sentence and shall be served consecutively with the sentence imposed for the underlying offense. (Effective August 15, 2010.)
69	Amends R.S. 15:529.1(G) . Persons sentenced as habitual offenders must be sentenced to hard labor . (Effective August 15, 2010.)
82	Adds R.S. 32:392.1 . A motor vehicle that is being operated by a Louisiana resident may not be impounded by a law enforcement officer where such vehicle or operator, or both, present no imminent danger to the public. Rather, the Louisiana resident operator is to be issued a notice of noncompliance if for a violation of existing law, or a citation or violation ticket, and allowed to proceed. A law enforcement officer may remove the license plate from a motor vehicle. An "imminent danger to the public" is defined as a present and apparent danger to the life, health, safety, or property of the public. The impoundment prohibition

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<u>Act No.</u>	<u>Summary</u>
	applies only to a first violation and makes impoundment discretionary with the law enforcement officer for a second or subsequent violation when the motor vehicle involves a violation of existing law, the motor vehicle or its contents is an instrument of a crime or has evidentiary value or when the operator is operating a motor vehicle under suspension or revocation of his driver's license. (Effective August 15, 2010.)
110	Amends R.S. 15:739(A) and (C) . Requires an inmate to submit to blood and saliva testing for an infectious disease when an inmate bites, spits or has other forms of contact which could cause another to be exposed. (Prior law only required testing when there was the throwing of feces, urine, blood, saliva, any form of human waste, or bodily fluid on that other person.) Prior law also provided that the person exposed to an infectious disease incident had an obligation to notify certain authority by affidavit and was subject to penalty for false swearing. Amendment does away with mandatory reporting requirement and removes the provision that the reporting is subject to penalty for a false swearing. Amendment further provides that a witness to such an incident may report the incident by affidavit. (Effective August 15, 2010.)
114	Adds R.S. 14:102.24 . Creates the crime of participation in cockfighting . It is now unlawful for any person to attend a cockfight, bet on a cockfight, or to pay admission at any location to view or bet on a cockfight. Penalties for violation include a fine of not more than \$500, or imprisonment for not more than six months, or both. (Effective August 15, 2010.)
126	Amends C.Cr.P. Art. 335.1 . Amendment authorizes courts to order certain defendants (including those alleged to have committed the offense of domestic abuse battery under the provisions of R.S. 14:35.3, or the offense of stalking under the provisions of R.S. 14:40.2) to be equipped with a global positioning system (GPS) device as a condition of release ; provides for the criteria to be used in determining whether a defendant should be ordered to participate in GPS monitoring; and further authorizes courts, with the informed consent of the victim, to order a defendant to provide the victim with an electronic receptor device. (Effective August 15, 2010.)
141	Adds C.Cr.P. Art. 957 . Provides that an affected court conducting emergency sessions of court outside of its parish or territorial jurisdiction may release a defendant on bail through an unsecured personal surety without proof of a security interest if <u>all</u> of the following conditions are met: <ol style="list-style-type: none">(1) The defendant was arrested for an offense which is not excluded by new law.(2) The personal surety meets the requirements for a secured personal surety.(3) Proof of a security interest cannot be obtained due to an emergency or disaster as provided for in existing law.

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<u>Act No.</u>	<u>Summary</u>
	<p>(4) The court requires that the unsecured surety be converted to a commercial surety or secured personal surety as soon as proof of security interest can be obtained, or within 30 days of issuance of the unsecured bail, whichever occurs earlier. If proof of a security interest cannot be obtained due to an emergency or disaster, the court may extend the period to obtain proof of the security interest for additional 30-day increments as determined as necessary by the court.</p> <p>New law does not apply to any defendant who has been arrested for any of the following offenses:</p> <ol style="list-style-type: none">(1) A crime of violence, as defined in R.S. 14:2(B).(2) A sex offense, as defined in R.S. 15:541.(3) A felony offense, an element of which is the discharge, use, or possession of a firearm.(4) A violation of state law prohibiting the operation of a vehicle while intoxicated, or a parish or municipal ordinance that prohibits operating a vehicle while intoxicated, while impaired, or while under the influence of alcohol or any controlled dangerous substance. <p>(Effective August 15, 2010.)</p>
149	<p>Adds R.S. 15:544(D)(3)(e). Prior and new law provides that the period of time that a sex offender is required to register can be reduced if the offender maintains a "clean record" for a certain period of time. New law adds an additional (a fifth) requirement of "Complying with all sex offender registration and notification requirements pursuant to the provisions of this Chapter" to the definition of "clean record." (Effective August 15, 2010.)</p>
160	<p>Adds C.Cr.P. Art. 883.2(C). Requires the court to order that all restitution payments be made by the defendant to the victim through the court's designated intermediary, and provides that in no case shall the court order the defendant to deliver or send a restitution payment directly to a victim, unless the victim consents. (Effective August 15, 2010.)</p>
176	<p>Amends R.S. 46:1844(W)(1)(b); adds R.S. 46:1844(W)(1)(c). Provides that, except for disclosure at trial, no attorney shall publicly disclose the name, address, or identity of crime victims who are minors at the time of the commission of the offense or victims of sex offenses, even if now a major. Failure to comply with this new law is to be punishable as contempt of court. (Effective August 15, 2010.)</p>
177	<p>Amends R.S. 46:1844(C)(3). Amendment authorizes the parent or guardian of a minor victim to refuse to permit the minor to be interviewed by the attorney for the defendant or any employee or agent working for the attorney for the defendant. Willful disregard of the rights of victims and</p>

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	witnesses may be punishable as contempt of court. (Effective August 15, 2010.)
178	Amends R.S. 13:967(C)(1), (J) and (L) ; adds R.S. 13:967(M) ; repeals Act 77 of 2009 Regular Session. Provides that in every court of original, appellate, supervisory, or concurrent criminal jurisdiction in Jefferson Parish, including but not limited to the 24th Judicial District Court, First Parish Court, and Second Parish Court, there shall be assessed in all criminal cases, including traffic violations, except parking, an additional cost set by the judges en banc, not to exceed the amount authorized in law, against every defendant who is convicted after trial or after a plea of guilty or <i>nolo contendere</i>. This additional cost shall be transmitted to the court and deposited in a special account in the parish treasury to be managed and administered by the parish treasurer for and on behalf of the courts for the payment of court reporter fees for transcripts in indigent defense cases. All monies received and deposited shall be used to pay court reporter fees for transcripts respective to compensation of court reporters for the preparation of transcripts for indigent defendants arising from criminal proceedings in the 24 th Judicial District, First Parish Court and Second Parish Court, including but not limited to bills of exceptions, trials, motions, hearings on writs, and all other criminal proceedings. Nothing shall preclude a court from ordering the costs for the preparation of transcripts for indigent defendants in criminal proceeding be paid from any other fund established by general or specific law for the payment of expenses incurred in the defense of indigent persons in criminal proceedings. (Proposed law effective June 18, 2010; repeal of prior law effective June 9, 2010.)
203	Amends R.S. 32:300.5(C)(4) and 300.7(D) . The traffic violation of texting while driving a motor vehicle shall be enforced as a primary offense for which a driver may be stopped. Persons 17 years of age or younger are prohibited from operating a motor vehicle while using any "wireless telecommunications device" to engage in a call or write, send or read a text-based communication ; violation of this prohibition shall be enforced as a primary offense for which a driver may be stopped. (Effective August 15, 2010.)
206	Adds R.S. 14:72.5 . Provides that it is unlawful for a person to knowingly or intentionally buy, sell, produce, manufacture, or distribute, for any purpose, a fraudulent postsecondary education degree or other document purporting to confer any degree or certify the completion in whole or in part of any course of study. "Distribute a fraudulent postsecondary degree" means to sell, give, transport, issue, provide, lend, deliver, transfer, transmit, distribute, or disseminate fraudulent postsecondary education degree for any purpose. "Fraudulent postsecondary education degree" means that a credential presented as a degree which provides information that is false, forged, altered, or counterfeit and signifies the satisfactory competition of the requirements of a postsecondary

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	education degree. "Produce or manufacture fraudulent postsecondary education degree" means to develop, prepare, design, create, or process a fraudulent postsecondary education degree for any purpose. Whoever violates the provisions of new law will be fined not more than \$500 or imprisoned for not more than six months, or both. (Effective June 17, 2010.)
209	Amends R.S. 15:603(10) . Amended law adds identity theft; prohibited sexual conduct between educator and student; contributing to the delinquency of juveniles; inciting a riot; and hate crimes to list of offenses that require for DNA samples to be taken. (Effective August 15, 2010.)
213	Adds R.S. 15:609(J) . When a DNA sample is not drawn or taken pursuant to law, or when the first DNA sample is destroyed, tainted, or fails to generate a full DNA profile during analysis, the court may order the person to produce a DNA sample on an ex parte motion of any of the following: <ol style="list-style-type: none">(1) A law enforcement agency who investigated the person which resulted in the arrest for a felony or other specified violent and sexual offenses, including an attempt, conspiracy, criminal solicitation, or accessory after the fact of such offenses.(2) The warden or the administrator of the booking facility or correctional facility where the person was booked or incarcerated.(3) The district attorney or attorney general assigned to prosecute the case for which a DNA sample was authorized. (Effective August 15, 2010.)
215	Adds R.S. 14:110.1.1 . Creates the crime of out-of-state bail jumping . New law defines out of state bail jumping as the intentional failure to appear, by leaving the state to avoid appearing in court, at the date, time, and place as ordered by the court before which the defendant's case is pending. Whoever commits the crime of jumping bail, by leaving the state to avoid appearing in court at such time, when the bail is to assure the presence of the defendant in court will be fined \$2,000 and imprisoned at hard labor for not less than one year nor more than three years. (Effective August 15, 2010.)
254	Amends R.S. 56:116.1(B)(10) and (D) . Amendment adds beaver and nutria to existing law that authorizes the taking of outlaw quadrupeds during daylight hours without limit , except by trapping during closed season for nongame quadrupeds unless under a special permit. Amendment also authorizes on private property, the landowner, or his lessee or agent with written permission and the landowner's contact information in his possession, may take outlaw quadrupeds, nutria, or beaver during nighttime hours between the last day of Feb. and Aug. 31 of that same year . Amendment limits the method of such taking shall be limited to a shotgun not larger than a No. 10 gauge

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	fired with buckshot or smaller or a standard .22 caliber rimfire firearm and may be with or without the aid of artificial light, infrared or laser sighting devices, or night vision devices. (Effective upon signature of governor (June 17, 2010).)
259	Amends R.S. 32:232.1. When a traffic control signal is completely dark , the intersection shall revert to an all-way stop . When a traffic control signal is flashing yellow , drivers of motor vehicles may proceed through or past such signal with caution . When a traffic control signal is flashing red , drivers of motor vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line that is marked, or if there is no limit line before entering the intersection, shall proceed to the right and come to a complete stop and after carefully observing the area for motor vehicles proceed to move into the intersection. (Effective upon signature of governor (June 17, 2010).)
260	Amends C.Cr.P. Art. 230.2(A). A probable cause determination may be made upon affidavits or other written evidence transmitted to the magistrate by means of facsimile transmission or other electronic means. (Effective August 15, 2010.)
262	Amends C.Cr.P. Art. 673. Existing law provides that, in criminal matters, a judge has full power and authority to act in the cause until he has recused himself or a motion for his recusation has been filed. Amendment grants the judge to whom a motion to recuse is assigned full power and authority to act in the cause pending the disposition of the motion to recuse. (Effective August 15, 2010.)
317	Adds C.Cr.P. Art. 573.1. New law provides an exception to the existing time limitations for instituting prosecution for the crime for exploitation of the infirmed; time limitations do not begin to run until the crime is discovered by a competent victim, or in the case of an incompetent victim, by a competent third person. (Effective August 15, 2010.)
343	Amends R.S. 15:570(A)(6). Prior law provided that every execution of the death sentence shall take place in the presence of “Not less than five nor more than seven other witnesses, all citizens of the state of Louisiana.” Amendment does away with statutory requirement that all witnesses to the execution of a death sentence shall be Louisiana citizens. (Effective August 15, 2010.)
347	Amends C.Cr.P. Arts. 411(A), 413, and 415. Amendment changes prior law to allow for the drawing of a sufficient number of not less than 50 persons from which to empanel a grand jury (prior law provided at least 20 but not more than 100 persons) and provides for no fewer than two nor more than four alternates (prior law provided that the grand jury shall consist of 12 persons plus a first and second alternate for a total of 14 persons qualified to serve as jurors).

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	Amendment further provides that if the foreman of the grand jury is unable to act, the court shall cause a random selection to be made of one person from the remaining members of the impaneled grand jury to serve as acting foreman or to serve as foreman of the grand jury (prior law authorized the court to designate another member of the grand jury to serve as acting foreman or to serve as a new foreman of that grand jury). (Effective August 15, 2010.)
348	Amends R.S. 44:9(K)(2) ; Adds R.S. 44:9(K)(3) . An applicant for expungement does not have to pay any fees for the expungement if a certification obtained from the district attorney is presented to the clerk of court which verifies that the applicant has no felony convictions and no pending felony charges under a bill of information or indictment and: (1) the district attorney consents; (2) the case against the applicant was dismissed or the district attorney declined to prosecute the case prior to the time limitations; and (3) the applicant did not participate in a pretrial diversion program. (Effective August 15, 2010.)
349	Adds R.S. 14:329 . New law creates the crime of interfering with a law enforcement investigation . "Interfering with a law enforcement investigation" is the intentional interference or obstruction of a law enforcement officer conducting investigative work at the scene of a crime or the scene of an accident by refusing to move or leave the immediate scene of the crime or the accident when ordered to do so by the law enforcement officer when the offender has reasonable grounds to believe the officer is acting in the performance of his official duties. "Law enforcement officer" is any commissioned police officer, sheriff, deputy sheriff, marshal, deputy marshal, correctional officer, constable, wildlife enforcement agent, state park warden, livestock brand inspector, forestry officer, or probation and parole officer. Penalties for violation of Act No. 349 include a fine of not more than \$500, imprisonment for not more than six months, or both. (Effective August 15, 2010.)
350	Amends C.Cr.P. Art. 894.1(D) and (E) (introductory paragraph). Amendment deletes requirements that sentencing court advise the offender whether the offender's sentence is subject to diminution for good behavior and that Department of Public Safety and Corrections furnish the written report of the offender's prospective term of imprisonment to the sentencing judge. (Effective August 15, 2010.)
351	Adds R.S. 14:110.3 . New law creates the crime of tampering with surveillance, accounting, inventory, or monitoring systems and provides for penalties, including a fine of not more than \$1,000, imprisonment with or without hard labor for not more than one year, or both, and increased penalties including a

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	fine of not more than \$2,000, imprisonment with or without hard labor for not more than two years, or both, if the system is located on the premises of a correctional facility. (Effective August 15, 2010.)
352	Amends C.Cr.P. Arts. 899(E) and 900(A) (introductory paragraph). Under amended C.Cr.P. Art. 899, court must determine, within 10 days of arrest (prerevocation), if there is probable cause to detain an offender pending a final violation hearing. The court also must consider whether to allow the offender bail pending the final hearing. The determination of probable cause may be made without a formal hearing and may be conducted through the use of affidavits. Under amended C.Cr.P. Art. 900, provided that after an arrest or service of a summons for a probation violation, the court shall cause the defendant to be brought before it within 30 days for a hearing for those defendants remaining in custody; if, on the other hand, a summons was issued, or if the defendant has been admitted to bail, the court shall set the matter for a violation hearing within a reasonable time. (Effective August 15, 2010.)
355	Amends R.S. 15:587.1(B) and R.S. 44:9(F), (G), and (I) ; Adds R.S. 15:587(A)(1)(f) . Adds any person or entity requesting a record of all criminal arrests and convictions pursuant to R.S. 15:587.1 to the list of entities who have access to such information. Amends R.S. 15:587.1 to require the Bureau of Criminal Identification and Information to establish policies and procedures by which expunged information may be accessed by any eligible criminal justice agency or any person or entity requesting criminal records information pursuant to R.S. 15:587.1 and further requires these agencies to maintain confidentiality of the criminal history information, but allows them to use the information or admit the information into evidence in any court proceeding or employment or disciplinary proceeding in which the entity is an authorized participant. (Effective August 15, 2010.)
359	Amends R.S. 14:43(A)(2) . Amendment clarified portion of law that defined simple rape as a rape committed when the anal, oral, or vaginal sexual intercourse is deemed to be without the lawful consent of a victim "When the victim, through unsoundness of mind, is temporarily or permanently incapable of understanding the nature of the act and the offender knew or should have known of the victim's incapacity. Prior law had read "When the victim is incapable, through unsoundness of mind, whether temporary or permanent, or understanding the nature of the act and the offender knew or should have known of the victim's incapacity." (Effective August 15, 2010.)
360	Repeals R.S. 40:1238.1(B) . R.S. 40:1238.1(B) named Carisoprodol as a "legend drug" (i.e., a drug or drug product bearing on the label of the manufacturer or distributor, as required by the U.S. Food and Drug Administration, the statement "Caution: Federal law prohibits dispensing without prescription"). Carisoprodol's

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	inclusion as a legend drug also made it unlawful for any individual, while being supplied with Carisoprodol or a prescription for Carisoprodol by one health care practitioner, to knowingly and intentionally obtain or seek to obtain the drug or a prescription from a second or subsequent health care practitioner without disclosing the fact of the existing prescription to the practitioner from whom the subsequent prescription of Carisoprodol is being sought. Act No. 360 repeals prior law naming Carisoprodol as a legend drug. (Effective August 15, 2010.)
361	Adds R.S. 14:102.24. This new law creates the crime of unlawfully supplying any product for the purpose of falsifying or altering a screening test. “Unlawfully supplying any product for the purpose of falsifying or altering a drug, urine, or alcohol screening test” is committed when a person intentionally: <ol style="list-style-type: none">(1) Sells, trades, furnishes, supplies, gives, distributes, or markets human or synthetic urine in this state or transports human or synthetic urine into this state with the intent of using the urine to falsify or alter results in a urine, drug, or alcohol screening test.(2) Advertises for sale any product designed to falsify or alter a urine, drug, or alcohol screening test.(3) Adulterates a urine or other bodily fluid sample with the intent to falsify or alter results in a urine, drug, or alcohol screening test.(4) Possesses adulterants which are intended to be used to adulterate a urine or other bodily fluid sample for the purpose of falsifying or altering results in a urine, drug, or alcohol screening test.(5) Sells, trades, furnishes, supplies, gives, distributes, or markets an adulterant with the intent by the seller or marketer that the product be used to adulterate a urine or other bodily fluid sample for the purpose of falsifying or altering results in a urine, drug, or alcohol screening test. Provides penalties of imprisonment for not more than six months, a fine of not more than \$500, or both. (Effective August 15, 2010.)
363	Adds R.S. 15:33. R.S. 40:1798 provides for the disposal of seized firearms. This new law authorizes law enforcement officers to confiscate and dispose of all criminal instruments that are no longer necessary for judicial proceedings and provides an exception for firearms which shall be disposed of in accordance with R.S. 40:1798. (Effective August 15, 2010.)
379	Adds R.S. 14:204.1. This new law creates the crime of fire-raising in a correctional facility. Whoever starts, causes, or assists in the creation of any fire, heat, or spark of any nature in a correctional facility by any means or method and without authorization of the warden or his designee shall be imprisoned with or without hard labor for not more than three years. Whoever fails to report or conceals the unauthorized fire-raising in a correctional facility by another shall be imprisoned with or without hard labor for not more than one year. If the commission of the offense occurs while the

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	offender is currently incarcerated, the sentence imposed under new law shall run consecutively to any other sentence being served by the offender at the time of the offense. (Effective August 15, 2010.)
380	Amends R.S. 14:35.3(G)(1) . Amends law relative to the crime of domestic abuse battery . Prior law further provided that the determination regarding prior convictions (i.e., a conviction under existing law, or a conviction under the laws of any state or an ordinance of a municipality, town, or similar political subdivision of another state which prohibits the intentional use of force or violence committed by one household member upon another household member of the opposite sex presently or formerly living in the same residence with the defendant as a spouse, whether married or not) shall be made by the court as a matter of law . New law deletes “This determination shall be made by the court as a matter of law.” (Effective August 15, 2010.)
382	Amends R.S. 14:46.2(A) . Amends law relative to the crime of human trafficking . Prior law further provided that it shall be unlawful for a person to intentionally recruit, harbor, transport, provide, solicit, or obtain another person through fraud, force, or coercion to provide services or labor. New law changes "intentionally" to "knowingly" and otherwise retains prior law . (Effective August 15, 2010.)
387	Amends R.S. 15:541(12)(a), (24), and (25)(c) ; Adds R.S. 14:2(B)(42) and (43) and R.S. 15:541(2)(n) . Existing law provides for the crimes of human trafficking and trafficking of children for sexual purposes and provides for the following listing of crimes designated as crimes of violence: solicitation for murder; first degree murder; second degree murder; manslaughter; aggravated battery; second degree battery; aggravated assault; mingling harmful substances; aggravated rape; forcible rape; simple rape; sexual battery; aggravated sexual battery; intentional exposure to AIDS virus; aggravated kidnapping; second degree kidnapping; simple kidnapping; aggravated arson; aggravated criminal damage to property; aggravated burglary; armed robbery; first degree robbery; simple robbery; purse snatching; extortion; assault by drive-by shooting; aggravated crime against nature; carjacking; illegal use of weapons or dangerous instrumentalities; aggravated second degree battery; aggravated assault upon a peace officer with a firearm; aggravated assault with a firearm; armed robbery, use of firearm; aggravated robbery; disarming of a peace officer; stalking; second degree cruelty to juveniles; aggravated flight from an officer; terrorism; aggravated incest; and battery of a police officer. Amendment adds trafficking of children for sexual purposes and human trafficking to this list . Existing law provides for an enumerated list of sex offenses for purposes of sex offender registration and notification requirements. Amendment adds the crime of trafficking of children for sexual purposes to this list . Existing law provides for offenses which are defined as "aggravated offenses." Amendment adds the crime of

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	trafficking of children for sexual purposes to this list, thereby requiring lifetime sex offender registration. New law further amends the definitions of "criminal offense against a victim who is a minor" and "sexual offense against a victim who is a minor." (Effective August 15, 2010.)
389	Amends R.S. 14:207(A) . Existing law provides that no person shall cover, remove, deface, alter, or destroy the manufacturer's number or any other distinguishing number or identification mark on any motor vehicle or motor vehicle part, for the purpose of concealing or misrepresenting its identity. Further provides that no person shall buy, sell, receive, dispose of, conceal, or knowingly have in his possession any motor vehicle or motor vehicle part from or on which the manufacturer's number or any other distinguishing number or identification mark has been covered, removed, defaced, altered, or destroyed for the purpose of concealing or misrepresenting its identity. Amendment adds trailers and semi-trailers to existing law. (Effective August 15, 2010.)
396	Amends R.S. 14:68(B) and C.Cr.P. Art. 814(A)(26) and (27) . Prior law provided that whoever commits the crime of unauthorized use of a movable having a value of \$1,000 or less shall be fined not more than \$500, imprisoned for not more than six months, or both. Whoever commits the crime of unauthorized use of a movable having a value in excess of \$1,000 shall be fined not more than \$5,000, imprisoned with or without hard labor for not more than five years, or both. Amendment to R. S. 14:68(B) changes the value of the movable from \$1,000 to \$500 and otherwise retains the penalty provisions of existing law. Prior law provided that the following are responsive verdicts for theft and attempted theft: guilty of unauthorized use of movables having a value in excess of \$1,000 but only if a value in excess of \$1,000 is stated in the indictment, or guilty of unauthorized use of movables having a value of \$1,000 or less. Amendment to C.Cr.P. Art. 814(A)(26) and (27) changes the amount from \$1,000 to \$500 and removes the requirement that the amount of the movable be specified in the indictment. (Effective August 15, 2010.)
401	Adds R.S. 32:414.2(E) . Existing law subjects all persons with commercial drivers licenses, including school bus drivers, to a graduated system of commercial drivers license suspension and disqualification for conviction of operating under the influence of alcohol or controlled dangerous substances. This new law disqualifies commercial drivers from operating school buses for 10 years after a conviction of driving under the influence or refusing to submit to an alcohol concentration or drug test. Reduces disqualification period subject to certain conditions being met as specified in new law. (Effective August 15, 2010.)
403	Amends R.S. 32:414(B)(1) . Existing law provides that Department of Public Safety and Corrections shall suspend the driver's license of any person who is

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	convicted of or who enters a plea of guilty to manslaughter, vehicular homicide, or negligent homicide resulting from the operation of a motor vehicle and that the license shall be suspended upon receipt, by the department, of satisfactory evidence that such person's bail has been forfeited. This amendment adds the crime of third degree feticide (as provided in R.S. 14:32.8(A)(2)), when the offender was engaged in the operation of or in physical control of any motor vehicle, aircraft, vessel, or other means of conveyance, and the offender is under the influence of alcohol or drugs, or a combination thereof. (Effective August 15, 2010.)
405	Adds R.S. 32:667(I)(4) . Existing law provides that persons involved in certain DWI offenses be required to have an ignition interlock device installed on their vehicle as a condition of reinstating their driver's license. This new law provides that a code be placed on the driver's license of persons involved in certain DWI offenses who are required to have an ignition interlock device installed on their vehicle as a condition of reinstating their driver's license. (Effective January 1, 2011.)
409	Amends R.S. 32:414(B)(2)(b) . Prior law provided that upon conviction of a second offense vehicular negligent injuring or DWI, a person's driver's license shall be suspended for two years with the opportunity for a restricted license upon equipping his motor vehicle with a functioning ignition interlock device. This amendment provides that upon conviction of a second offense vehicular negligent injuring or DWI, a person's driver's license shall be suspended for two years with the opportunity for a restricted license upon completion of forty-five days of the suspension period and upon equipping his motor vehicle with a functioning ignition interlock device. (Effective August 15, 2010.)
413	Adds R.S. 15:542.1(A)(5) . Existing law requires sex offenders and child predators to provide certain notifications to local law enforcement and the community and provides certain penalties for the failure to comply with sex offender registration and notification requirements. This new law adds the posting of the number of the offender's physical address in a conspicuous place on the outside of the residence to the list of existing law notification requirements. (Effective August 15, 2010.)
416	Adds R.S. 15:571.36 . This new law requires the Department of Public Safety and Corrections to develop written policies and procedures governing the availability, storage, and use of electronic monitoring equipment and requires these policies and procedures to include the following criteria: secure storage, timely visual inspection of equipment worn by the monitored individual, a master listing and inventory, availability of at least one complete backup unit for a number of specified units, responses to system

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	malfunctions, restricted password access to authorized staff, and maintenance and cleaning of equipment. (Effective August 15, 2010.)
419	Amends C.Cr.P. Art. 648(A)(2) . Prior law authorized the court to order immediate jailed-based treatment by the Dept. of Health and Hospitals not to exceed 90 days if a person is charged with a felony or misdemeanor classified as an offense against the person when the court determines that his mental capacity is likely to be restored within 90 days as a result of treatment. Provided that if the person's capacity cannot be restored within 90 days and inpatient treatment is recommended, the court shall commit the defendant to the Feliciana Forensic Facility. Amendment changes prior law by specifying that if a person charged with a felony violation of the controlled dangerous substance law not otherwise provided for in new law or a misdemeanor violation of domestic abuse battery cannot be restored within 90 days and inpatient treatment is recommended, the court shall commit the defendant to the Feliciana Forensic Facility. Amendment further provides that if a person is charged with a felony violation of the Uniform Controlled Dangerous Substances Law, except for possession of large quantities of controlled dangerous substances, and the court determines that his mental capacity cannot be restored within 90 days, the court shall release the person for outpatient competency restoration or other appropriate treatment. Amendment further provides provides that if a person is charged with a misdemeanor classified as an offense against a person, except for domestic abuse battery, and the court determines that his mental capacity cannot be restored within 90 days, the court shall release the person for outpatient competency restoration or other appropriate treatment. (Effective upon signature of governor (June 21, 2010).)
433	Amends R.S. 15:451 . Prior law, relative to criminal proceedings, used "purposes" in regard to allowing a confession into evidence. Amendment makes technical correction by changing "purposes" to "purports" in regard to allowing a confession into evidence. (Effective August 15, 2010.)
438	Amends C. Cr. P. Art. 401(A)(5) . Prior law provided that one of the qualifications of a person to be a juror is that the person not be under indictment for a felony or been convicted of a felony for which he has not been pardoned. Amendment clarifies that the person convicted of a felony must have been pardoned by the governor. (Effective August 15, 2010.)
462	Amends Ch.C. Arts. 631(A) and 652(C), (D), and (E) ; Adds Ch.C. Art. 652(F) and (G) . Prior law authorized the district attorney or any other person authorized by the court to file a child in need of care petition if there were reasonable grounds to believe that the child is a child in need of care. New law eliminates the right of an authorized person to file a child in need of care petition. Authorizes the Department of Social Services (DSS) to seek leave of court to file

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	a child in need of care proceeding if there are reasonable grounds to do so. Amendment provides that at any stage of the CINC proceeding, upon written motion of counsel for the child or his parent, the district attorney or DSS, after a contradictory hearing and good cause shown, except if all parties agree, the court shall permit counsel to obtain certain discovery which is relevant to the subject matter of the adjudication hearing. Amendment further provides that all parties have reciprocal discovery rights and that discovery shall not include any matter that is privileged, including attorney-client privileges or information protected by R.S. 46:56 or by restrictive order by Ch. C. Art. 653. Amendment further provides the court from ordering the production or inspection of any information which contains identifying information regarding a victim of domestic abuse or victim of dating violence or the location of a shelter or other facility. Amendment makes the party requesting discovery responsible for any copying costs according to the uniform fee schedule and specifies that an indigent child or parent is not responsible for any costs. (Effective June 22, 2010.)
469	Amends R.S. 15:574.2(A) . Prior law provided that the Board of Parole shall consist of seven members. Amendment requires that the warden, or in his absence, the deputy warden, of the institution in which the inmate is housed be an ex officio, nonvoting member of the Board of Parole; where the offender is housed in a local jail facility and the warden, or deputy warden, of that facility is not able to attend the offender's parole hearing, the warden, or in his absence the deputy warden, of the facility where the offender's parole hearing is held may serve as an ex officio member. Amendment authorizes the ex officio member of the Board of Parole to engage in any other business or profession and hold any other public office. Amendment further provides that the ex officio member of the board shall not receive an annual salary and shall not be reimbursed for necessary travel and other expenses incurred in the discharge of his duties as an ex officio member. (Effective August 15, 2010.)
479	Amends C.Cr.P. Art. 334.2 . Prior law prohibited the court from releasing any defendant on his own recognizance or on the signature of any other person, without posting bail , if the person was arrested for a crime of violence. Amendment deletes the provision of prior law regarding the posting of bail and makes technical changes. (Effective August 15, 2010.) (NOTE: Compare to Act 584.)
485	Amends R.S. 15:257 . Prior law provided that a judge shall issue a warrant for the arrest of an essential witness when there are good grounds to fear that the witness may depart or be taken from the jurisdiction of the court. Amendment provides that the judge shall issue a warrant for the arrest of an essential witness when it is shown that it may become impracticable to secure the presence of the person by subpoena. (Effective August 15, 2010.)

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505	Amends R.S. 14:402(D)(9) and (E)(7) . Existing law prohibits the introduction or possession of contraband on the grounds of any state correctional institution or any municipal or parish prison. Prior law defined "contraband" and included in that definition any telecommunications equipment, including but not limited to cellular phones, beepers, or global positioning satellite system equipment, whether or not such equipment may be intended for use in planning or aiding an escape or attempt to escape from any institution, unless authorized by the warden. Amendment adds any component parts of the telecommunications equipment, including subscriber identity module (SIM) cards, portable memory chips, batteries, and chargers to definition of contraband. (Effective August 15, 2010.)
506	Amends R.S. 17:405(A)(1)(b) and (i) and (C)(1), R.S. 40:981.3(A), (B), and (D) and 1058.10(A) and (C)(1) . Prior law provided that a drug free zone is an area within 1,000 feet of any school property, drug treatment facility, religious building property, public housing authority property, or child day care facility. Amendment increases the drug free zone from 1,000 feet to 2,000 feet. (Effective August 15, 2010.)
507	Adds R.S. 14:37.6 . This new law creates the crime of aggravated assault with a motor vehicle upon a peace officer and provides for criminal penalties including a fine of not less than \$5,000, imprisonment for not less than one year nor more than 10 years, or both. (Effective August 15, 2010.)
508	Adds R.S. 15:587.1.1 . R.S. 15:587.1 requires employers or prospective employers of persons with supervisory or disciplinary authority over children to obtain criminal background checks on applicants. This new law provides that the applicants or independent contractors who perform work in child care facilities may request a certified copy of their criminal history information from the Louisiana Bureau of Criminal Identification and Information. Further provides that a certified copy of the criminal background check shall be deemed to satisfy the requirements of existing law for each facility requesting such information for a period of one year from the date of issuance of the certified copy. New law defines "independent contractor" as any person who renders professional, therapeutic, or enrichment services such as educational consulting, athletic, or artistic services within a child care facility, whose services are not integral to either the operation of the child care facility or to the care and supervision of children. Independent contractors may include but are not limited to dance instructors, gymnastic or sports instructors, computer instructors, speech therapists, licensed health care professionals, state-certified teachers employed through a local school board, art instructors, and other outside contractors. A person shall not be deemed an independent contractor if he is considered an

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	employee or statutory employee of the child care facility. (Effective August 15, 2010.) (NOTE: Compare to Act 781.)
510	<p>Repeals R.S. 15:574.9(G)(2)(a)(ii). Existing law provides that any offender who has been released on parole for the conviction of an offense other than a crime of violence or of a sex offense, and whose parole supervision is being revoked for his first technical violation of the conditions of parole as determined by the Board of Parole, shall be required to serve not more than 90 days without diminution of sentence or credit for time served prior to the revocation for a technical violation. Prior law defined a "technical violation" as any violation except being arrested, charged, or convicted of any of the following:</p> <ol style="list-style-type: none">(1) A felony.(2) A violation of any provision of Title 40 of the La. R.S. of 1950.(3) Any intentional misdemeanor directly affecting the person.(4) At the discretion of the Board of Parole, any attempt to commit any intentional misdemeanor directly affecting the person.(5) At the discretion of the Board of Parole, any attempt to commit any other misdemeanor.(6) Being in possession of a firearm or other prohibited weapon.(7) Failing to appear at any court hearing.(8) Absconding from the jurisdiction of the Board of Parole. <p>New law deletes "A violation of any provision of Title 40 of the La. R.S. of 1950" from the definition of technical violation. All controlled dangerous substance violations are felony offenses except for simple possession of marijuana which is a misdemeanor offense. As a result, items (1) and (2), listed above, were duplicative (except for simple possession of marijuana). (Effective August 15, 2010.)</p>
512	<p>Amends R.S. 14:108.1(E); Adds R.S. 14:108.1(F). Existing law provides for the crime of aggravated flight from an officer and provides a penalty of imprisonment for not more than two years. Amendment adds potential maximum fine of \$2,000 and provides that restitution may be ordered by the court. (Effective August 15, 2010.)</p>
513	<p>Amends C.Cr.P. Art. 871(B)(1)(a); Adds C.Cr.P. Art. 871(B)(2)(f), (g), and (h). Existing law requires the fingerprints of the defendant to be attached to the bill of information or indictment after a judgment of guilty for the following misdemeanors: first or second offense operating a vehicle while intoxicated; first offense possession of marijuana, tetrahydrocannabinol, or chemical derivatives thereof; first or second offense involving drug paraphernalia; first or second offense theft; first or second offense theft of goods; and first offense prostitution. Amendment adds first or second offense domestic abuse battery, a first offense failure to pay child support, and a conviction for violation of protective orders to the list of misdemeanors for which fingerprints of the</p>

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	defendant must be attached to the bill of information or indictment after a judgment of guilty. (Effective August 15, 2010.)
514	Adds C.Cr.P. Art. 732.1 . This new law authorizes the office of state police, the attorney general's office, a member of the Dept. of Justice Internet Crimes Against Children Task Force, or the sheriff investigating a sex offense where the victim is a minor, or the offender reasonably believes the victim is a minor, to issue an administrative subpoena to obtain certain information related to the Internet account or online identifier. New law applies when there is reasonable cause to believe that an Internet service account or online identifier has been used in the commission of the offense or in the exploitation of children. New law provides that the administrative subpoena maybe used to obtain the electronic mail address, Internet username, Internet protocol address, name of the account holder, billing and service address, telephone number, account status, method of access to the Internet, and the automatic number identification records if access is by modem. New law provides that any additional information must be obtained through other lawful process. New law provides for the destruction of any of the information upon expiration of time limitations for prosecution. New law provides that administrative subpoenas issued pursuant to new law shall comply with federal laws governing records concerning an electronic communication service or remote computing service. (Effective August 15, 2010.)
516	Amends R.S. 14:81.1(A), (B), (C), and (E) ; Adds R.S. 14:81.1(H) . Prior law defined the crime of pornography involving juveniles as the following: <ol style="list-style-type: none">(1) The photographing, videotaping, filming, or otherwise reproducing visually of any sexual performance involving a child under the age of 17.(2) The solicitation, promotion, or coercion of any child under the age of 17 for the purpose of photographing, videotaping, filming, or otherwise reproducing visually any sexual performance involving a child under the age of 17.(3) The intentional possession, sale, distribution, or possession with intent to sell or distribute, of any photographs, films, videotapes, or other visual reproductions of any sexual performance involving a child under the age of 17.(4) The consent of a parent, legal guardian, or custodian of a child under the age of 17 for the purpose of photographing, videotaping, filming, or otherwise reproducing visually any sexual performance involving the child. Prior law defined the following terms: "sexual performance," "performance," "sexual conduct", and "promote," and provided the following penalties for pornography involving juveniles:

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- (1) Imprisonment at hard labor for two to 10 years and a fine of not more than \$10,000.
- (2) When the offense involved the solicitation, promotion, or coercion of a child under the age of 13, the penalty includes imprisonment at hard labor for 25 to 99 years, with at least 25 years to be served without benefit of probation, parole, or suspension of sentence.

Amendment substantially redefines the crime of pornography involving juveniles and changes the definition of "sexual performance," defines the terms "access software provider," "cable operator," "distribute," "interactive computer service," "pornography involving juveniles," "produce," and "telecommunications service," and deletes the definitions of "performance," "sexual conduct," and "promote." **Amendment changes prior law penalties of pornography involving juveniles as follows:**

- (1) **A maximum fine of \$10,000 and imprisonment at hard labor for two to 10 years for possession.**
- (2) **A maximum fine of \$10,000 and imprisonment at hard labor for five to 10 years for distribution or possession with the intent to distribute.**
- (3) **A maximum fine of \$10,000 and imprisonment at hard labor for five to 20 years for any parent, legal guardian, or custodian of a child who consents to the participation of the child in pornography involving juveniles.**
- (4) **A maximum fine of \$15,000 and imprisonment at hard labor for 10 to 20 years for the production of pornography involving juveniles.**

New law amends prior law penalties when the victim is under the age of 13 as follows:

- (1) **Imprisonment at hard labor for not less than 1/2 the longest term nor more than twice the longest term prescribed for committing the underlying crime of possessing, distributing, or possessing with the intent to distribute. The sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.**
- (2) **Imprisonment at hard labor for 25 to 99 years, with at least 25 years served without benefit of probation, parole, or suspension of sentence, for the production of pornography involving juveniles.**
- (3) **Upon completion of the term of imprisonment imposed, the offender shall be electronically monitored by Department of Public Safety and Corrections for the remainder of his natural life.**

New law provides an exception for providers of interactive computer services, providers of telecommunications services, and cable operators. (Effective August 15, 2010.)

- 517 Adds **R.S. 14:81.3(B)(1)(d)**. Existing law provides that **computer-aided solicitation of a minor** is committed when a person 17 years of age or older knowingly contacts or communicates, through the use of electronic textual communication, with a person who has not yet attained the age of 17 where there

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is an age difference of greater than two years for the purpose of or with the intent to persuade, induce, entice, or coerce the person to engage or participate in sexual conduct. Existing law provides that whoever commits the crime of computer-aided solicitation of a minor when the victim is between the ages of 13 and 17 years shall be fined not more than \$10,000 and shall be imprisoned at hard labor for not less than five years nor more than 10 years, without benefit of parole, probation, or suspension of sentence. Existing law provides that whoever commits the crime of computer-aided solicitation of a minor when the victim is under 13 years of age shall be fined not more than \$10,000 and shall be imprisoned at hard labor for not less than 10 years nor more than 20 years, without benefit of parole, probation, or suspension of sentence. Existing law provides that whoever commits the crime of computer-aided solicitation of a minor, when the victim is a person reasonably believed to have not yet attained the age of 17, shall be fined not more than \$10,000 and shall be imprisoned at hard labor for not less than two years nor more than 10 years, without benefit of parole, probation, or suspension of sentence. **New law retains existing law and provides that when the computer-aided solicitation of a minor results in actual sexual conduct between the victim and the offender and the age difference between the victim and the offender is five years or greater, the offender shall be fined not more than \$10,000 and shall be imprisoned, with or without hard labor, for not less than seven years nor more than 10 years.** (Effective August 15, 2010.)

518 Amends **R.S. 14:90(C) and 90.3(F)**; Repeals **R.S. 14:90(D) and (E)**. Existing law provides for the crimes of gambling and gambling by computer. Prior law, more specifically, provided exceptions to those crimes for gaming activities or operations upon a riverboat, at the official gaming establishment, by operating an electronic video draw poker device, by a charitable gaming licensee, or at a pari-mutuel wagering facility or the operation of a state lottery. **Amendment** retains the provisions of prior law and **includes in that list of previously recognized and established forms of gaming the conducting of slot machine gaming at eligible horse racing facilities all as authorized by existing law.** (Effective August 15, 2010.)

520 Amends **R.S. 15:574.9(G)(1)**. Existing law provides that any offender who has been released on parole and whose parole supervision is being revoked for his first technical violation of the conditions of parole, as determined by the Board of Parole, shall be required to serve a maximum of 90 days without diminution of sentence or credit for time served prior to the revocation. Existing law defines "technical violation." Existing law provides that the following offenders are not eligible for the 90-day parole revocation period:

- (1) Any offender released on parole for the conviction of a crime of violence as defined in R.S. 14:2(B).
- (2) Any offender released on parole for the conviction of a sex offense as defined in R.S. 15:541.

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	Amendment adds that any offender who is subject to the sex offender registration and notification requirements is ineligible for the 90-day parole revocation period. (Effective August 15, 2010.)
524	Amends R.S. 14:62.8(B)(2) ; Adds R.S. 14:2(B)(42) . Prior law provided for penalties for the crime of home invasion including imprisonment at hard labor for not less than five nor more than 20 years. Further provided for a sentence of imprisonment for 10 to 25 years when, at the time of the unauthorized entering, there is present in the dwelling or structure any person who is under the age of 12 years, is 65 years of age or older, or who has a developmental disability. Amendment retains prior law except it requires that the sentence of 10 to 25 years shall be served at hard labor. Existing law provides that the following list of crimes be designated as "crimes of violence": solicitation for murder; first degree murder; second degree murder; manslaughter; aggravated battery; second degree battery; aggravated assault; mingling harmful substances; aggravated rape; forcible rape; simple rape; sexual battery; second degree sexual battery; intentional exposure to AIDS virus; aggravated kidnapping; second degree kidnapping; simple kidnapping; aggravated arson; aggravated criminal damage to property; aggravated burglary; armed robbery; first degree robbery; simple robbery; purse snatching; extortion; assault by drive-by shooting; aggravated crime against nature; carjacking; illegal use of weapons or dangerous instrumentalities; terrorism; aggravated second degree battery; aggravated assault upon a peace officer with a firearm; aggravated assault with a firearm; armed robbery; use of firearm; second degree robbery; disarming of a peace officer; stalking; second degree cruelty to juveniles; aggravated flight from an officer; aggravated incest; and battery of a police officer. Amendment adds the crime of home invasion to the list of crimes of violence. (Effective August 15, 2010.)
530	Amends R.S. 40:971.1(A) . Prior law made it unlawful for any person to produce, manufacture, distribute, or dispense any substance which is represented to be a controlled dangerous substance and which is an imitation controlled dangerous substance, or any controlled dangerous substance which is a counterfeit controlled dangerous substance. Amendment makes it unlawful to transport or deliver an imitation or counterfeit controlled dangerous substance. (Effective August 15, 2010.)
531	Amends R.S. 14:27(D)(2) . Prior law provided that whoever attempts to commit any crime shall be punished as follows: <ol style="list-style-type: none">(1) If the offense attempted is theft or receiving stolen things and is not punishable as a felony, he shall be fined not more than \$200, imprisoned for not more than six months, or both.(2) If the offense attempted is receiving stolen things and is punishable as a felony, he shall be fined not more than \$200, imprisoned for not more than one year, or both.

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(3) If the offense attempted is theft and is punishable as a felony, he shall be fined not more than \$500, imprisoned for not more than one year, or both.

Amendment retains prior law except it **provides that whoever attempts to commit the crime of theft when the value is \$300 or more shall be punished as follows:**

(1) **If the offense attempted is theft of an amount not less than \$300 and not more than \$5,000, he shall be fined not more than \$500, imprisoned for not more than one year, or both.**

(2) **If the offense attempted is theft of an amount over \$5,000, he shall be fined not more than \$2,000, imprisoned, with or without hard labor, for not more than five years, or both.** (Effective August 15, 2010.)

533

Amends R.S. 17:493(A) and (C); Adds R.S. 17:491.3 and 3996(B)(24). New law (R.S. 17:491.3) requires a public school bus operator to report his arrest for a violation of R.S. 14:98 (operating a vehicle while intoxicated), R.S. 14:98.1 (underage operating a vehicle while intoxicated), or other law or ordinance that prohibits operating a vehicle while under the influence of alcohol or any abused substance or controlled dangerous substance set forth in the schedules provided in R.S. 40:964. Specifies that new law shall apply to an arrest occurring after Dec. 31, 2010. Provides that the operator shall make the report to a person or persons as specified by the governing authority of the school. Requires that the report be made within 24 hours of the arrest or prior to the operator next reporting for his work assignment as a school bus operator, whichever time period is shorter. Provides that the report shall be made by the school bus operator regardless of who owns or leases the vehicle being driven by the operator at the time of the offense and regardless of whether the operator was performing an official duty or responsibility as a school bus operator at the time of the offense. Provides that a school bus operator who fails to comply with new law shall be terminated by the governing authority employing the operator if such operator is serving a probationary term of employment (as provided by R.S. 17:492) or if the provisions of existing law relative to probation and tenure of bus operators are not applicable to the operator. Provides that a school bus operator employed by a local school board who is a regular and permanent employee of the board shall be subject to removal as provided by existing law (R.S. 17:493) for failure to comply with the provisions of new law. Requires that written and signed charges alleging such failure be brought against the bus operator. Requires the governing authority of a public elementary or secondary school (including a charter school), by not later than Oct. 1, 2010, to adopt rules, regulations, and procedures necessary to administer new law. Specifies that such rules, regulations, and procedures shall be consistent with new law. For new law purposes, defines "school bus operator" to mean any employee of a local school board or other governing authority of a public elementary or secondary school whose duty it is to transport students in any school bus or activity bus to and from

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a school approved by the State Board of Elementary and Secondary Education or to and from any school-related activity. Relative to the removal from his position of a permanent (tenured) school bus operator employed by a local school board: Existing law (R.S. 17:493(A) and C)) provides the grounds for removal and the process to be used. New law adds as a reason the failure to comply with the reporting requirements of new law relative to being arrested for one or more of the specified offenses. (Effective upon signature of governor (June 24, 2010).)

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| 534 | <p>Adds R.S. 17:81.6(C), (D), (E), and (F). Existing law requires each local public school board to adopt a policy establishing uniform procedures for the investigation of employees accused of irregularities or improprieties in the administration of standardized tests. New law adds that any public school employee may report irregularities or improprieties in the administration of standardized tests directly to the state Department of Education. Authorizes the department to investigate such allegations. Prohibits an employee from knowingly and willfully obstructing the procedures for receiving and investigating a report of irregularities or improprieties in the administration of standardized tests and provides that violators shall be guilty of a misdemeanor offense and fined not more than \$500 or imprisoned for not more than six months, or both. Permits an employee to bring a civil action against any employer who obstructs such procedures and provides for the recovery of all damages, reasonable attorney fees, and court costs by the employee under certain circumstances. Prohibits a public school administrator or member of a governing authority of a public elementary or secondary school from retaliating against an employee who in good faith participates in an investigation of irregularities or improprieties in the administration of standardized tests or reports such irregularities or improprieties to the state Department of Education or to any public school administrator or the governing authority. Provides that violators shall be guilty of a misdemeanor offense and fined not more than \$500 or imprisoned for not more than six months, or both. Prohibits an employee from making a false report of irregularities or improprieties in the administration of standardized tests. Provides that violators shall be guilty of a misdemeanor offense and shall be fined not more than \$500 or imprisoned for not more than six months, or both. Provides that in any action to establish damages against a person who has made a false report as specified in new law, the plaintiff shall bear the burden of proving that the person who filed the false report knew the report was false or that the report was filed with reckless disregard for the truth of the report. Provides that a plaintiff who fails to meet such burden of proof shall pay all court costs and attorney fees of the defendant. Provides that nothing in new law shall prohibit the governing authority of a public elementary or secondary school from taking any action authorized by law as to an employee who makes a false report of irregularities or improprieties in the administration of standardized tests. (Effective August 15, 2010.)</p> |
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541	Amends C.E. Art. 902(1) . Prior law contained no provision relative to the self-authentication of electronically generated documents for evidence purposes. Amendment provides that electronically generated documents that are associated with electronically generated seals are included in the provision relative to domestic public documents under seal. (Effective August 15, 2010.)
543	Amends C.E. Art. 804(B)(7) . Prior law provided for the hearsay exception under the forfeiture by wrongdoing. Amendment maintains prior law and requires the party seeking to introduce statements under the forfeiture by wrongdoing hearsay exception to establish by a preponderance of the evidence that the party against whom the statement is offered engaged in or acquiesced to wrongdoing by a preponderance of the evidence. (Effective August 15, 2010.)
559	Amends R.S. 49:316.1(A)(2)(a) and (c) . Existing law authorizes the Departments of Revenue, Transportation and Development, and Environmental Quality to accept credit cards for payment of obligations owed to the state through the use of a third-party processor who collects a convenience fee to adequately cover transaction fees. Amendment allows Department of Public Safety and Corrections and Department of Wildlife and Fisheries to accept credit cards for payment of obligations owed to the state through the use of a third party processor who will collect a convenience fee to adequately cover transaction fees. (Effective upon signature of governor (June 25, 2010).)
560	Amends R.S. 15:893.1(1) . Existing law prohibits any inmate who has been convicted of first or second degree murder, aggravated rape, aggravated kidnapping, or armed robbery from serving any portion of his term at the J. Levy Dabadie Correctional Center. Amendment also prohibits any inmate convicted of aggravated arson or a sex offense from being assigned to serve any portion of his term at the J. Levy Dabadie Correctional Center. (Effective August 15, 2010.)
562	Amends C.Cr.P. Art. 875(A)(3) . Existing law provides that the court may order the parole and probation division of Department of Public Safety and Corrections to conduct a presentence investigation of any defendant convicted of a felony offense or a misdemeanor offense that has been reduced from a felony. Existing law provides that in the investigation, the probation officer shall inquire into the following: the circumstances attending the commission of the offense, the defendant's history of delinquency or criminality, his family situation and background, economic and employment status, education, personal habits, and other information and data requested by the probation officer from the local and state law enforcement agencies and mental and correctional institutions. Amendment retains existing law and provides that the defendant's pretrial and post-conviction disciplinary records shall be furnished to the probation

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	officer and included in the presentence investigation. (Effective August 15, 2010.)
563	Adds R.S. 32:299.2 ; Repeals R.S. 32:297.1 . Prior law authorized the operation of mini-trucks powered by a motor with a displacement of 660 cubic centimeters or more on the streets and highways in this state, excluding the interstate highways. Prior law provided that the mini-vehicles must first meet federal and state safety and emission standards and bear a state inspection sticker. Prior law became void if it results in the loss of federal highway funds. New law authorizes a "mini-truck" to operate upon a highway of this state where the posted speed limit is fifty-five miles per hour or less, except interstate or controlled access highways or multi-lane divided highway with partial or no control of access. New law requires certain safety equipment on a "mini-truck." New law requires a "mini-truck" to register as an off-road vehicle and display a decal issued by the office of motor vehicles. New law prohibits operation of a "mini-truck" upon a highway by an unlicensed driver. New law requires a "mini-truck" to have liability insurance. New law defines a "mini-truck." New law requires Department of Public Safety and Corrections, office of motor vehicles, to adopt rules in accord with APA, subject to oversight of House and Senate committees on transportation, highways, and public works. New law authorizes DOTD, parish, or municipal governments to prohibit operation of "minitrucks" upon any highway under their respective jurisdictions if necessary for safety of the motoring public. New law repeals prior law, R.S. 32:297.1, relative to "mini-trucks." (Effective August 15, 2010.) (NOTE: Compare to Act 761.)
565	Amends R.S. 40:966(B)(3), (E), and (F) ; Adds R.S. 40:964(Schedule I)(C)(32) and 989.2 . Existing law provides for classification of controlled dangerous substances in Schedules I through V. New law retains the provisions of existing law and adds the following substances to Schedule I: 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol {also known as CP 47,497 and its C6, C7, C8, and C9 homologues}; (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol {also known as HU-210}; Naphthalen-1-yl-(1-pentylindol-3-yl)methanone {also known as 1-Pentyl-3-(1-naphthoyl)indole or JWH-018}; and Naphthalen-1-yl-(1-butylindol-3-yl)methanone {also known as 1-Butyl-3-(1-naphthoyl)indole or JWH-073}. Existing law provides criminal penalties for the unlawful production, manufacture, distribution, or dispensing of controlled dangerous substances. New law retains the provisions of existing law and creates the crime of unlawful production, manufacturing, distribution, or possession of a material, compound, mixture, or preparation which contains a prohibited plant. New law defines "distribute", "manufacture", "production", and "prohibited plant." New law provides for the following criminal penalties for unlawful production, manufacturing, distribution, or possession with intent to

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manufacture, produce, or distribute a material, compound, mixture, or preparation which contains a prohibited plant: imprisonment with or without hard labor for not more than five years and a fine of not more than \$10,000. New law provides for the following criminal penalties for unlawful possession of a material, compound, mixture, or preparation which contains a prohibited plant: imprisonment for not more than six months, a fine of not more than \$500, or both. New law creates an exception for the possession, planting, cultivation, growing, or harvesting of a prohibited plant strictly for aesthetic, landscaping, or decorative purposes. New law creates an exception for any dosage form which is legally obtainable from a retail establishment without a prescription and is recognized by the FDA as a homeopathic drug. Defines "homeopathic drug." Existing law provides for the following criminal penalties for the possession of marijuana, tetrahydrocannabinoids, or chemical derivatives of tetrahydrocanna-binols:

- (1) 1st offense possession - a maximum fine of \$500, imprisonment for not more than six months, or both.
- (2) 2nd offense possession - a maximum fine of \$2,000, imprisonment with or without hard labor for not more than five years, or both.
- (3) 3rd or subsequent offense possession - a maximum fine of \$5,000, imprisonment with or without hard labor for not more than 20 years, or both.
- (4) Possession of 60 - 1,999 pounds - a fine of \$50,000 to \$100,000 and imprisonment at hard labor for five to 30 years.
- (5) Possession of 2,000 - 9,999 pounds - a fine of \$100,000 to \$400,000 and imprisonment at hard labor for 10 to 40 years.
- (6) Possession of 10,000 pounds or more - a fine of \$400,000 to \$1 million and imprisonment at hard labor for 25 to 40 years.

New law applies existing law penalties to the possession of synthetic cannabinoids. (Effective August 15, 2010.)

566

Amends **R.S. 15:574.2(B), (C), (D), (E), and (F)**; Adds **R.S. 15:574.2(G)**. Existing law provides for the Board of Parole, the process for granting parole, and parole eligibility. Prior law provided that the board shall meet in a minimum of three-member panels at the adult correctional institutions on regular scheduled dates, not less than every three months. Required three votes of a three-member panel to grant parole, or, if the number exceeded a three-member panel, a unanimous vote of those present was required to grant parole. **New law provides that the parole board may grant parole with two votes of a three-member panel, or, if the number exceeds a three-member panel, a majority vote of those present if all of the following conditions are met:**

- (1) The offender has not been convicted of a crime of violence or a sex offense or an offense which would constitute a crime of violence or a sex offense, regardless of the date of conviction.

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	<ul style="list-style-type: none">(2) The offender has not committed any disciplinary offenses in the 12 consecutive months prior to the parole eligibility date.(3) The offender has completed the mandatory minimum of 100 hours of pre-release programming.(4) The offender has completed substance abuse treatment as applicable.(5) The offender has obtained a GED credential, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED credential due to a learning disability. If the offender is deemed incapable of obtaining a GED credential, the offender must complete at least one of the following: a literacy program, an adult basic education program, or a job skills training program.(6) The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of Department of Public Safety and Corrections. (Effective August 15, 2010.)
578	Adds R.S. 40:2405.6 . New law requires manufacturers of electronic control devices to develop a training and certification course to instruct peace officers on the proper handling and effects of such devices. New law requires all peace officers to successfully complete the training course. (Effective August 15, 2010.)
583	Adds C.Cr.P. Art. 233 . New law authorizes law enforcement agencies to utilize the electronic signature of any offender. The signature may be captured by any generally accepted method or process of electronic signature capture, including the use of devices which capture and convert analog writing to electronic or digital form. New law provides that electronic signatures may satisfy provisions of existing law which require a signature or any record, bail undertaking, summons, or affidavit to be signed, acknowledged, verified, or made under oath by a criminal offender. New law defines "electronic signature" to mean an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record. (Effective August 15, 2010.)
584	Amends C.Cr.P. Art. 334.2 . Prior law provided that any defendant who has been arrested for a crime of violence shall not be released on his own recognizance. Amendment retains prior law and further provides that any defendant who has been arrested for domestic abuse battery shall not be released on his own recognizance. (Effective August 15, 2010.) (NOTE: Compare to Act 479.)
585	Amends R.S. 14:67(B), 67.2(B)(1), (2), and (3), 67.5(B), 67.10(B)(1), (2), and (3), 67.13(B), 67.18(B), 67.21(C)(1), (2), and (3), 67.23(C), 67.26(C), 68.2(C), 68.7(B)(1), 69(B)(1), (2), and (3), 70.2(C)(2), (3), and (4), 70.4(E)(1), (2), and (3), and 71(C), (D), and (E). Existing law defines theft as the misappropriation

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or taking of anything of value which belongs to another, either without the consent of the other to the misappropriation or taking, or by means of fraudulent conduct, practices, or representations. An intent to deprive the other permanently of whatever may be the subject of the misappropriation or taking is essential. Prior law provided for penalties for theft based upon the value of the goods taken and uses the following scale for those penalties:

- (1) The misappropriation or taking amounts to a value of \$500 or more.
- (2) The misappropriation or taking amounts to a value of \$300 or more, but less than a value of \$500.
- (3) The misappropriation or taking amounts to less than a value of \$300.

Existing law provides for the crimes of theft of animals, crawfish, goods, an alligator, used building components, assets of an aged or disabled person, a motor vehicle, cheating and swindling, unauthorized use of food stamps, illegal possession of stolen things, unlawful acts regarding receipts and universal product code labels, refund or access device application fraud, access device fraud, and issuing worthless checks. Prior law provided penalties for each of these offenses and uses a gradation of penalties based upon the value of the goods taken or misappropriated. **New law retains the provisions of prior law but adopts the following gradation scale for each of those crimes:**

- (1) The misappropriation or taking amounts to a value of \$1,500 or more.**
- (2) The misappropriation or taking amounts to a value of \$500 or more, but less than a value of \$1,500.**
- (3) The misappropriation or taking amounts to less than a value of \$500.**

Effective August 15, 2010.

587

Adds **R.S. 44:9(L)**. Existing law provides for the expungement of arrest records for misdemeanor and felony offenses in certain cases. **New law requires the Louisiana State Law Institute (LSLI) to develop a uniform expungement form for persons seeking an expungement, without the necessity of employing counsel. New law further provides that the LSLI shall develop a uniform order of expungement.** The order shall provide for any information deemed appropriate by the LSLI, including the following:

- (1) The signatures of the judge, district attorney, and any other parties required by law.
- (2) The statutory authority for granting or denying the expungement.
- (3) A place for the court to provide written reasons when the expungement is denied.

New law further provides that **after development of the forms, the LSLI shall make the forms available to the Judicial Council for distribution to the appropriate courts throughout the state. New law requires the clerks of court in all parishes to make the forms available to the public upon request.** (Effective August 15, 2010.)

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592	Adds R.S. 32:318(H) . Existing law prohibits all persons other than law enforcement officers on official duty from equipping, operating, or using motor vehicles with blue colored electric lights. Existing law defines "fire truck." New law provides for an exception allowing publicly owned fire trucks with fire apparatuses and publicly owned ambulances to use blue colored electric lights, and such lights may be on the rear of the vehicle and shall not exceed 50% of the visual lights. New law provides that as used in new law, "fire truck" shall have the same meaning as provided in existing law. (Effective August 15, 2010.)
593	Amends Ch.C. Arts. 320, 321, and 809 ; Adds Ch.C. Art. 881.1 . Existing law (Ch.C. Art. 320) provides for the determination of indigency under the Children's Code. New law retains existing law and adds that, for purposes of appointment of counsel, children are presumed to be indigent. Prior law (Ch.C. Art. 321) provided for partial reimbursement of legal fees and court costs according to a person's financial ability to pay. New law retains prior law but makes stylistic changes. Adds that if the court finds that the parents are able to pay, it may order them to reimburse either appointed counsel or the district public defender's office for costs of representing the child prior to enrollment of retained counsel (moved from Art. 809(D)). Existing law (Ch.C. Art. 809) provides for the child's right to counsel which also applies to admission to mental health institutions. Prior law provided that if the parents are unable to afford counsel, the court shall appoint counsel or refer the child to the district public defender for representation. Further provided that if the court finds the parents are able to pay, it may so order. New law clarifies prior law by providing that the child is entitled to representation at the state's expense and that the court shall appoint counsel or refer the child to the district public defender. New law also adds that representation by appointed counsel continues until retained counsel enrolls as of record. New law deletes the prior law provision authorizing the court to order the parents to pay some or all of the costs, if financially able to do so. New law (Ch.C. Art. 881.1) provides for the admissibility of a child's confession in juvenile court, provides that the state has the burden to prove admissibility beyond a reasonable doubt, and further provides for factors for the court to consider in determining the admissibility of the confession. (Effective August 15, 2010.)
594	Amends Ch.C. Arts. 305(A)(1)(b) and (B)(1)(b), 804(3), 841(A) and (C), 855(B)(7), 858(B), 860(A) and (B), and 867(A) and (C) ; Adds Ch.C. Arts. 841(D) and 884.1 . Existing law (Ch.C. Art. 305) provides for the jurisdiction of the juvenile court in certain matters. New law retains existing law and adds that when a child is charged with certain offenses, the court shall notify the child of the registration requirements for a sex offender. Existing law (Ch.C. Art. 804(3)) provides for the definition of a "delinquent act." New law retains existing law and adds illegal possession of a firearm to the definition which categorizes

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the action as a delinquency case rather than a FINS case. Prior law (Ch.C. Art. 841) provided that an informal adjustment agreement may not be used against the declarant over objection. Also provided that an incriminating statement may not be used against the child over objection in an adjudication hearing or criminal trial. **New law** retains prior law and **adds that any medical examination may not occur until the clerk of court gives five-days notice to all parties and provides that any incriminating statement made by the child shall not be used against him in a subsequent proceeding.** Existing law (Ch.C. Art. 855(B)(7)) requires the court to determine if a child is capable of understanding statements about his rights and advise him of certain items. **New law** retains existing law and **adds that when the child is charged with certain serious offenses, the court shall notify the child regarding applicable sex offender registration requirements.** Existing law (Ch.C. Art. 858) provides for notice to the child of the motion to transfer. **New law** retains existing law and **adds that the court, for certain serious crimes, shall also notify the child of the applicable sex offender registration requirements.** Existing law (Ch.C. Art. 860) provides for the examination of the child subject to a motion to transfer. Provides that, unless the child waives his privilege against self-incrimination, the testimony about the medical report or its contents may not be used against the child. **New law** retains existing law and **adds that an examination shall not occur until five days after notice to all parties, unless waived by the child.** Existing law (Ch.C. Art. 867) provides for certain types of medical examinations of the child. **New law** retains existing law but **adds that an examination shall not occur until five days after notice to all parties, unless waived by the child.** **New law** (Ch.C. Art. 884.1) **provides that the court shall provide the child with written requirements for registration as a sex offender and provides a form to be used.** (Effective August 15, 2010.)

608 Adds **R.S. 14:230(A)(2)(d) and (e).** Existing law, with respect to the crime of money laundering, defines "proceeds" as funds acquired or derived directly or indirectly from or produced or realized through an act. Prior law defined "funds" as meaning any of the following:

- (1) Coin or paper money of the U.S. or any other country that is designated as legal tender and that circulates and is customarily used and accepted as a medium of exchange in the country of issue.
- (2) U.S. silver certificates, U.S. Treasury notes, and Federal Reserve System notes.
- (3) Official foreign bank notes that are customarily used and accepted as a medium of exchange in a foreign country and foreign bank drafts.

New law retains prior law and **adds the following to the definition of "funds":**

- (1) **Electronic or written checks, drafts, money orders, traveler's checks, or other electronic or written instruments or orders for the transmission or payment of money.**

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	<p>(2) Investment securities or negotiable instruments, in bearer form or otherwise, in such form that title thereto passes upon delivery. (Effective August 15, 2010.)</p>
609	<p>Adds R.S. 44:9(A)(5). Existing law provides for the expungement of certain arrest records for misdemeanor and felony offenses under certain conditions. New law retains the provisions of existing law and further provides that any person who has been convicted for the violation of a municipal or parish ordinance, traffic ordinance, or for a violation of a state statute which is classified as a misdemeanor may make a written motion to the district, parish, or city court in which the violation was prosecuted or to the district court located in the parish in which he was arrested, for expungement of the arrest record if five or more years has elapsed between the date of the motion and the successful completion of any sentence, deferred adjudication, or period of probation or parole. New law further provides that an expungement shall occur only once with respect to any person during a five-year period, except for the misdemeanor offense of operating a vehicle while intoxicated which may occur only once with respect to any person during a 10-year period. New law provides that no person shall be entitled to an expungement if the misdemeanor conviction arose from circumstances involving a sexual act or act of domestic violence. New law further provides that the motion for expungement shall include a certification obtained from the district attorney which verifies that to his knowledge the applicant has no felony convictions and no pending misdemeanor or felony charges under a bill of information or indictment. New law provides that if, after a contradictory hearing with the district attorney and the arresting law enforcement agency, the court finds that the mover is entitled to the relief sought for the above reasons, it shall order all law enforcement agencies to expunge, but not destroy, the record. Provides that new law shall not limit or impede the authority under law to consider prior arrests or convictions in pursuing prosecution under multiple offender provisions or impede the investigation of any law enforcement official seeking to ascertain or confirm the qualifications of any person for any privilege or license authorized by law. (Effective August 15, 2010.)</p>
610	<p>Amends R.S. 33:4890 and R.S. 44:4.1(B)(18); Adds R.S. 33:4891. Existing law confirms the delegation of police power to all incorporated municipalities. New law extends such confirmation to parishes as well. New law establishes a privilege against compelled disclosure for communications to "code enforcement officers" which allege code violations. New law provides definitions of the following terms:</p> <p>(1) "Code enforcement officer" is any local governmental subdivision employee authorized to make inspections, issue notices of violations, or otherwise authorized to enforce the local governmental subdivision's ordinances. The term shall not include building or zoning inspectors.</p>

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- (2) "Hotline" or "call center" is a system established to accept communications alleging code violations, except local code violations enforced by building or zoning inspectors.
- (3) "Privileged communication" means any written or oral statement submitted to a code enforcement officer or hotline for the purpose of reporting alleged local code violations.

New law establishes a privilege against disclosure of any "privileged communication" made to a "code enforcement officer" or "hotline" in connection with any code enforcement proceeding through testimony, public record request, or otherwise. Such communication and any related documents, records, opinions, or decisions related to it are not discoverable. New law further provides that the privilege shall cease only under the following circumstances:

- (1) When the person who reported the alleged violation voluntarily discloses or consents to disclosure of any significant part of the privileged matter.
- (2) When the person who reported the alleged violation testifies or is compelled to testify on behalf of the local government on the matter.
- (3) Upon the motion of anyone arrested or charged with a code violation who petitions the court for a closed chambers inspection of the records relating to a privileged communication and such arrested or charged individual.

New law requires the motion to allege facts showing that inspection of such records would yield evidence both favorable to the charged individual and relevant to the issue of adjudicating the violation in question. New law provides a public records exception for privileged communications as established in new law. (Effective upon signature of governor (June 25, 2010).)

- 618 Amends R.S. 17:270(A), R.S. 32:1(48) and (65), 76.1(B), 106, 197(A), 283, 296(A), and 300.2, and R.S. 48:21(B), 163.1(A), (B), (D), (E)(intro. para.), (F), (G), and (H); Adds R.S. 32:1(95-100), 197(D) and (E), and 203, and R.S. 48:1(24); Repeals R.S. 32:197(C) and R.S. 48:163.1(C). Prior law provided that the operator of a motor vehicle shall leave three feet between his vehicle and a bicyclist when passing the bicyclist. **New law retains prior law and adds that the operator of a motor vehicle shall exercise due care when passing a bicyclist and may pass a bicycle traveling in the same direction as him in a no-passing zone only when safe to do so.** Prior law provided for methods for giving hand and arm signals to notify other motorists of upcoming traffic maneuvers. New law retains prior law and adds additional hand and arm signals for bicyclists. Prior law provided for bicyclist riding on roadways and bicycle paths. New law retains prior law and provides for exceptions. **New law allows for the use of motor vehicles in bicycle lanes under certain circumstances.** Prior law allowed for the stopping, parking, or standing of vehicles on highway shoulders in the case of emergencies. **New law retains prior law and allows for the riding, stopping, parking, or standing of bicycles on highway shoulders in the case of emergencies.** Prior law allows parishes and municipalities to prohibit operation

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	of electric personal assistive mobility devices. New law retains prior law and adds that the prohibitions may only be enacted if it is necessary and in the interest of safety. Prior law provides that no person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so. New law prohibits persons from opening motor vehicle doors on the side available to moving traffic without taking due precautions to ensure that his act will not interfere with the movement of traffic or endanger any other person or vehicle. (Effective August 15, 2010.)
626	Amends R.S. 15:1403.1(B) . Existing law provides that no person shall knowingly solicit, recruit, enable, encourage, or otherwise cause another person to become a member of a criminal street gang. Existing law provides that whoever violates the provisions of existing law shall be imprisoned, with or without hard labor, for not more than two years, fined not more than \$5,000, or both. Amendment adds that whoever solicits a person under the age of 17 to become a member of a criminal street gang, when there is a difference in age of at least three years between the solicitor and the person being solicited, shall be imprisoned, with or without hard labor, for not more than four years, fined not more than \$10,000, or both. (Effective August 15, 2010.)
632	Amends R.S. 22:1924(A)(1) ; Adds R.S. 22:1924(A)(3) . Existing law provides that any person who, with the intent to injure, defraud, or deceive any insurance company, or the Department of Insurance, or any insured or other party in interest, or any third-party claimant commits any of the acts specified in existing law is guilty of a felony and shall be subjected to a term of imprisonment, with or without hard labor, not to exceed 5 years, or a fine not to exceed \$5,000, or both, on each count and payment of restitution to the victim company of any insurance payments to the defendant that the court determines was not owed and the costs incurred by the victim company associated with the evaluation and defense of the fraudulent claim, including but not limited to the investigative costs, attorney fees, and court costs. However, if the benefit pursued does not exceed \$1,000, the term of imprisonment shall not exceed six months, or the fine shall not exceed \$1,000, or both, on each count. New law provides that knowingly and willfully committing health care fraud shall be punishable as provided in existing law. Defines health care fraud as doing any of the following while in conjunction with the delivery of or payment for health care benefits, items, or services: (1) To execute a scheme or artifice to defraud any health care benefit program. (2) To obtain, by means of fraudulent claims, or false or fraudulent pretenses, representations, or promises, any of the money or property owned by, or under the custody or control of, any health care benefit program. New law also defines "knowingly and willfully" as continuing with a practice, after written notice to cease such practice from a health care benefit program by

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	certified mail, return receipt requested, except when the health care provider reasonably believes that such practice materially complies with coding or billing standards as issued by the American Medical Association, the U.S. Department of Health and Human Services, the Centers for Medicare and Medicaid Services, or the Louisiana Medicaid Program. (Effective August 15, 2010.)
649	Amends R.S. 15:571.3(B)(1) . Prior law provided that every inmate in the custody of Department of Public Safety and Corrections who has been convicted of a felony, except an inmate convicted a second time of a crime of violence, and sentenced to imprisonment for a stated number of years or months, or when sentencing court has denied or conditioned eligibility for "good time," may earn, in lieu of incentive wages, a diminution of sentence by good behavior and performance of work or self-improvement activities or both, to be known as good time. The amount of diminution of sentence shall be at the rate of 35 days for every 30 days in actual custody and shall only apply to persons convicted of offenses on or after August 15, 2006. Amendment retains prior law but provides that it applies to persons convicted of an offense on or after January 1, 1992, and who are not serving a sentence for a sex offense or crime of violence. (Effective October 15, 2010.)
653	Amends R.S. 32:1518(A) ; adds R.S. 32:1518(C) . Prior law prohibited a person from offering or accepting for transportation, load or unload, or transport, a hazardous waste or hazardous material defined in R.S. 32:1502, in a manner that endangers or could endanger human life or health. Prior law provided that any person who willfully violates prior law shall, upon conviction, be guilty of a felony and be fined or imprisoned pursuant to R.S. 32:1514(B) or may be subject to a civil penalty pursuant to R.S. 32:1512(A). New law changes prior law to require transportation of hazardous waste or hazardous material in a criminally negligent or reckless manner that could endanger. New law authorizes the Department of Public Safety and Corrections to revoke "H"-hazardous material or "X"-combination tank vehicle and hazardous materials endorsement, or both, on a commercial driver's license of any person upon conviction or assessment of civil penalty for a second or subsequent offense for reckless handling of hazardous materials where the material transported meets the definition of a hazardous substance, as defined in R.S. 30:2363(7). New law authorizes the Department of Public Safety and Corrections to consider any prior final judgment of conviction or assessment of a civil penalty in determining whether or not to revoke such "H" or "X" endorsements on commercial driver's license. (Effective August 15, 2010.)
661	Amends R.S. 40:966(E)(2) . Prior law required that on a second conviction for possession of marijuana, tetrahydrocannabinol, or chemical derivatives thereof, the offender shall be fined not more than \$2,000, imprisoned with or without hard

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	labor for not more than five years, or both. Amendment retains prior law but adds a minimum fine of \$250 . Amendment further provides that if the offender is placed on probation, the probation shall provide for a minimum condition that he participate in a court-approved substance abuse program and perform four eight-hour days of court-approved community service activities . New law provides that costs associated with probation be paid by the offender . (Effective August 15, 2010.)
663	Amends C.Cr.P. Art. 437 . Prior law required grand juries to inquire into all capital offenses triable within the parish. Amendment also requires grand juries to inquire into all offenses punishable by life imprisonment triable within the parish . (Effective August 15, 2010.)
674	Amends C.Cr.P. Art. 912.1(A) . Prior law (C.Cr.P. Art. 905.9) provided that the Louisiana Supreme Court shall review every sentence of death to determine if it is excessive. Prior law (R.S. 15:567) provided for conditions precedent to execution in capital cases, including the affirmation of a sentence of death pursuant to prior law (C.Cr.P. Art. 905.9). Prior law (C.Cr.P. Art. 912.1(A)) allowed but did not require the defendant appeal to the supreme court from a judgment in a capital case in which a sentence of death actually has been imposed. Amendment retains prior law and requires that a defendant in a capital case in which a sentence of death actually has been imposed shall be informed at sentencing of his right to waive all rights of appeal, except the sentence review provided pursuant to prior law. Provides that this information shall be given both in writing and orally . (Effective October 1, 2010.)
693	Amends R.S. 15:499(B) and 501 ; Adds R.S. 15:499(D) . Existing law provides for certificates of analysis and provides for their admissibility in criminal court proceedings. Prior law provided that the certificate shall contain the name and address of the facility in which the examination or analysis was made and shall be signed by the person making the examination or analysis and by the person in charge of the facility. New law removes requirement that the person in charge of the facility sign the examination or analysis and otherwise retains prior law . Prior law required the party seeking to introduce a certificate to give written notice of intent to offer proof by certificate not less than 10 days prior to the commencement of the trial. New law extends this period to 45 days . Prior law provided that the party against whom a certificate of analysis is offered shall be permitted to subpoena on cross-examination the person who performed the examination or analysis of the evidence. Provided that if the subpoena is requested at least five days prior to the commencement of trial or the person subpoenaed responds to the subpoena, the certificate shall not be prima facie proof of its contents or of proper custody. Prior law further provided that when the attorney for the defendant, or the defendant acting in his own defense, requests that a subpoena issued to the person who performed the examination or

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analysis, the request shall be in writing and shall contain a certification that the attorney or the defendant intends in good faith to conduct the cross-examination. **New law changes prior law to provide that the attorney for the defendant, or the defendant acting in his own defense if not represented by counsel, may demand that the person making the examination or analysis testify by filing a written demand and serving it upon the district attorney or attorney general seeking to introduce the certificate. If such a demand is made timely, the certificate shall not constitute prima facie proof of the facts thereon. New law further provides that the demand for the testimony of the person making the analysis shall be filed and served by counsel for the defendant, or by a defendant acting as his own counsel within 30 days of the receipt of notice. The trial court may extend this 30-day period for good cause shown if such request is made prior to the expiration of the 30 days. New law further provides, if no request for additional time is made prior to the expiration of the 30-day period, an extension of time in which to make such a demand may be made only upon a showing of exceptional circumstances. Any allegation that such circumstances exist shall constitute a preliminary plea on the defendant's behalf. The demand shall be made in writing and notice shall be served on the district attorney or the attorney general prosecuting the matter. The court shall conduct a contradictory hearing to determine if the extension is warranted. New law provides that the filing of a demand by the defendant does not prevent the admission of the certificate or its contents in any other manner otherwise appropriate pursuant to existing law. (Effective August 15, 2010.)**

709	Amends C.Cr.P. Art. 345(A) and (B) . Amendment clarifies prior law (C.Cr.P. Art. 345) by providing that when a surety receives either a certificate acknowledging surrender of the defendant or a letter verifying the defendant's incarceration, without motion and as otherwise provided for in existing law, the surety is fully discharged and relieved of all obligations under the bond. New law requires the officer to retain and forward a copy of the certificate to the court. (Effective August 15, 2010.)
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710	Amends C.Cr.P. Art. 322(A) and (B) and R.S. 15:85(1), (2), (4), and (7) . Existing law provides for types of bail, bail bonds, and judgments of bond forfeiture. Existing law requires that the defendant and personal sureties sign the bail bond. Amendment retains the provisions of existing law and requires the defendant and personal sureties to provide the last four digits of their social security numbers on the bail bond and the judgment of bond forfeiture in addition to the requirements of existing law. New law provides that a bail bond or judgment of bond forfeiture shall not be set aside either for the inaccuracy of the information included or for the failure to include the information required by new law. Existing law provides for the recording of a judgment of bond forfeiture and provides for its use by third parties. New law
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provides that prior to recordation, the district attorney shall verify the inclusion of information on the judgment, namely, the address and the last four digits of the social security number for the defendant and personal sureties. New law provides that third parties may rely upon the accuracy of this information for purposes of distinguishing the identity of the defendant and his sureties. New law further provides that any judgment of bond forfeiture containing inaccurate information shall be deemed ineffective as a judicial mortgage to third parties who rely upon that information. New law provides that a bail agent who represents the surety as an insurance agent shall not be solidarily liable for the forfeiture of a bond against the defendant and his sureties. In the event that a bail agent who represents the surety as an insurance agent is held solidarily liable, then that bail agent may request to be released from the judgment, and the release of the bail agent shall have no effect on the judgment decreeing the forfeiture of the bond against the defendant and his sureties. (Effective August 15, 2010.)

713	Adds C.Cr.P. Art. 523. New law provides that a defendant may be given notice of any pretrial motion hearing date by mailing notice to the counsel of record. New law provides that failure of a defendant or the counsel to appear for the hearing of a pretrial motion shall be grounds for dismissal of the motion. New law provides that, by motion of the district attorney, a defendant's pretrial motion may be dismissed when either of the following occurs:
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(1) The second failure to appear by the defendant or his counsel, after actual notice, for the hearing of a pretrial motion filed by the defendant, when the hearing for such motion was previously reset due to defendant's failure to appear on the date that the hearing was originally set.

(2) The first failure to appear by the defendant or his counsel, after actual notice, for the hearing of a pretrial motion filed by the defendant, when the defendant has previously failed to appear in court for any other proceeding in the case.

(Effective August 15, 2010.)

733	Amends R.S. 13:846(A)(1)(b) and 847(A)(1)-(8); Repeals R.S. 13:847(A)(9)-(38), (B), and (C). Prior law provided that in all criminal cases where as a part of the sentence imposed the accused was condemned to pay costs of prosecution, \$7.50 shall be assessed, collected, and paid to the clerk of court by the sheriff as the clerk's fee. New law provides that in all criminal cases involving Title 32 traffic offenses where as a part of the sentence imposed the accused is ordered to pay costs of prosecution, \$7.50 shall be assessed, collected, and paid to the clerk of court by the sheriff as the clerk's fee. Prior law provided for 38 separate fees the clerks of court charged in criminal matters for services provided, except the parish of Orleans. New law provides that in criminal
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misdemeanor cases involving traffic offenses where, as a part of the sentence imposed the accused is ordered to pay court costs, in addition to other costs authorized by law or court rule existing on Aug. 15, 2010, the sum of \$5 shall be assessed, collected, and paid over to the clerk of court by the sheriff. New law provides that in other criminal misdemeanor cases where, as a part of the sentence imposed the accused is ordered to pay court costs, the sum of \$50 shall be assessed, collected, and paid over to the clerk of court by the sheriff. In felony cases, the sum of \$100 shall be assessed. New law provides that the clerks of court are entitled to receive \$1 for copies per page, \$3 for conformed copies, \$5 for certification of copies, \$20 for criminal history search, \$10 for an extract of court minutes, and costs actually incurred for U.S. Postal Service and common carriers. New law repeals 38 specific fees the clerks of court charge for services rendered and a fee of \$7.50 as court costs the clerk receives from criminal prosecutions. (Effective August 15, 2010, except for the provisions of Section 2 which will become effective on December 31, 2014.)

744

Amends **C.Cr.P. Arts. 580 and 709**. Existing law (C.Cr.P. Art. 578) provides for the following general time limitations regarding the commencement of criminal trials:

- (1) In capital cases - three years from the date of institution of the prosecution.
- (2) In other felony cases - two years from the date of institution of the prosecution.
- (3) In misdemeanor cases - one year from the date of institution of the prosecution.

Existing law (C.Cr.P. Art. 580) provides for the suspension of existing law (C.Cr.P. Art. 578) time limitations when a defendant files a motion to quash or other preliminary plea until the ruling of the court thereon and provides that in no case shall the state have less than one year after the ruling to commence the trial. Existing law (C.Cr.P. Art. 709) provides that a motion for a continuance based upon the absence of a witness shall state:

- (1) Facts to which the absent witness is expected to testify, showing the materiality of the testimony and the necessity for the presence of the witness at the trial.
- (2) Facts and circumstances showing a probability that the witness will be available at the time to which the trial is deferred.
- (3) Facts showing due diligence used in an effort to procure attendance of the witness.

New law retains existing law and provides for the continuance and the suspension of existing law time limitations in criminal proceedings when the district attorney or defense counsel submits a factual showing that an absent witness is on active military duty in the U.S. Armed Forces. Provides that the provisions of new law are remedial, curative, and procedural and are to

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be applied retroactively to January 1, 2010, as well as prospectively. (Effective upon signature of governor (June 29, 2010).)

760

Amends **C. Cr. P. 895.1(F)**. **New law retains prior law requirement that when a court places a defendant on supervised probation, as a condition of probation, the court shall order the defendant to pay a monthly fee of \$5.50 to Department of Public Safety and Corrections and that the fee collected be credited into the Sex Offender Registry Fund** and that the monies in this Fund be paid as follows:

- (1) Prior law required that for FY 06-07 the amount of \$190,000 be appropriated to Department of Public Safety and Corrections, office of state police, to be used to administer programs for registration of sex offenders in compliance with federal and state laws, and to support of community notification efforts by local law enforcement agencies and provides that this amount be reduced to \$25,000 for FY 2007-2008 and thereafter. New law provides that the \$25,000 allocated to the office of state police shall be for FY 2007-2008 through FY 2009-2010. For FY 2010-2011 and thereafter, the \$25,000 shall be used by the office of state police for the purposes of maintaining and administering the programs for the registration of sex offenders.
- (2) Prior law required that for FY 06-07 and each year thereafter, an amount equal to 15% of the total residual monies available for appropriation from the fund after satisfying the requirements of prior law Item (1) above be appropriated to Department of Public Safety and Corrections, office of adult probation and parole. New law retains this provision but provides that it applies for FY 2010-2011 and each year thereafter and that an amount equal to 15% of the total residual monies available for appropriation from the fund be appropriated to Department of Public Safety and Corrections, office of adult services, division of probation and parole.
- (3) Prior law required that for FY 06-07, residual monies available for appropriation after satisfying the requirements of prior law Items (1) and (2) above, be appropriated to Department of Public Safety and Corrections, office of state police, for distribution to the sheriff of each parish, based on the population of convicted sex offenders, sexually violent predators, and child predators residing in the respective parish according to the State Sex Offender and Child Predator Public Registry. Required that the population data be compiled and certified by the undersecretary of the department on the first day of June and that the office of state police distribute the monies to the recipient sheriffs not later than June fifteenth. New law deletes this provision regarding FY 06-07.

Prior law required that for FY 07-08 and thereafter, residual monies available for appropriation after satisfying the requirements of prior law Items (1) and (2)

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above, be appropriated to the Department of Justice, office of the attorney general. Requires that of these residual monies for FY 07-08, \$200,000 be allocated to the office of the attorney general to facilitate the acquisition, implementation, and support of a computer system for the sheriff of each parish to monitor and track convicted sex offenders, sexually violent predators, and child predators residing in such parish according to the State Sex Offender and Child Predator Registry. New law deletes this provision. Prior law required that for FY 08-09 and thereafter, \$150,000 shall be allocated to the office of the attorney general of which \$50,000 shall be allocated for personnel and other costs to assist and monitor sheriff participation in utilization of the computer system, and \$100,000 be allocated to the cost of maintenance of the computer system. New law requires that for FY 2010-2011, and thereafter, all residual monies available after satisfying the requirements of new law Item (1) above payments for the office of adult services, division of probation and parole) are to be appropriated to the Department of Justice, office of the attorney general. Provides that of this amount, \$150,000 be allocated to the office of the attorney general of which \$50,000 shall be allocated for personnel and other costs to assist and monitor sheriff participation in utilization of the computer system, and \$100,000 shall be allocated to the cost of maintenance of the computer system which shall interface with the computer systems of the sheriffs of the parishes for registration of sex offenders. Prior law required the distribution of the remainder of residual monies to the sheriff of each parish, based on the population of convicted sex offenders, sexually violent predators, and child predators residing in the respective parishes according to the State Sex Offender and Child Predator Registry. Required that these funds be used to cover the costs associated with sex offender registration and compliance. Required that the population data be compiled and certified by the undersecretary of Department of Public Safety and Corrections on the first day of June and that the attorney general distribute funds to the recipient sheriffs no later than June fifteenth. New law retains prior law but provides that after payments to the office of state police, office of adult services, division of probation and parole and to the office of the attorney general, the attorney general, pursuant to an appropriation, shall distribute the remaining monies to the recipient sheriffs not later than June 15th of each year to sheriffs who actively register sex offenders. (Effective August 15, 2010.)

- 761 Adds **R.S. 32:299.2**; repeals **R.S. 32:297.1**. New law defines "mini-truck" to be any four-wheeled, reduced dimension truck that may not have a National Highway Safety Administration classification, with a top speed of 65 MPH, equipped with a truck bed or compartment for hauling, and having an enclosed passenger cab. New law authorizes operation of a mini-truck on a state highway where the posted speed limit is 55 MPH or less except an interstate or controlled-access highway or multi-lane divided highway having partial or no control of access. Requires that the mini-truck be equipped with head lamps, front and rear turn signal lamps, tail lamps, stop lamps, an exterior mirror mounted on the

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driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror, a parking brake, a windshield wiper, speedometer, odometer, braking for each wheel, a seat belt assembly installed at each designated seating position, and a vehicle identification number. New law requires that the mini-truck be registered as an off-road vehicle and display a decal issued from the office of motor vehicles. Authorizes the office of motor vehicles to require, at the expense of the applicant for a decal, a notarized translation of a mini-truck title presented in a foreign language, if necessary. New law prohibits operation of a mini-truck on a state highway by an unlicensed driver and requires that the mini-truck have liability insurance with the same minimum limits as required for motor vehicles by law. New law requires that the office of motor vehicles adopt necessary rules and regulations pursuant to the APA subject to legislative oversight. New law is not to be construed to prohibit the DOTD from prohibiting the operation of any mini-truck upon any state highway under its jurisdiction if it determines that the prohibition is necessary for the safety of the motoring public. New law is also not to be construed to prohibit parish or municipal governments from prohibiting the operation of any mini-truck upon any parish or municipal road or highway under its jurisdiction if it determines that such prohibition is necessary for the safety of the motoring public. Prior law authorized mini-vehicles powered by a motor with a displacement of 600 centimeters or more to operate on the streets and highways, except interstate highways, in this state, provided such vehicle meets all applicable federal and state safety and emissions standards and bears a valid safety inspection certificate issued by the state. New law repeals these provisions. (Effective August 15, 2010.) (NOTE: Compare to Act 563.)

763

Amends **R.S. 14:80(D), 81.1(E)(3), (4), (5), and (6), and 86;** Adds **R.S. 14:40.3(C)(4), 46.2(B)(4), 46.3(D)(3), 81(H)(3), 81.1(E)(7), 81.2(G), and 81.3(B)(4) and R.S. 15:539.1.** Prior law provided for the crimes and penalties of cyberstalking, human trafficking, trafficking of children for sexual purposes, felony carnal knowledge of a juvenile, indecent behavior with juveniles, pornography involving juveniles, molestation of a juvenile, computer-aided solicitation of a minor, and enticing persons into prostitution. **New law** retains prior law and **provides for the seizure and impoundment of the personal property used in the commission of any of the following crimes: cyberstalking, human trafficking, trafficking of children for sexual purposes, felony carnal knowledge of a juvenile, indecent behavior with juveniles, pornography involving juveniles, molestation of a juvenile, computer-aided solicitation of a minor, and enticing persons into prostitution.** New law further provides that after conviction of these sex crimes, the property shall be sold at public sale or public auction by the district attorney. New law **exempts personal property from sale as follows:**

- (1) If the property was stolen or if the owner did not know his property was being used in the commission of the crime.**

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- (2) **If the property is subject to a lien recorded prior to the date of the offense and the applicable fees related to the property's seizure and storage are paid by a valid lien holder.**

New law provides that property subject to forfeiture pursuant to new law shall be exempt from forfeiture when a spouse, co-owner, or interest holder in the property establishes by sworn affidavit that:

- (1) **He had no knowledge of the commission of the criminal conduct and could not have reasonably known of the conduct.**
- (2) **He did not consent to the use of property in the commission of the criminal conduct.**
- (3) **He owns an interest in the property otherwise subject to forfeiture.**

New law further provides that **Internet service providers are not required to pay seizure or storage fees and are exempt from forfeiture.** New law further provides that **intentionally falsifying information required to render property exempt from forfeiture shall subject the affiant to prosecution pursuant to existing law that imposes penalties for false swearing.** New law provides that the **proceeds of the public sale or public auction shall pay the costs of the sale or auction, court costs, and fees related to the seizure and storage of the personal property and any proceeds remaining shall be distributed in the following manner:**

- (1) **60% to the seizing agency or agencies in an equitable manner.**
- (2) **20% to the prosecuting agency.**
- (3) **20% to the criminal court fund of the parish in which the offender was prosecuted.**

(Effective August 15, 2010.)

772

Amends **R.S. 46:1802(8)(a)**; adds **R.S. 46:1802(8)(b)(v) and 1806(D)**. Prior law, relative to **crime victims reparation**, defined "pecuniary loss" as:

- (i) Medical, hospital, nursing, or psychiatric care or counseling, and physical therapy.
- (ii) Actual loss of past earnings and anticipated loss of future earnings because of a disability resulting from the personal injury.
- (iii) Care of a child or children enabling a victim or the spouse, but not both of them, to engage in gainful employment.

New law defines "pecuniary loss" as:

- (i) Medical, hospital, nursing, or psychiatric care or counseling, and physical therapy.
- (ii) Actual loss of past earnings and anticipated loss of future earnings because of a disability resulting from the personal injury or the receipt of medically indicated services by a child victim related to the personal injury.
- (iii) Care of a child or dependent.

Prior law provided the following "as a consequence of death":

- (i) Funeral, burial, or cremation expenses.

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- (ii) Loss of support to one or more dependents not otherwise compensated for as a pecuniary loss for personal injury.
- (iii) Care of a child or children enabling the surviving spouse of a victim or the legal custodian or caretaker of the deceased victim's child or children to engage in lawful employment, where that expense is not otherwise compensated for as a pecuniary loss for personal injury.
- (iv) Counseling or therapy for any surviving family member of the victim or any person in close relationship to such victim.

New law maintains prior law related to "as a consequence of death" and adds crime scene cleanup.

Prior law provided for a prescriptive date to file an application for reparations, the application shall be made on a form prescribed and provided by the board and certain information, when submitted to the board shall be confidential. **New law maintains prior law and adds records, documents and information in the possession of the board received pursuant to a law enforcement investigation or a verification of application by a law enforcement agency shall be an exception to the public records law and shall not be disseminated under any condition without the permission of the agency providing the record or information to the Crime Victims Reparations Board.** (Effective August 15, 2010.)

- 781 Amends **R.S. 15:587.1(B) and R.S. 44:9(F), (G) and (I);** adds **R.S. 15:587(A)(1)(f).** Prior law provided that the Louisiana Bureau of Criminal Identification and Information ("bureau") shall make available certain information to enumerated entities as provided by law. New law provides that if a request for information and records is made to the bureau by any eligible criminal justice agency, the bureau shall provide in its report any information concerning arrests and convictions of any individual, including convictions in which a judgment of dismissal of the prosecution was granted under Code of Criminal Procedure Articles 893 (suspension and deferral of sentence and probation in felony cases) and 894 (suspension and deferral of sentence and probation in misdemeanor cases). Further provides that when such requested records contain information which has been expunged, the bureau shall include the date of the arrest and a notation concerning the expungement and that the requesting entity may contact the bureau to obtain further information concerning the expunged information. Requires the bureau to establish policies and procedures for the furnishing of expunged information. Requires the requesting entity to maintain the confidentiality of the information as provided by law, and provides for use of the information in any court proceeding or employment or disciplinary hearing. Prior law provided that the following list of entities to whom a person must disclose an arrest or conviction which has been expunged, and to whom access to these expunged records has been granted: law enforcement agencies, criminal justice agencies, the Louisiana State Board of Medical Examiners, the Louisiana State Board of Nursing, the Louisiana State Board of Dentistry, the Louisiana State

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	Board of Examiners of Psychologists, the Emergency Medical Services Certification Commission, the Louisiana Attorney Disciplinary Board, Office of Disciplinary Counsel, or the Louisiana Supreme Court Committee on Bar Admissions. New law retains prior law and adds the Louisiana State Board of Social Work Examiners to the list of entities who have access to expunged records and to whom the bureau must disclose an arrest or conviction which has been expunged. (Effective August 15, 2010.) (NOTE: Compare to Act 508.)
787	Amends R.S. 15:1352(A)(12) ; adds R.S. 15:1352(20) - (29) . Prior law included the following definitions to define "racketeering activity": solicitation for murder, first degree murder, second degree murder, assault by drive-by shooting, aggravated kidnapping, second degree kidnapping, aggravated arson, carjacking, extortion, theft, certain controlled dangerous substance violations, pandering, and money laundering. New law retains the provisions of prior law and adds possession of large quantities of marijuana (60 pounds up to 10,000 pounds) and the following crimes to the definition of "racketeering activity": simple kidnapping; simple arson; aggravated burglary; simple burglary; simple burglary of a pharmacy; simple burglary of an inhabited dwelling; unauthorized entry of inhabited dwelling; first degree robbery; second degree robbery; and simple robbery. (Effective August 15, 2010.)
790	Amends R.S. 56:109(C) ; adds R.S. 56:1691 . Prior law prohibited the possession of a firearm while on wildlife management areas or wildlife refuges unless the person has a permit from the Department of Wildlife & Fisheries. New law allows a person who lawfully possesses a firearm to possess or transport such firearm within the boundaries of a state park, state historic site, state preservation area, wildlife management area, or wildlife refuge. (Effective August 15, 2010.)
796	Adds R.S. 15:562 - 562.6 . New law creates the Louisiana Arson Registry and provides that any person over the age of 17 who resides in this state and has pled guilty to, or has been convicted of an offense involving arson shall register with the state fire marshal. New law requires offenders to notify law enforcement of changes of address and residence. New law requires offenders to provide notification for five years on a first conviction and for the duration of their lifetime for a second or subsequent conviction, unless the underlying conviction is reversed, set aside, or vacated. New law provides for the following penalties: (1) On a first conviction, a fine of not more than \$500. (2) On a second or subsequent conviction, a fine of not more than \$1,000. (Effective August 15, 2010.)
801	Amends R.S. 14:98(D)(1)(a), (D)(2), (E)(1)(a), (E)(2), and (E)(4)(b) , and C. Cr. P. Art. 893(B) . Prior law provided that on a conviction of a third offense DWI,

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the offender will be imprisoned with or without hard labor for not less than one year nor more than five years and shall be fined \$2,000 and imprisoned for 45 days without benefit of probation, parole, or suspension of sentence. The court, in its discretion, may suspend all or any part of the remainder of the sentence of imprisonment. New law retains prior law and increases the imprisonment sentence from 45 days to one year without benefit of probation, parole, or suspension of sentence. Prior law provided that on a conviction of a fourth or subsequent offense, the offender will be imprisoned with or without hard labor for not less than 10 years nor more than 30 years and shall be fined \$5,000 and imprisoned for 75 days without benefit of probation, parole, or suspension of sentence. The court, in its discretion, may suspend all or any part of the remainder of the sentence of imprisonment. New law retains prior law and increases the imprisonment sentence from 75 days to two years without benefit of probation, parole, or suspension of sentence. Prior law provides for the additional penalty that a court orders the vehicle, being driven by a person charged with third or fourth offense DWI at the time of the offense, to be seized and impounded, and sold at auction in the same manner and under the same conditions as executions of writ of seizures and sale. New law provides for the discretion of the district attorney to seize, impound and sell the vehicle. Prior law provided for proceeds of the sale to first be used to pay court costs and towing and storage costs, and the remainder to be forwarded to the Council on Automobile Insurance Rates and Enforcement. New law provides for the proceeds of the sale to first be used to pay court costs and towing and storage costs, and the remainder to be allocated as follows: 60% of the funds shall go to the arresting agency, 20% to the prosecuting district attorney and 20% to the Louisiana Property and Casualty Insurance Commission. Prior law provided that if the offender has previously received the benefit of suspension of sentence, probation, or parole as a fourth offender, no part of the sentence may be imposed with benefit of suspension of sentence, probation, or parole, and no portion of the sentence will be imposed concurrently with the remaining balance of any sentence to be served for a prior conviction for any offense. New law retains prior law but provides that the offender must serve the mandatory sentence in prior law. Prior law provided that after a 3rd conviction of a noncapital felony for which a defendant could have his sentence suspended under prior law if such conviction were for a 1st or 2nd offense or for a violation of the Uniform Controlled Dangerous Substances Law, and when it appears that the best interest of the public and the defendant will be served, and with the consent of the district attorney, the court may suspend, in whole or in part, the imposition or execution of the sentence, provided the defendant enters and completes a drug court program as defined in R.S. 13:5301 et seq. New law repeals prior law. New law relative to suspension and deferral of sentence and probation in felony cases, provides that the court may suspend, in whole or in part, the imposition or execution of the sentence when the following conditions exist:

- (1) The sentence is for a 3rd conviction of any of the following:

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	<ul style="list-style-type: none">(a) A noncapital felony for which a defendant could have his sentence suspended under prior law had the conviction been for a 1st or 2nd offense.(b) A violation of the Uniform Controlled Dangerous Substances Law.(c) A 3rd conviction of operating a vehicle while intoxicated in violation of R.S. 14:98. <ul style="list-style-type: none">(2) It appears that suspending the sentence is in the best interest of the public and the defendant.(3) The district attorney consents to the suspension of the sentence.(4) The court orders the defendant to do any of the following:<ul style="list-style-type: none">(a) Enter and complete a program provided by the drug division of the district court pursuant to R.S. 13:5301, et seq.(b) Enter and complete an established DWI court program, as agreed upon by the trial court and the district attorney.(c) Reside for a minimum period of one year in a facility which conforms to the Judicial Agency Referral Residential Facility Regulatory Act, R.S. 40:2852. <p>New law provides that the sentencing alternatives available in new law will be made available to offenders convicted of a 4th offense violation of operating a vehicle while intoxicated pursuant to R.S. 14:98, only if the offender had not been offered such alternatives prior to his 4th conviction of operating a vehicle while intoxicated. (Effective June 30, 2010.)</p>
805	<p>Amends C.Cr.P. Art. 876 and Ch.C. Art. 857(C). Prior law provided that an adult who is charged with an offense committed at the time he was a child may be prosecuted as an adult in the appropriate court exercising criminal jurisdiction. New law provides that an adult who is charged with an offense committed at the time he was a child shall be prosecuted as an adult. New law maintains prior law that provides if the offender is convicted, he will be committed to the custody of the Department of Public Safety and Corrections to be confined in secure placement for a period of time as determined by the court not to exceed the maximum amount of confinement he could have been ordered to serve had he been adjudicated for the offense as a child. New law maintains prior law that if the offender is convicted, he will be punished as an adult as provided by law. (Effective August 15, 2010.)</p>
806	<p>Amends R.S. 32:266(B). Prior law provided that after deposit to the Bond Security and Redemption Fund pursuant to Louisiana Constitution Article VII, Section 9(B), all fines or penalties collected by or on behalf of a local law enforcement body for citations issued for exceeding the posted speed limit by less than 10 miles per hour on an interstate highway, shall be forwarded to the state treasurer and credited to the "Louisiana Highway Safety Commission Fund." Prior law provided that money deposited into the fund shall be appropriated to the</p>

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	La. Highway Safety Commission to be used solely for implementation, administration, and enforcement of highway safety programs. Amendment changes the name of the fund to the "Louisiana Highway Safety Fund" and provides that money deposited into the fund shall be appropriated to DOTD solely to fund the costs to purchase and install permanent radar speed displays on interstate highways. (Effective July 1, 2010.)
808	Amends C.Cr.P. Art. 894.4 . Prior law authorized judges to extend the period of probation or parole when a defendant was sentenced to probation or was released on parole and has a monetary obligation until the monetary obligation is extinguished. Amendment deletes references to parole and otherwise retains prior law. (Effective August 15, 2010.)
809	Amends R.S. 15:1111(H) . Existing law provides that room, board, and other administrative costs resulting from an inmate's participation in a work release program shall be borne by the inmate and shall be deducted from his wages. Prior law provided that the amount deducted from an inmate's wages shall not exceed 50%. New law adds incidental costs resulting from an inmate's participation in a work release program to the list of costs that are deducted from the inmate's wages. New law provides for a flat rate, not to exceed 70%, that may be deducted from an inmate's gross wages to cover room, board, and other administrative and incidental costs resulting from the inmate's participation in a work release program. New law provides that administrative and incidental costs are all costs other than room and board. New law provides that the rate of deduction shall be established by the secretary of Department of Public Safety and Corrections. (Effective August 15, 2010.)
810	Amends R.S. 40:964(Schedule III)(E)(9) and R.S. 40:966(B)(intro. para.) and (3), (E), and (F) ; Adds R.S. 40:964(Schedule I)(C)(13.1), (16.1), (32), (Schedule II)(A)(1)(s), (B)(28), and (C)(7), (Schedule III)(E)(12.1), (15.1), and (44.1), (Schedule IV)(B)(4.1) and (22.1), and (Schedule V)(D)(2) ; Repeals R.S. 40:964(Schedule IV)(B)(52) . Existing law provides for classification of controlled dangerous substances in Schedules I through V. New law retains the provisions of existing law and adds the following to Schedule I: Alphamethyltryptamine; 5-methoxy-N, N-diisopropyltryptamine; 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol {also known as CP 47,497 and its C6, C7, C8, and C9 homologues}; (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol {also known as HU-210}; Naphthalen-1-yl-(1-pentylindol-3-yl)methanone {also known as 1-Pentyl-3-(1-naphthoyl)indole or JWH-018}; and Naphthalen-1-yl-(1-butylindol-3-yl)methanone {also known as 1-Butyl-3-(1-naphthoyl)indole or JWH-073}. New law adds Oripavine, Tapentadol, and Lisdexamfetamine to Schedule II . New law adds Boldione, Desoxymethyltestosterone, and 19-nor-4, 9(10)-androstadienedione to Schedule III . New law adds Fospropofol to

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Schedule IV and renumbers Carisprodol in Schedule IV. New law adds Lacosamide to **Schedule V**. Existing law provides for the following criminal penalties for the possession of marijuana, tetrahydrocannabinoids, or chemical derivatives of tetrahydrocannabinols:

- (1) 1st offense possession - a maximum fine of \$500, imprisonment for not more than six months, or both.
- (2) 2nd offense possession - a maximum fine of \$2,000, imprisonment with or without hard labor for not more than five years, or both.
- (3) 3rd or subsequent offense possession - a maximum fine of \$5,000, imprisonment with or without hard labor for not more than 20 years, or both.
- (4) Possession of 60 - 1,999 pounds - a fine of \$50,000 to \$100,000 and imprisonment at hard labor for five to 30 years.
- (5) Possession of 2,000 - 9,999 pounds - a fine of \$100,000 to \$400,000 and imprisonment at hard labor for 10 to 40 years.
- (6) Possession of 10,000 pounds or more - a fine of \$400,000 to \$1 million and imprisonment at hard labor for 25 to 40 years.

New law applies existing law penalties to the possession of synthetic cannabinoids. (Effective August 15, 2010.)

811 Amends **R.S. 14:118(C), 120(B), 133(C), 134, 134.3(B), 138(C), and 140**; Adds **R.S. 9:2790.5 and 2790.6**. Existing law defines the crimes of public bribery, corrupt influencing, filing or maintaining false public records, malfeasance in office, abuse of office, public payroll fraud, and public contract fraud. Provides for criminal penalties for each of these offenses. In addition to existing law criminal penalties, **new law authorizes courts to order restitution to the state if the state suffered a loss as a result of the offense**. Provides that **restitution shall include the payment of legal interest**. New law **authorizes the state to bring an action for damages** against any person who has been convicted of the crimes of public bribery, corrupt influencing, filing or maintaining false public records, malfeasance in office, abuse of office, public payroll fraud, and public contract fraud to recover the value of any profits, gains, or other benefits obtained through the commission of these crimes. Provides that **damages shall include the payment of legal interest**. New law defines "state" as the state of Louisiana, or any parish, municipality, district or other political subdivision thereof or any agency, board, commission, department or institution of the state, parish, municipality, district or other political subdivision. (Effective August 15, 2011.)

812 Amends **C.Cr.P. Art. 894.2(E), (F), (G), (H), (I), (J), and (K)**; Adds **C.Cr.P. Art. 894.2(L)**. New law provides that **no later than 30 days from the issuance of the order sentencing an offender to home incarceration, the court shall cause written notice to be made to the sheriff of the parish or chief law enforcement officer of a municipality where the offender is sentenced to home incarceration**. New law further provides that if, as a condition of parole,

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	the offender is required to be electronically monitored, notice may be sent by the provider of the electronic monitoring device to the sheriff. (Effective August 15, 2010.)
813	Amends R.S. 32:197 and 329(B) ; Adds R.S. 32:329(C), (D), (E), (F), and (G) . Existing law requires persons riding bicycles on the road to ride as near to the right side of the roadway as practicable, exercising care when passing a vehicle proceeding in the same direction. Existing law requires that persons riding bicycles ride no more than two abreast and further requires that whenever a usable path for bicycles is adjacent to a roadway, bicycle riders use that path rather than the roadway. New law allows persons riding bicycles on a roadway, which includes an improved shoulder, the option of riding on the improved shoulder. Existing law requires every bicycle when in use at nighttime to be equipped with a lamp on the front that emits a white light from a distance of 500 feet to the front and a red reflector on the rear and a reflector on each side facing outward at a right angle to the bicycle frame which shall be visible from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle. New law retains existing law except that it requires every bicycle when in use at nighttime on a state highway, parish road, or city street to be equipped with a rear lamp that emits a red flashing light or a red light of the bicycle which from all shall have sufficient candle power so that such lamp projects light from all distances within 100 feet to 600 feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle. Existing law provides that no person shall sell or offer for sale any bicycle unless such bicycle is equipped with at least one red reflector on the rear and one reflector on each side as required by provisions under existing law. New law prohibits the use of any bicycle on a state highway, parish road, or city street after Dec. 31, 2010, unless the bicycle is equipped with at least one lamp emitting a red reflector flashing light on the rear. New law provides for a warning for a violation prior to Dec. 31, 2010. New law provides that the provisions under new law shall not apply to bicycles while engaged in sanctioned competition races. Further provides the provisions under new law shall not apply to any child under the age of ten years old, who may operate a bicycle. (Effective August 15, 2010.)
818	Amends R.S. 14:52(A) . Existing law provides for the crime of simple arson and defines simple arson as the intentional damaging by any explosive substance or the setting fire to any property of another, without the consent of the owner. New law retains the provisions of existing law and adds the following to the crime of simple arson: starting a fire or causing an explosion while the offender is engaged in the perpetration or attempted perpetration of a felony offense even though the offender does not have the intent to start a fire or cause an explosion. (Effective August 15, 2010.)

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820	Amends R.S. 14:34.6 . Prior law defined the crime of disarming a peace officer as an offender, through use of force or threat of force, and without the consent of the peace officer, taking possession of a firearm from the person of a peace officer or from an area within the peace officer's immediate control, when the offender has reasonable grounds to believe that the victim is a peace officer acting in the performance of his duty. New law retains the elements of the crime but expands the definition to include all law enforcement equipment . New law defines "law enforcement equipment" as any firearms, weapons, restraints, ballistics shields, forced entry tools, defense technology equipment, self-defense batons, self-defense sprays, chemical weapons, or electro shock weapons issued to a peace officer and used in the course and scope of his law enforcement duties. New law retains the existing law definition of "peace officer" and adds livestock brand inspectors and forestry officers to that definition . (Effective August 15, 2010.)
821	Adds R.S. 15:571.35.1 . New law authorizes the Lafourche Parish Sheriff's Office to implement a pilot program using, as an alternative mode of incarceration to traditional imprisonment, active electronic monitoring of eligible offenders . New law provides that no defendant shall be admitted to the pilot program prior to court approval. The court, at any time on its own motion, may prohibit or terminate a defendant's initial or continued participation in the pilot program. New law provides for eligibility criteria and administration of the program. New law provides for a limitation of liability for the acts of any defendant admitted to participation in the pilot program. New law further provides that the pilot program shall be evaluated with regard to security, beneficial and detrimental effects on the prisoner, projected probable effects on deterrence, cost, labor intensiveness, and other relevant measures of effectiveness. Requires that a report of the evaluation of the program shall be presented to the Joint Legislative Committee on the Budget, the Senate Committee on Judiciary B, and the House Committee on the Administration of Criminal Justice not later than 30 days prior to the first day of the 2012 Regular Session of the Louisiana Legislature. New law further provides that unless otherwise terminated by appropriate legislative action, the pilot program shall begin a termination process not later than 60 days after the date in which a newly constructed correctional facility in Lafourche Parish is opened and occupied . After that date, no new participants shall be admitted to the program. Those participants in the program prior to that date shall be allowed to continue participation, and the program shall be phased out and fully terminated when the number of participants declines to zero. (Effective August 15, 2010.)
830	Amends R.S. 15:1352(A)(12) ; Adds R.S. 15:1352(A)(20)-(29) . Existing law defines " racketeering activity " as including solicitation for murder, first degree murder, second degree murder, assault by drive-by shooting, aggravated kidnapping, second degree kidnapping, aggravated arson, carjacking, extortion,

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	theft, certain controlled dangerous substance violations, pandering, and money laundering. New law retains the provisions of existing law and adds the following: simple kidnapping; simple arson; aggravated criminal damage to property; simple criminal damage to property; aggravated burglary; simple burglary; simple burglary of an inhabited dwelling; simple burglary of a pharmacy; unauthorized entry of inhabited dwelling; first degree robbery; second degree robbery; and simple robbery. Prior law included certain controlled dangerous substance violations in the definition of "racketeering activity." New law adds possession of large quantities of marijuana (60 pounds up to 10,000 pounds) to prior law. (Effective August 15, 2010.)
831	Amends R.S. 14:93.3(E)(1) . Existing law defines cruelty to the infirmed as the intentional or criminally negligent mistreatment or neglect by any person, including a caregiver, whereby unjustifiable pain, malnourishment, or suffering is caused to the infirmed, a disabled adult, or an aged person, including but not limited to a person who is a resident of a nursing home, mental retardation facility, mental health facility, hospital, or other residential facility. Existing law further provides that whoever commits the crime of cruelty to any infirmed person, disabled adult, or aged person shall be fined not more than \$10,000, imprisoned with or without hard labor for not more than 10 years, or both. New law provides that if the act is intentional and malicious, the offender shall serve one year of the sentence of imprisonment imposed without benefit of parole, probation, or suspension of sentence. (Effective August 15, 2010.)
832	Adds R.S. 15:827(A)(6) . Existing law (R.S. 15:827) imposes a duty upon the Dept. of Public Safety and Corrections to establish programs, conduct research, and provide assistance to and treatment for incarcerated persons in state correctional facilities. New law retains existing law and requires Department of Public Safety and Corrections to establish a program to prepare offenders for the GED test. New law provides that this program shall be available to offenders who have not previously graduated from high school or passed the GED test and who have the ability to do so. New law defines "state correctional facility." (Effective August 15, 2010.)
833	Amends R.S. 15:587(F) . Existing law authorizes employers to access conviction records from the La. Bureau of Criminal Identification and Information. New law authorizes employers to also access criminal history of potential employees from the Corrections and Justice Unified Network (CAJUN) maintained by the Department of Public Safety and Corrections via the Louisiana Civil and Criminal Information Exchange (LACCIE) network maintained by the Louisiana Sheriffs' Association. (Effective August 15, 2010.)
835	Amends R.S. 46:1844(W)(1) . Existing law prohibits all public officials and officers and public agencies from publicly disclosing the identity of minor crime

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victims or victims of sex offenses. New law retains existing law and provides that attorneys shall not publicly disclose, except during trial, the identity of minor crime victims or victims of sex offenses, but may lawfully utilize initials, abbreviations, or other forms of indefinite descriptions to prevent the public disclosure of the identity of such victims. New law further provides that if the identity of such a victim must be disclosed in a motion or pleading, that motion or pleading shall be filed with the court under seal. New law provides penalties for violating the rights of these victims. (Effective August 15, 2010.)

836

Amends **R.S. 15:1199.1, 1199.2(A)(intro. para.), 1199.3(2), 1199.4(A) and (M), 1199.7(A), 1199.9, 1199.10(B)(1), 1199.11, 1199.12, and 1199.14(B)**; Adds **R.S. 15:1199.2(A)(5), (6), (7), (8), and (9), (G), (H), (I), (J), (K), and (L), 1199.3(9), and 1199.4(N)**; Repeals **R.S. 15:1199.2(F)**. Prior law provided for the "Inmate Rehabilitation and Workforce Development Act." New law changes the name of the act to the "Reentry Advisory Council and Offender Rehabilitation Workforce Development Act." Prior law provided for the inmate rehabilitation and workforce development program to be administered by Department of Public Safety and Corrections. Further provided that the inmate rehabilitation and workforce development advisory council shall function as an advisory body for Department of Public Safety and Corrections in administering the program. New law changes the name of the council to the Reentry Advisory Council and provides the following additional duties:

- (1) Identify methods to improve collaboration and coordination of offender transition services, including cross-agency training and information sharing that will improve outcomes for offenders.
- (2) Establish a means to share data, research, and measurement resources in relation to reentry initiatives with relevant agencies.
- (3) Identify funding areas that should be coordinated across agencies to maximize the delivery of state and community-based services as they relate to reentry.
- (4) Identify areas in which improved collaboration and coordination of programs and activities will result in increased effectiveness or efficiency of service delivery.
- (5) Promote areas of research and program evaluation that can be coordinated across agencies with an emphasis on applying evidence-based practices to support treatment and intervention programs for offenders.
- (6) Conduct a review of existing policies and practices and make specific recommendations to the legislature for systemic improvement.
- (7) Create and support local reentry councils in collaboration with community stakeholders throughout the state.
- (8) Commence offender reentry public education campaigns.
- (9) Enhance the role of faith and community-based services for formerly incarcerated persons.

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	<p>(10) Provide coordination of reentry initiatives across the state and ensure eligibility for Second Chance Act grant opportunities and other reentry grant opportunities.</p> <p>New law provides that an inmate may be eligible for participation in the program if not otherwise ineligible as provided in existing law and meets the eligibility requirements of work release programs contained in existing law. (Effective August 15, 2010.)</p>
837	<p>Amends R.S. 32:1734(C); Adds R.S. 32:1734(E). Prior law provided that a "gate fee" shall mean a charge assessed by a towing or storage company for releasing a towed vehicle before or after business hours. New law retains prior law but specifies that the release of a towed vehicle must be before or after normal business hours. New law provides that the "normal business hours" of any towing or storage company shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, exclusive of legal holidays. (Effective August 15, 2010.)</p>
839	<p>Amends R.S. 32:1728(D)(3), (4), and (5) and 1728.2(D)(introductory paragraph),(F)(introductory paragraph) and (G)(2) and (6); Adds R.S. 32:1728(D)(6). Prior law provided that, prior to issuance of a permit to sell or permit to dismantle a stored vehicle, the storage or parking facility owner shall provide the Dept. of Public Safety and Corrections with the original signed post office receipt of delivery for both the first and final notices sent to the stored vehicle's owner or the returned unopened envelope for the first or final notices with postal markings indicating the post office's attempt to deliver such notice. If either of these items cannot be furnished, the storage or parking facility owner shall provide other documented proof that the storage or parking facility owner sent notice to the stored vehicle's owner to the department. New law provides that, prior to issuance of the permit to sell or permit to dismantle, the storage or parking facility owner shall provide the department with the original certificate of mailing for both the first and final notices sent to the stored vehicle's owner and the returned unopened envelope, if applicable, for the first or final notices with postal markings indicating the post office's attempt to deliver such notice. If these items cannot be furnished, the storage or parking facility owner shall provide other documented proof that the storage or parking facility owner sent notice to the stored vehicle's owner to the department. Prior law required the storage or parking facility owner to provide the department with an original appraisal, prepared by an independent appraiser, which shall contain the year, make, model, and vehicle identification number and the printed name and address and full signature of the appraiser. New law requires the storage or parking facility owner to provide the department with an appraisal based on the most recent National Automobile Dealers Association Guide. Prior law required a photograph of the vehicle to be affixed to the appraisal. Proposed law requires the storage or parking facility owner to provide the department with a photograph of the motor vehicle in its current condition. Prior law provided that, if the Dept. of Public</p>

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Safety and Corrections required an affidavit of physical inspection of the stored vehicle, it was to be completed by a full-time Peace Officer Standards and Training (P.O.S.T.) certified law enforcement officer. New law retains prior law but adds the requirement that the inspecting officer be trained and certified by the Dept. of Public of Safety and Corrections, office of state police, to inspect vehicles to be crushed or dismantled. Prior law authorized each owner-operator who possessed a vehicle which met the criteria set forth in prior law to make application for the crushing of the vehicle at the expiration of 30 days or to make application for dismantling of the vehicle at the expiration of 30 days from mailing of the notice, by certificate of mailing, on a form provided by the Dept. of Public Safety and Corrections, office of motor vehicles. New law authorizes each owner-operator to make application for crushing of the vehicle at the expiration of 30 days or make application for dismantling of the vehicle at the expiration of 30 days from mailing of the notice. The application shall be made in a format authorized by the department. Prior law required, within seven business days following the crushing or dismantling of the vehicle, the licensed crusher or licensed dismantler to execute a certification for each vehicle, on the form provided by the Dept. of Public Safety and Corrections, office of motor vehicles, and forward it to the office of motor vehicles, by certificate of mailing. New law requires, within seven business days following the crushing or dismantling of the vehicle, the licensed crusher or licensed dismantler to execute a certification for each vehicle, in a format authorized by the Dept. of Public Safety and Corrections, office of motor vehicles. Prior law required an owner-operator to maintain a copy of one appraisal showing a vehicle crushed or dismantled has a fair market value of \$500 or less. The appraisal was required to be based on the standard value of the vehicle as determined by the most recent National Automobile Dealers Association Guide. New law requires an owner-operator to maintain a copy of one appraisal showing a vehicle crushed or dismantled has a fair market value of \$500 or less. The appraisal shall be based on the rough trade value of the vehicle as determined by the most recent National Automobile Dealers Association Guide. Prior law required an owner-operator to maintain a copy of the original signed post office receipt of delivery, if the letter required to be sent by prior law was delivered, or the returned unopened envelope with the postal marking indicating attempt to deliver the letter. If either of these items could not be furnished, the storage or parking facility owner was required to maintain other documented proof that the storage or parking facility owner sent notice to the stored vehicle owner. New law requires an owner-operator to maintain a copy of the certificate of mailing for the notice sent to the stored vehicle's owner and the returned unopened envelope, if applicable, with the postal marking indicating attempt to deliver the letter. If these items cannot be furnished, the storage or parking facility owner shall maintain other documented proof that the storage or parking facility owner sent notice to the stored vehicle owner. (Effective August 15, 2010.)

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842	Amends R.S. 40:1321(A) . Existing law provides that identifying information and documents required to obtain a special identification card are the same as those required to obtain a license. New law provides that for persons 17 years of age, the signature of a parent or guardian shall not be required, provided the applicant has the proper identifying information and documents. (Effective August 15, 2010.)
844	Adds R.S. 32:667(J) . New law requires Department of Public Safety and Corrections to suspend the driver's license of drivers who prematurely disable an ignition interlock device installed as a condition of reinstated driving privileges. New law provides that the suspension shall last until the driver provides proof that the ignition interlock has been reinstalled and applicable reinstatement fees have been paid. New law provides that upon reinstatement of driving privileges following suspension pursuant to new law, the driver will receive credit only for the time period when the ignition interlock device was installed and functioning. (Effective August 15, 2010.)
856	Amends R.S. 15:321(D) and 323(A) and (B) ; Adds R.S. 15:323(G) . Prior law created the La. Sentencing Commission for the purpose of assisting the legislature and the judiciary in formulating consistent and uniform sentencing policy. Prior law required the commission to review annually the state's sentencing structure and to recommend changes as appropriate. New law changes the annual review of the state's sentencing structure to a continuous review to ensure that sentences are just and appropriate. Prior law provided for the membership of the La. Sentencing Commission, comprised of 19 voting members and four nonvoting members. New law provides for the following major changes to the membership of the commission: (1) Provides that the representative of the La. Supreme Court shall be appointed by the chief justice. (2) Adds the president of the La. Clerks of Court Association or his designee as a member. (3) Provides that both the sheriff representative and the president of the La. Sheriff's Association shall be members. New law allows each voting member to appoint a proxy to serve if the member is unable to attend. (Effective August 15, 2010.)
859	Amends R.S. 15:542.1(A)(1)(b) . Existing law requires sex offenders to give notice to the superintendent of the school district where the offender will reside, who shall notify the principal of every school located within a one-mile radius of the address where the offender will reside. The superintendent may notify the principals of other schools as he deems appropriate. Prior law required the principal of any such school upon receipt of the notification to post notices in conspicuous areas at the school stating the offender's name, address, and the crime for which he was convicted. New law requires the principal of any such school upon receipt of the notification to post notices at the school which shall include the offender's name, address, and a statement, commensurate with the education level of the school, which appropriately notifies the students of the

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potential danger of the offender. New law further provides that the notice shall contain a photograph of the sex offender and shall be posted at the school in conspicuous areas accessible by all students attending the school. (Effective August 15, 2010.)

863

Amends **R.S. 15:1110**. Prior law provided that the single state entity for children created pursuant to R.S. 46:2757 shall develop and recommend uniform standards and licensing procedures for local juvenile detention facilities and provided for the areas in which the uniform standards and licensing procedures shall be developed. New law requires, on or before July 1, 2011, the La. Juvenile Detention Association to develop and recommend uniform standards for local juvenile detention facilities that comport with nationally recognized and accepted best practice standards for juvenile detention facilities. New law requires, on or before Jan. 1, 2012, the Dept. of Social Services to develop and promulgate rules for the licensing of juvenile detention facilities. New law creates the Committee on Juvenile Detention Standards and Licensing which shall include representation of the following organizations: a representative from each of the existing juvenile detention facilities in this state, the La. Juvenile Detention Association, the LDAA, the La. Public Defender Board, the La. Sheriffs' Association, the Juvenile Justice Project of La., OJJ, the La. Council of Juvenile and Family Court Judges, the Dept. of Education, DSS, DHH, the La. Chapter of the American Academy of Pediatrics, the La. Municipal Association, the Police Jury Association of La., the La. Commission on Law Enforcement and Adm. of Criminal Justice, and representatives from the juvenile drug court community. New law provides that all current juvenile detention facilities shall be licensed pursuant to new law on or before Jan. 1, 2013. (Effective August 15, 2010.)

864

Adds **R.S. 38:2212.8** and **R.S. 39:2181-2182**. New law provides that in awarding contracts, any public entity is authorized to reject the lowest bid from, or not award the contract to, a business in which any individual with an ownership interest of 5% or more has been convicted of, or has entered a plea of guilty or nolo contendere to any state felony crime or equivalent federal felony crime committed in the solicitation or execution of a contract or bid awarded under the laws governing public contracts under the provisions of Chapter 10 of Title 38 of the L.R.S. of 1950, professional, personal, consulting and social services procurement under the provisions of Chapter 16 of Title 39 of the L.R.S. of 1950, or the Louisiana Procurement Code under the provisions of Chapter 17 of Title 39 of the Louisiana Revised Statutes of 1950. New law provides that a public entity does not have a duty, responsibility, or requirement to perform criminal background checks on contractors, vendors, or subcontractors. New law further provides that it shall be the responsibility of any person, company, or entity making an allegation of prior convictions on the part of any individual with an ownership interest of 5% or more in any bidder to present prima facie evidence to the public entity supporting their claim. New law provides that if evidence is

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submitted substantiating that any individual with an ownership interest of 5% or more in the lowest bidder has been convicted of, or has entered a plea of guilty or nolo contendere to any state felony crime or equivalent federal felony crime pursuant to new law and the public entity rejects the lowest bid, the company whose bid is rejected will be responsible to the public entity for the costs of rebidding, the increased costs of awarding to the second low bidder, or forfeiture of the bid bond, whichever is higher. New law defines "public entity" as any agency, board, commission, department, or public corporation of the state, created by the constitution or statute or pursuant thereto, or any political subdivision of the state, including but not limited to any political subdivision as defined in Art. VI, §44 of the Const. of La., and any public housing authority, public school board, or any public officer whether or not an officer of a public corporation or political subdivision. (Effective August 15, 2010.)

866 Amends **R.S. 40:966(B)(3), (E), and (F)**; adds **R.S. 40:964(Schedule I)(C)(32)**. Prior law provided for controlled dangerous substances in Schedules I through V. New law adds synthetic cannabinoids to Schedule I. Prior law penalized any person who produces, manufactures, distributes or dispenses or possesses with intent to produce, manufacture, distribute, or dispense marijuana, tetrahydrocannabinols, or chemical derivatives of tetrahydrocannabinols for a term of imprisonment at hard labor for not less than five nor more than 30 years and a fine of not more than \$50,000. Prior law penalized any person who creates, distributes, or possesses with intent to distribute a counterfeit controlled dangerous substance classified in Schedule I as marijuana, tetrahydrocannabinols, or chemical derivatives of tetrahydrocannabinols for a term of imprisonment at hard labor for not less than five nor more than 30 years and a fine of not more than \$50,000. New law retains prior law and provides the same penalties for any person who produces, manufactures, distributes or dispenses or possesses with intent to produce, manufacture, distribute, or dispense synthetic cannabinoids and any person who creates, distributes, or possesses with intent to distribute a counterfeit controlled dangerous substance classified in Schedule I as synthetic cannabinoids. New law removes a chemical component related to synthetic cannabinoids. Prior law criminalized and penalized possession of marijuana and tetrahydrocannabinol or chemical derivatives thereof. New law criminalizes possession of synthetic cannabinoids and provides that possession of synthetic cannabinoids shall carry the same penalties as possession of marijuana. (Effective August 15, 2010.)

876 Amends **R.S. 40:1300.53**. Prior law provided that an employer shall not hire or contract with any licensed ambulance personnel or nonlicensed person if the results of a criminal history check reveal that such person has been convicted of any of the following offenses the attempt or conspiracy thereof:

- (1) Any crime of violence as defined in prior law
- (2) Aggravated second degree battery

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- (3) Assault
- (4) Aggravated assault with a firearm
- (5) Simple assault
- (6) Rape
- (7) Oral sexual battery
- (8) Intentional exposure to AIDS virus
- (9) Simple arson
- (10) Simple arson of a religious building
- (11) Arson with intent to defraud
- (12) Communicating of false information of planned arson
- (13) Manufacture and possession of delayed action incendiary devices
- (14) Manufacture and possession of a bomb
- (15) Forfeitures
- (16) Second degree robbery
- (17) Incest
- (18) Felony carnal knowledge of a juvenile
- (19) Misdemeanor carnal knowledge of a juvenile
- (20) Indecent behavior with juveniles
- (21) Pornography involving juveniles
- (22) Molestation of a juvenile
- (23) Computer-aided solicitation of a minor
- (24) Prohibited sexual conduct between educator and student
- (25) Unlawful possession of videotape of protected persons
- (26) Prostitution
- (27) Soliciting for prostitutes
- (28) Inciting prostitution
- (29) Promoting prostitution
- (30) Prostitution by massage
- (31) Enticing persons into prostitution
- (32) Crime against nature
- (33) Cruelty to juveniles
- (34) Cruelty to the infirmed
- (35) Exploitation of the infirmed
- (36) Sexual battery of the infirmed
- (37) Cruelty to animals; simple and aggravated
- (38) Operation of places of prostitution prohibited
- (39) Sale of minor children
- (40) Distribution or possession with the intent to distribute controlled dangerous substances as listed in Schedules I through V of the Uniform Controlled Dangerous Substances Act.

New law retains the following offenses:

- (1) Solicitation for murder
- (2) First degree murder

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(3)	Second degree murder
(4)	Manslaughter
(5)	Aggravated battery
(6)	Aggravated second degree battery
(7)	Simple battery of the infirmed
(8)	Aggravated rape
(9)	Forcible rape
(10)	Simple rape
(11)	Sexual battery
(12)	Second degree sexual battery
(13)	Oral sexual battery
(14)	Intentional exposure to AIDS virus
(15)	Aggravated kidnapping
(16)	Second degree kidnapping
(17)	Aggravated arson
(18)	Aggravated burglary
(19)	Armed robbery
(20)	First degree robbery
(21)	Second degree robbery
(22)	Crime against nature
(23)	Cruelty to the infirmed
(24)	Exploitation of the infirmed
(25)	Sexual battery of the infirmed
(26)	Extortion
(27)	Mingling harmful substances
(28)	Distribution or possession with intent to distribute controlled dangerous substances.
(29)	Aggravated assault
(30)	Assault by drive-by shooting
(31)	Aggravated assault with a firearm

New law removes the following offenses from prior law:

- (1) Simple assault
- (2) Simple arson
- (3) Simple arson of a religious building
- (4) Arson with intent to defraud
- (5) Communicating of false information of planned arson
- (6) Manufacture and possession of delayed action incendiary devices
- (7) Manufacture and possession of a bomb
- (8) Forfeitures
- (9) Simple kidnapping
- (10) Aggravated criminal damage to property
- (11) Simple robbery
- (12) Purse snatching

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- (13) Assault by drive-by shooting
- (14) Carjacking
- (15) Terrorism
- (16) Disarming a peace officer
- (17) Stalking
- (18) Second degree cruelty to juveniles
- (19) Aggravated flight from an officer
- (20) Aggravated incest
- (21) Battery of a police officer
- (22) Incest
- (23) Felony carnal knowledge of a juvenile
- (24) Misdemeanor carnal knowledge of a juvenile
- (25) Indecent behavior with juveniles
- (26) Pornography involving juveniles
- (27) Molestation of a juvenile
- (28) Computer-aided solicitation of a minor
- (29) Prohibited sexual conduct between educator and student
- (30) Unlawful possession of videotape of protected persons
- (31) Prostitution
- (32) Soliciting for prostitutes
- (33) Inciting prostitution
- (34) Promoting prostitution
- (35) Prostitution by massage
- (36) Enticing persons into prostitution
- (37) Cruelty to juveniles
- (38) Cruelty to animals; simple and aggravated
- (39) Operation of places of prostitution prohibited
- (40) Sale of minor children

New law adds the following offenses to prior law:

- (1) First degree feticide
- (2) Criminal assistance to suicide
- (3) Human trafficking
- (4) Simple burglary of a pharmacy
- (5) Theft of the assets of an aged person or disabled person
- (6) Aggravated crime against nature

New law provides that an employer who provides care or services to any person under the age of 21 shall not hire any licensed ambulance personnel or nonlicensed person when the results of criminal background check reveal that such person has been convicted of any of the following offenses:

- (1) Aggravated kidnapping of a child
- (2) Felony carnal knowledge of a juvenile

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- (3) Molestation of a juvenile
- (4) Cruelty to a juvenile

Prior law provided that an employer may refuse to hire or contract with such person if the results of a criminal history check reveal that any licensed ambulance personnel or nonlicensed person has been convicted of, attempted, or conspired to commit, any of the following offenses:

- (1) Aggravated criminal damage to property
- (2) Aggravated burglary
- (3) Unauthorized entry of a critical infrastructure
- (4) Simple burglary
- (5) Simple burglary of a pharmacy
- (6) Simple burglary of an inhabited dwelling
- (7) Unauthorized entry of an inhabited dwelling
- (8) Criminal neglect of family
- (9) Criminal abandonment
- (10) Massage; sexual conduct prohibited
- (11) Pandering
- (12) Letting premises for prostitution
- (13) Contributing to the delinquency of juveniles
- (14) Child desertion
- (15) Obscenity

New law repeals prior law.

Prior law provided that if the results of a criminal history check reveal that a nonlicensed person or any licensed ambulance personnel hired on a temporary basis or any other person who is an employee has been convicted of any of the offenses which would bar employment, the employer shall immediately terminate the person's employment. New law retains prior law.

Prior law provided that the employer may waive the provisions of prior law, unless the licensed ambulance personnel or nonlicensed person has been convicted of any of the enumerated crimes in prior law in which case the employer shall not hire or contract with such person and shall not grant a waiver to such person. Prior law further provided the list of mitigating circumstances for which the employer may grant a waiver of the provisions of prior law. New law repeals prior law. (Effective August 15, 2010.)

882 Amends **R.S. 14:89(A)**; adds **R.S. 14:89.2**. Prior law defined crime against nature as:

- (1) The unnatural carnal copulation by a human being with another of the same sex or opposite sex or with an animal, except that anal sexual intercourse between two human beings will not be deemed as a crime against nature when done under any of the circumstances described in prior law. Emission is not necessary; and, when committed by a human

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being with another, the use of the genital organ of one of the offenders of whatever sex is sufficient to constitute the crime.

- (2) The solicitation by a human being of another with the intent to engage in any unnatural carnal copulation for compensation.

New law defines crime against nature as: The unnatural carnal copulation by a human being with another of the same sex or opposite sex or with an animal, except that anal sexual intercourse between two human beings will not be deemed as a crime against nature when done under any of the circumstances described in prior law. Emission is not necessary; and, when committed by a human being with another, the use of the genital organ of one of the offenders of whatever sex is sufficient to constitute the crime.

New law creates the crime against nature by solicitation. New law defines the crime against nature as the solicitation by a human being of another with the intent to engage in any unnatural carnal copulation for compensation. New law provides penalties for crime against nature by solicitation:

- (1) On first offense, be fined not more than \$500 dollars, imprisoned for not more than six months, or both.
- (2) On a second or subsequent conviction thereof, be fined not more than two thousand dollars, or imprisoned, with or without hard labor, for not more than five years, or both.
- (3) When the person being solicited is under the age of 17 years, be fined not more than \$2,000, or imprisoned, with or without hard labor, for not more than five years, or both. Lack of knowledge of the age of the person being solicited shall not be a defense.
- (4) A violation of the provisions of Paragraphs (2) and (3) above shall be considered a sex offense as defined in R.S. 15:541 and the offender shall be required to register as a sex offender.

(Effective August 15, 2010.)

892

Adds **C. Cr. P. Art. 334.3(A)(4)**. Prior law provided that no person released on any type of bail or released on the signature of any other person on one or more criminal charges and where bail has been revoked or is subject to forfeiture may be readmitted to bail or released on the signature of any other person on those same charges, if that person did not voluntarily surrender following the revocation or forfeiture. Prior law provided that any person who voluntarily surrenders following revocation or forfeiture of bail may be released only on bail through a commercial surety and in an amount higher than the original bail. Prior law provided that notwithstanding any other provision of law to the contrary, no person who qualifies for bail pursuant to present law may be readmitted to any type of bail if that bail has been revoked or is subject to forfeiture. Prior law defines "voluntarily surrender." Prior law provided that prior law shall only apply to a person charged with a crime of violence which carries a minimum mandatory sentence of imprisonment upon conviction or a person charged with the production, manufacture, distribution, or dispensing or possession with intent to

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produce, manufacture, distribute, or dispense a controlled dangerous substance as defined by the La. Controlled Dangerous Substances Law. New law provides that notwithstanding prior law, a court may allow, after a contradictory hearing, any person who voluntarily surrenders following revocation or forfeiture of bail to be released on the forfeited or revoked bail provided the revocation or forfeiture of the bail is rescinded by the court and the surety is present or represented at the hearing and consents. New law provides that previous instances of revocations or forfeitures of bail in unrelated cases will be admissible at the hearing. Provides that the relief shall be available only at the first instance of revocation or forfeiture of the bail within six months of the forfeiture of the bail. (Effective August 15, 2010.)

894 Amends **R.S. 28:53(G)(2)**; adds **R.S. 28:53(G)(7)**. Prior law provided that within 72 hours of admission to a treatment facility by emergency certificate, the person must be independently examined by the coroner, or his deputy, who must execute an emergency certificate, pursuant to prior law, which is a necessary precondition to the person's continued confinement. Prior law further provides that if the actual examination by the psychiatrist is conducted by telemedicine, the 72-hour independent examination by the coroner must be conducted in person. New law retains prior law, and further provides as follows for any parish with a population between 191,000 and 192,000 (i.e., **St. Tammany Parish only**), according to the latest decennial census:

- (1) The coroner or deputy coroner, who is a physician preferably a psychiatrist, may conduct an examination and execute an emergency certificate by telemedicine utilizing video conferencing equipment, provided a licensed health care professional who can adequately and accurately assist with obtaining necessary information will be present in the examining room with the patient at the time of the video conferencing.
- (2) The coroner or deputy coroner, who is a physician preferably a psychiatrist, may conduct an examination and execute an emergency certificate by telemedicine utilizing video conferencing equipment if the initial examination was made in person by a psychiatrist, psychiatric mental health nurse practitioner, or by a psychologist.
- (3) If the coroner conducted the initial examination by telemedicine and executed the first emergency commitment certificate, a second examination shall be made in person within the 72-hour period prescribed in prior law by any psychiatrist, psychiatric mental health nurse practitioner, or by a psychologist at the treatment facility where the person is confined.
- (4) When a patient is transferred from another parish pursuant to an emergency certificate, a second physician's emergency certificate may be executed by a physician at the admitting facility.
- (5) The coroner shall be notified immediately following the execution of the second emergency certificate and shall conduct an independent

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	<p>examination within 72 hours as provided in prior law and in the manner provided in new law.</p> <p>(6) Provides that nothing in new law shall be construed to authorize a period of commitment of more than 15 days from the date and time the initial emergency certificate was executed in the parish of origin.</p> <p>(Effective July 2, 2010.)</p>
902	<p>Adds R.S. 32:473.1(D). Prior law provided the procedure in removing an abandoned motor vehicle. New law provides that a tow truck operator called by the appropriate law enforcement agency to remove an abandoned motor vehicle will not lose its place in the rotation call list for such a recovery. Also requires law enforcement agencies to maintain records of the number of abandoned motor vehicles removed. (Effective August 15, 2010.)</p>
909	<p>Amends R.S. 37:3521(B). Prior law provided that whoever willfully violates any provisions of prior law regarding private investigators shall be fined not less than \$1,000 nor more than \$5,000, imprisoned for not less than three months nor more than one year, or both. New law changes prior law penalties to include a fine of not less than \$2,000 nor more than \$10,000, imprisonment for not less than three months nor more than one year, or both. (Effective August 15, 2010.)</p>
910	<p>Amends C.Cr.P. Art. 211.5(A) and (C); Adds C.Cr.P. Art. 211.5(D). Prior law provided that when a peace officer stops a person who has an outstanding warrant or an attachment for failing to comply with a summons to appear in court on a misdemeanor offense, including a traffic offense, the officer may issue a summons based on such warrant or attachment in lieu of making an arrest. New law changes prior law to provide that the officer may issue a summons based on such warrant or attachment in lieu of making an arrest if the warrant or attachment was issued in the jurisdiction where the detention occurs, or in his discretion, may arrest or release the person if the warrant or attachment is issued outside the jurisdiction where the detention occurs. Provides that new law shall not apply when the warrant or attachment was issued for any of the following offenses:</p> <ol style="list-style-type: none">(1) Any offense involving the operation of a vehicle while intoxicated.(2) Any offense involving the use or possession of a weapon.(3) Any offense involving the use of force or violence, except the crime of simple battery unless the warrant or attachment indicates that the battery was prosecuted as a domestic abuse battery.(4) When the offender has an outstanding felony warrant.(5) Any offense or bench warrant issued involving the failure to pay a legal child support obligation. <p>New law provides that any officer of the court may seek the collection of past due court costs, fines, or fees associated with the judicial system from state or federal tax refunds by sending notice to the federal secretary of the treasury or to the state treasurer that a person owes past due court costs, fines, or fees associated with the</p>

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judicial system. The officer of the court shall comply with all rules and regulations imposed by the federal secretary of the treasury or the state treasurer including payment of any fee assessed by the secretary of the treasury or the state treasurer for the cost of applying the offset procedure. (Effective August 15, 2010.)

- 911 Amends **R.S. 15:529.1(A), (C), (D), and (E)**. Existing law provides for increased penalties for repeat or habitual offenders. Existing law provides that if the second felony is such that upon a first conviction the offender would be punishable by imprisonment for any term less than his natural life, then the sentence to imprisonment shall be for a determinate term not less than 1/2 the longest term and not more than twice the longest term prescribed for a first conviction. New law retains the provisions of existing law and provides that if the second felony and the prior felony are sex offenses or the prior felony would be a sex offense but the offense occurred prior to June 18, 1992, or conviction was obtained under the laws of any other state, the U.S., or any foreign government, the person shall be sentenced to imprisonment for a determinate term not less than 2/3 of the longest possible sentence for the conviction and not more than three times the longest possible sentence prescribed for a first conviction, without benefit of probation, parole, or suspension of sentence. New law further provides that if the second felony and the prior felony sex offenses or the prior felony would be a sex offense but the offense occurred prior to June 18, 1992, or conviction was obtained under the laws of any other state, the U.S., or any foreign government, and the victims of the previous offense and the instant offense were under the age of thirteen years at the time of the commission of the offense or any part thereof, the person shall be imprisoned for the remainder of his natural life, without benefit of parole, probation, or suspension of sentence. Existing law further provides increased penalty provisions for third, fourth, or subsequent felony convictions. Prior law further provided for the use of adjudications of delinquency for certain crimes of violence and violations of the Uniform Controlled Dangerous Substances Law to obtain increased penalties pursuant to the habitual offender law. *The Louisiana Supreme Court in State v. Brown, 879 So.2d 1276, 2003-2788 (La. 7/6/04 declared that the use of juvenile adjudications of delinquency to be counted as predicate offenses for the purposes of the habitual offender law was unconstitutional.* New law repeals the provisions of prior law declared to be unconstitutional in the case of *State v. Brown*. (Effective August 15, 2010.)

- 914 Amends **C.Cr.P. Arts. 312, 313, 315, 318, 319, 322(A), (B), and (C), 326(B), 330.2(E), 332(A), 334.1, 334.3(A)(2), 338, 342, 344, 345(A), (B), (C), (D)(intro.para.) and (1) and (2), (G), (I)(intro.para.) and (2), (J)(intro.para.) and (2), and 955(F), R.S. 13:846(A)(1)(c), R.S. 15:85, 86, and 88, and R.S. 22:1441(A)(2), (4), and (5), (C)(1) and (2)(b), (d), and (e), and (D), and 1585(A)**; Adds **C.Cr.P. Arts. 349 and 349.1-349.9**; Repeals **C.Cr.P. Arts.**

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	<p>322(D) and (E), 339, and 340(E) and R.S. 15:87. New law provides for the revision and consolidation of La.'s bail bond law. The majority of changes are related to consolidation and redesignation of the provisions of existing law and statutory references regarding the redesignation and consolidation of new law. Existing law (C.Cr.P. Arts. 312 and 339) provides for bail through a commercial surety, secured or unsecured personal surety, cash deposit, and bail without surety. Provides that bail must be posted in full. Provides that the court must set a bail amount for each charge and permits the defendant to select the type of bail. New law merges these aspects of existing law and permits the defendant to post his property as security. Existing law (C.Cr.P. Art. 313) defines surety per specific provisions of the Civil Code. New law (C.Cr.P. Art. 313) retains existing law but specifies that the definition refers to its use in the Code of Criminal Procedure and cites, for the definition of a surety, the Civil Code without referring to specific provisions. Prior law (C.Cr.P. Art. 315) required a personal surety to be a citizen and resident of La. whose worth equals the amount specified on the bond. Provided that the worth of a personal surety must be exclusive of property exempt from execution and other liabilities. Provided that when there is more than one personal surety, the above applies to their aggregate worth. New law changes prior law by changing "citizen and resident of La." to "natural person domiciled in this state", uses the term "value" in place of "worth", and provides that property used to determine value must be located in the state and be subject to seizure. Prior law (C.Cr.P. Art. 318) defined secured personal surety. New law retains prior law definition but specified that immovable property mortgaged as security for the bail obligation must be located in La. Prior law (C.Cr.P. Art. 319) permitted a secured personal surety to use recorded proof of a security interest in immovable property as security for the bail obligation. Provided that certain requirements shall be waived only on holidays or weekends. New law deletes the holiday and weekend exception. New law specifically outlines the required procedure, form, and content of the required documents and provides a procedure for canceling the mortgage for secured personal sureties. New law imposes sanctions for providing false or incorrect statements. Existing law (C.Cr.P. Art. 322) requires the defendant and a personal surety when signing a bail bond to provide his residential address. Requires a commercial surety, agent, or bondsman to provide a mailing address. Existing law permits the defendant to appoint his counsel as his agent for service of notice to appear. Existing law provides that by signing the bail bond, the defendant and his surety waive with certain exceptions the right to notice exception. New law requires that the appointment of defense counsel as the defendant's agent shall be accomplished by joint affidavit. Existing law (C.Cr.P. Art. 326(B)) provides that in a misdemeanor case, the surety is relieved of all obligations under the bond upon conviction and sentencing. Prior law provided that in a felony case, the surety is relieved upon a plea of guilty or nolo contendere unless the surety agrees in writing to continue the bail undertaking or posts another bond. Provided that the court may require the defendant, in all cases, to provide security to assure his presence at future stages.</p>
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Provided that the court may, in such case, continue the existing bail upon the surety's written approval. New law (C.Cr.P. Art. 326(B)) provides that in the case of a guilty or nolo contendere plea in a felony case, the court may continue the existing bond with the surety's approval which must be obtained after conviction. Existing law (C.Cr.P. Art. 330.2(E)) provides for the types of bail authorized for a sex offense. New law (C.Cr.P. Art. 330.2(E)) retains existing law but rewords the types of bail to be consistent with the revisions to Art. 312. Existing law (C.Cr.P. Art. 332(A)) provides that a convicted defendant shall remain in jail unless released on bail as provided in C.Cr.P. Art. 326(B)-(D). New law (C.Cr.P. Art. 332(A)) retains existing law and coordinates existing law with Art. 326. Prior law (C.Cr.P. Art. 334.1) prohibited in a felony case, when a firearm is involved, the release of a defendant on his own recognizance. New law (C.Cr.P. Art. 334.1) changes prior law to prohibit the court from releasing the defendant on his personal undertaking without security or with an unsecured personal surety. Prior law (C.Cr.P. Art. 334.3(A)(2)) provided for the release of a person who voluntarily surrenders following revocation or forfeiture only on bail through a commercial surety. New law (C.Cr.P. Art. 334.3(A)(2)) retains prior law but rewords the type of bail to be consistent with the revisions to C.Cr.P. Art. 312. Existing law (C.Cr.P. Art. 338) provides that the order fixing bail shall be in writing and shall set the type and amount of bail for each charge. Provides that the magistrate shall sign the order and provides that an order may issue upon motion of the state, defendant, or magistrate. New law (C.Cr.P. Art. 338) retains existing law but specifies that a judge may also set the bail, sign the order, or initiate the motion to fix bail. Prior law (C.Cr.P. Arts. 338 and 340(E)) required a contradictory hearing in certain cases, based on the parish's population, prior to fixing bail in a felony case. New law (C.Cr.P. Art. 338 and repeal of C.Cr.P. Art. 340(E)) deletes that requirement. Prior law (C.Cr.P. Art. 342) provided for a contradictory hearing in certain cases, based on the parish's population, prior to modifying bail. New law (C.Cr.P. Art. 342) deletes that requirement. Prior law (C.Cr.P. Art. 345(D)) provided if, during the six-month period for the surrender of the defendant, the defendant is incarcerated in another parish, the defendant may file a motion to declare the obligations under the bond are satisfied. Provided that the motion must be filed within six months and must provide proof of the defendant's incarceration during the period allowed for the defendant's surrender. New law retains prior law but designates the time period as 180 days rather than six months. New law (C.Cr.P. Art. 345(D)(1)) retains existing law but specifies that the motion shall be heard summarily. Prior law, regarding the granting of an extension from the mailing of notice of a bond forfeiture, provided for a twelve-month period under certain circumstances. New law retains prior law but specifies the period as 366 days. Existing law (C.Cr.P. Art. 344(A)) provides for immediate bond forfeiture upon defendant's nonappearance. Existing law provides for the proof necessary to obtain a judgment of bond forfeiture, the issuance of an arrest warrant upon the defendant's nonappearance, the notice of bond forfeiture, recordation of a judgment of bond forfeiture, the procedure for an action in

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nullity, the use of summary proceedings, cumulative actions, collection by the insurance commissioner, and the effect of improper cumulation. New law retains all these provisions of existing law but renumbers and redesignates these provisions in new law for uniformity and clarity of the provisions of new law. New law designates the delay within which to bring summary proceedings as 180 days rather than six months. Existing law (R.S. 15:85(6)) provides for an appeal from the judgment of bond forfeiture and specifies the security required. New law (C.Cr.P. Art. 349.6) retains existing law and provides for a 60-day period to suspensively appeal a judgment of bond forfeiture. Existing law (R.S. 15:85(7)) provides for the collection and enforcement of a judgment of bond forfeiture. New law (C.Cr.P. Art. 349.7) retains existing law. Specifies that the delay is 190 days rather than six months plus 10 days. New law (C.Cr.P. Art. 349.8) retains the essence of existing law and uses a 180-day period, rather than six months, for satisfaction of a judgment of bond forfeiture. Prior law (R.S. 15:87) provided for nonforfeiture situations of an appearance bond. New law (C.Cr.P. Art. 349.9) changes prior law to remove a private physician as a responsible officer. New law specifies a 180-day period rather than six months within which to file a motion to set aside the judgment of bond forfeiture. New law also adds a member of the La. National Guard called to duty to the list of nonforfeiture situations. Existing law (C.Cr.P. Art. 955(F)) provides for the suspension of time limitations in certain situations. New law (C.Cr.P. Art. 955(F)) retains existing law but changes internal citations to reflect these revisions and changes months to days. Existing law (R.S. 15:85(11)) provides for the failure to satisfy a judgment of bond forfeiture. New law (R.S. 15:85) specifically provides that the appropriate court for the rule to show cause is the district court in the parish where the bond is forfeited. New law updates an internal citation and calculates time periods in days rather than months. Existing law (R.S. 15:88) defines "appearance bond" and provides for the disposition, in the case of discharge or forfeiture, of items deposited in lieu of a bond. New law (R.S. 15:88) retains existing law and includes movables among those items deposited in lieu of bond (as permitted by Art. 319(E).) Existing law (R.S. 22:1441(A)(2), (4), and (5), (C)(1)(a), (2)(b), (d), and (e), and (D)) provides for the failure to timely satisfy claim under a criminal bond contract. New law retains existing law and updates internal citations and substitutes 180 days for six months. New law also provides for the commissioner of insurance to hold a show cause hearing and provides for remedies. Existing law (R.S. 22:1585(A)) provides that the defendant may be surrendered without a return of premium under certain circumstances. New law retains existing law but adds surrender if the defendant is convicted but sentence is not imposed. Prior law (C.Cr.P. Art. 340(E)) provided for a contradictory hearing under certain circumstances in felony cases to fix bail. New law repeals prior law. (Effective August 15, 2010.)

915 Amends **R.S. 14:134.1(A)**; Adds **R.S. 14:134.1(C)**. Prior law defined malfeasance in office to include any person who is a law enforcement officer, an

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	employee of Department of Public Safety and Corrections, an employee of any prison, jail, or correctional institution, or any person employed by entities operating work release facilities of Department of Public Safety and Corrections, engaging in sexual conduct with persons under their supervision. New law retains prior law and also prohibits volunteers and contract workers of Department of Public Safety and Corrections from engaging in sexual conduct with persons sentenced to their custody. New law provides that "law enforcement officer" shall include commissioned police officers, sheriffs, deputy sheriffs, marshals, deputy marshals, correctional officers, constables, wildlife enforcement agents, state park wardens, and probation and parole officers. (Effective August 15, 2010.)
916	Amends R.S. 14:102.2(C) . Existing law provides that a person claiming an interest in any animal seized following a charge of animal cruelty may prevent the disposition of the animal by posting a bond with the court in an amount sufficient to cover the costs of boarding and medical treatment for the animal. New law retains existing law and provides that the bond shall be given to the custodian of the animal to cover such costs. (Effective August 15, 2010.)
918	Amends R.S. 37:1864.1(A), 1866, and 1867(A) ; Adds R.S. 37:1862.1 . New law provides that a pawnbroker also operating as a secondhand dealer shall be subject to the record acquisition, maintenance, and reporting requirements of pawnbrokers. Existing law requires every secondhand dealer to maintain a book or ledger setting forth each purchase of secondhand or used merchandise when the value of any single piece of merchandise or article received, or any single lot of used building components, shall be \$25 or more for each single transaction. Each ledger entry shall be entered at the time of each transaction and shall contain an accurate description in the English language of the merchandise or article received including serial numbers of said objects, if distinguishable, along with the amount paid therefor. New law retains existing law but requires a secondhand dealer to submit a photograph of purchased merchandise or articles to a law enforcement agency within 24 hours if requested to do so by that agency. Existing law requires every secondhand dealer to obtain one of the following: <ol style="list-style-type: none">(1) a photograph of a person selling or delivering merchandise or articles to the dealer;(2) a thumbprint of such person, the quality of which thumbprint shall be sufficient to identify the person; or(3) the number of the person's valid driver's license. New law retains existing law but requires that a secondhand dealer get a photocopy of a government-issued identification in lieu of the person's driver's license number . Existing law requires every person, licensed under the provisions of existing law, to make out and deliver to the superintendent of police of the city or town or to the sheriff of the parish in which he is doing business, every day before the hour of 12 noon, a legible and correct copy of the entries in the book during the previous day. New law retains existing law but also provides

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that the means for providing the transactional information shall be one of the following:

- (1) **By electronic transmission if the secondhand dealer has the means available to make transmissions in electronic form.**
- (2) **By placing in the U.S. mail.**
- (3) **By sending a facsimile.**

New law provides that in the event transactional information is transmitted electronically, the appropriate law enforcement official may, for purposes of an investigation of a crime relating to a particular transaction, request the secondhand dealer to mail or fax such official the personally identifiable information relating to such transaction under investigation. The secondhand dealer shall deliver the personally identifiable information relating to the identified transaction to the appropriate law enforcement official within 24 hours of the request. In the event the secondhand dealer transfers information in printed form, the secondhand dealer shall not also be required to transmit such information in electronic form. New law provides that secondhand dealers shall have the responsibility of tendering the information requested by authorities regardless of its use or nonuse by the chief of police in the city or town in which he is doing business or, alternatively, to the sheriff of the parish in which he is doing business. The chief of police or sheriff shall not be mandated to take any particular action concerning the information tendered. Existing law prohibits a secondhand dealer from selling or disposing of or changing or destroying the identity of any goods, articles, or things purchased by him before an interval of 30 calendar days from the date of purchase has elapsed. New law retains existing law but provides that the secondhand dealer keep the purchased item on the premises of the business or at such location within the parish where the secondhand dealer's business is located. A secondhand dealer shall make purchased items readily accessible upon request by a law enforcement agency. (Effective August 15, 2010.)

- 924 Amends **C.Cr.P. Art. 899(F)**, **R.S. 15:574.8(A)**, and **R.S. 40:2531(A)**. Prior law provided that probation and parole officers shall be deemed to be peace officers incidental to the supervision of probationers and parolees. New law removes the provision limiting their authority to matters incidental to supervision. Existing law provides that the law enforcement officers' rights while under investigation apply to police employees, as defined by R.S. 40:1372(5), officers employed by a municipality, and campus police. New law extends La. P.O.S.T. to include certified probation and parole officers employed by Department of Public Safety and Corrections, division of probation and parole. (Effective upon signature of governor (July 2, 2010).)
- 925 Amends **R.S. 14:95.2(C)(4)** and **R.S. 40:1379.3(C)(10) and (N)(11)**. Existing law prohibits carrying a firearm at a school, or in a firearm-free zone, and creates an exception for carrying a firearm within 1,000 feet of school property when

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entirely on private property, entirely within a private residence, or in accordance with a concealed handgun permit issued to certain law enforcement officers. New law retains the provisions of existing law and expands the exception to include all concealed handgun permit holders. New law provides that a person who has been convicted of 18 USC 491(a) [tokens or paper used as money] shall be permitted to qualify for a concealed handgun permit if a period of 15 or more years has elapsed between the date of application and the person has successfully completed or served any sentence, deferred adjudication, or period of probation or parole. Existing law prohibits carrying a concealed handgun within a firearm-free zone. New law eliminates the 1,000-foot firearm-free zone provision and includes the prohibition against carrying a concealed handgun at a school, school property, or school bus. (Effective August 15, 2010.)

942 Amends **R.S. 14:95.1(C)**. Existing law prohibits persons convicted of certain felony offenses from possessing firearms or carrying concealed weapons. Existing law further provides for the following exception: Any person who has not been convicted of any felony for a period of 10 years from the date of completion of sentence, probation, parole, or suspension of sentence. Prior law provided for the following exceptions to this prohibition:

- (1) Upon completion of sentence, probation, parole, or suspension of sentence, the convicted felon shall have the right to apply to the sheriff of the parish in which he resides, or the superintendent of police in the case of Orleans Parish, for a permit to possess firearms. The felon shall be entitled to possess the firearm upon the issuing of the permit.
- (2) The sheriff or superintendent of police, as the case may be, shall immediately notify Department of Public Safety and Corrections, in writing, of the issuance of each permit granted.

New law deletes prior law removing the authorization for law enforcement agencies to issue permits. (Effective August 15, 2010.)

944 Amends **R.S. 40:1379.3(H)(2) and (N)(8)**; Adds **R.S. 40:1379.3(D)(3) and (U)**. Existing law provides for the issuance of concealed handgun permits. Existing law requires that applicants for concealed handgun permits demonstrate competency in the use of a handgun by taking approved courses. New law retains the provisions of existing law and further provides that any live range fire training required to demonstrate competency may use live ammunition or fixed-case marking projectiles capable of being fired from a handgun. Existing law provides that a concealed handgun permit has a term of four years. Requires Department of Public Safety and Corrections to adopt rules and fees for permits for a term of less than four years. New law increases the term of a concealed handgun permit from four years to five years and authorizes the adoption of such rules. Prior law prohibited carrying a concealed handgun in any church, synagogue, mosque, or other similar place of worship. New law changes prior law to create an exception if the entity which owns or has authority over a church, synagogue, or mosque has

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authorized any person issued a valid concealed handgun permit to carry a concealed handgun in such place of worship. New law further provides that new law shall not be construed to limit or prohibit any church, synagogue, mosque, or other similar place of worship from employing armed security guards who are either certified law enforcement officers or who are authorized to carry concealed handguns. New law requires the pastor, priest, minister, or other church authority to inform the congregation when he has authorized the carrying of concealed handguns. New law provides that any church, synagogue, or mosque authorizing the carrying of concealed handguns shall require an additional eight-hour tactical training for those persons wishing to carry concealed handguns in the church, synagogue, or mosque. Requires the training to be conducted annually. Provides that new law shall not be construed to authorize the carrying of a concealed handgun in a church, synagogue, or mosque located on the property of any school or school property. (Effective August 15, 2010.)

945 Adds **R.S. 38:2227**. New law requires contractors who submit bids for public projects to attest that they or an individual partner, incorporator, director, officer, manager, or member, who has a minimum of a 10% ownership in the bidding entity, have not been convicted of certain crimes listed in the new law. New law provides that **a conviction of or a plea of guilty or nolo contendere to**

- (1) **public bribery**
- (2) **corrupt influencing**
- (3) **extortion, or**
- (4) **money laundering**

shall permanently bar the bidding entity from bidding on public projects. New law further provides that **a conviction of or a plea of guilty or nolo contendere to the following crimes bars the bidding entity from bidding on public projects for five years from the date of conviction or entrance of the plea:**

- (1) **Theft.**
- (2) **Identity theft.**
- (3) **Theft of a business record.**
- (4) **False accounting.**
- (5) **Issuing worthless checks.**
- (6) **Bank fraud.**
- (7) **Forgery.**
- (8) **Contractors; misapplication of payments.**
- (9) **Malfeasance in office.**

Also provides that **five-year prohibition shall only apply if the crime was committed during the solicitation or execution of a public project contract or bid awarded pursuant to public bid law.** New law provides that the **new law does not impose a duty, responsibility, or requirement on a public entity to perform criminal background checks.** Further provides a person or entity making an allegation of a false attestation shall present prima facie proof of the

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false attestation. New law provides that if the allegation is substantiated by submitted evidence, a project must be re-advertised or the contract cancelled, because the awarded entity submitted a false attestation, such entity shall be responsible to the public entity for the costs of rebidding, additional costs due to increases, costs of bids, and any and all delay costs due to the rebid or cancellation of the contract. New law provides that the requirements of new law and any attestations made shall apply to convictions and pleas entered prior to the awarding of contracts. New law is to be applied prospectively. (Effective upon signature of governor (July, 2, 2010).)

949	Adds R.S. 32:1735.1 . New law allows law enforcement agencies to place a hold on a motor vehicle stored at a licensed storage facility for a period not to exceed 14 calendar days, unless extended in writing. New law requires law enforcement agencies to notify the storage facility in writing within 14 calendar days whether the hold is to be continued. If no request by law enforcement is made to the storage facility within 14 calendar days, the storage facility may release the vehicle to the owner of the vehicle upon payment of all towing and storage fees, provided that the storage facility has complied with the provisions of R.S. 32:1719 and 1720. New law provides that if the hold is to continue beyond 14 calendar days, the law enforcement agency may have the vehicle removed to a designated impound lot, in which the vehicle will not be released by the law enforcement agency to the owner until payment of all towing and storage charges incurred by the tow company. New law provides that if the law enforcement agency chooses to have the vehicle remain at the storage facility beyond 14 calendar days, pursuant to a written notification, the law enforcement agency shall be responsible for payment of storage charges incurred by the tow company for the requested extended period. In such event, the owner shall be responsible for payment of accrued towing and storage charges for the first 14 calendar days, when the law enforcement agency either moves the vehicle from the facility to a designated impound lot or provides written notification to extend the hold on the vehicle prior to the expiration of the 14 calendar days. New law provides that if there is a judicial finding of no probable cause for having continued the impoundment, the law enforcement agency ordering the hold shall release the hold on the motor vehicle. New law provides that upon a determination of guilt of offenses provided for in Titles 14, 32, or 40 of the L.R.S. of 1950, the owner shall be liable for all costs for towing and storage charges assessed against the vehicle. (Effective August 15, 2010.)
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961	Amends R.S. 15:572.1(A) and 574.2(A)(1) and R.S. 46:1083(B) . Prior law provided for the members of the Board of Pardons, Board of Parole, and Crime Victims Reparations Board. Prior law, relative to each of these boards, provided that one member shall be appointed by the governor from a list of three names submitted by Victims and Citizens Against Crime, Inc. New law provides that beginning with appointments made to the board, or appointments to fill a vacancy
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on the board, which occur after August 15, 2010, at least one of the members shall be appointed from a list of names submitted by any victim's rights advocacy organization which is recognized as a nonprofit with the Internal Revenue Service, incorporated or organized in the state of Louisiana and in good standing, and does not engage in political activity, with each organization submitting a list of three names. New law further provides that no person nominated by any victim's rights advocacy organization shall be appointed to serve as a member of the board who has previously been confirmed by the Senate and has served as a member of the board. (Effective August 15, 2010.)

963 Amends **R.S. 32:414(T)(1)**. Prior law provided that the Department of Public Safety and Corrections shall suspend the license of any person upon notification of the first or second conviction for failure to utilize an appropriate child restraint system until such time as the driver provides the department with a notarized affidavit stating the driver has acquired an approved age- or size-appropriate child restraint system. New law provides that, upon notification of the first or second conviction for failure to utilize an appropriate child restraint system, the department will notify, in writing, that the driver has 30 days from the date of mailing the notice to provide the department with a notarized affidavit stating that the driver has acquired an approved age- or size-appropriate child restraint system. New law provides that, should the driver fail to provide the department with an affidavit within 30 days, the department shall suspend the license until such time that the affidavit is produced and the driver has complied with all other requirements of reinstatement as provided by law and department regulation. (Effective August 15, 2010.)

972 Amends **R.S. 40:1563.1(A)(16)**; adds **R.S. 14:51.1 and 62.9 and R.S. 40:1563.1(A)(17)**. **New law creates the crime of injury by arson.** New law provides that injury by arson is the intentional damaging by any explosive substance or the setting fire to any structure, watercraft, or movable whereby:

- (1) Any person suffers great bodily injury or permanent disability or disfigurement as a result of the fire or explosion; or
- (2) Any firefighter, law enforcement officer, or first responder who is present at the scene and acting in the line of duty is injured as a result of the fire or explosion.

New law provides that whoever commits the crime of injury by arson will be imprisoned at hard labor for not less than six nor more than 20 years, and will be fined not more than \$25,000. Two years of such imprisonment at hard labor will be without benefit of parole, probation, or suspension of sentence. Prior law provided for the authority of the fire marshal, the first assistant fire marshal, each deputy fire marshal, certified local authorities, and state or municipal arson investigators, while engaged in the performance of their duties as such, to investigate and cause the arrest of individuals suspected of having violated certain criminal laws. New law retains prior law and adds the crime of injury by arson as

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a crime that allows the fire marshal, the first assistant fire marshal, each deputy fire marshal, certified local authorities, and state or municipal arson investigators, while engaged in the performance of their duties as such, to investigate and arrest. **New law creates the crime of simple burglary of a law enforcement or emergency vehicle**, consisting of the unauthorized entering of any law enforcement or emergency vehicle with the intent to commit a felony or any theft therein. New law defines "law enforcement or emergency vehicle." New law provides for penalties including a fine of not more than \$10,000, imprisonment with or without hard labor for not more than 20 years, or both. (Effective August 15, 2010.)

973

Amends **R.S. 15:529.1(A) and 543.1**; adds **R.S. 15:553**. Prior law (Habitual Offender Law) provided certain penalties for second and subsequent felony convictions of any person who, after having been convicted within this state of a felony or adjudicated a delinquent under Title VIII of the La. Children's Code for the commission of a felony-grade violation of either the La. Controlled Dangerous Substances Law involving the manufacture, distribution, or possession with intent to distribute a controlled dangerous substance or a crime of violence as listed in prior law, or who, after having been convicted under the laws of any other state or of the United States, or any foreign government of a crime which, if committed in this state would be a felony. New law removes any person who has been adjudicated a delinquent under Title VIII of the La. Children's Code for the commission of a felony-grade violation of either the La. Controlled Dangerous Substances Law involving the manufacture, distribution, or possession with intent to distribute a controlled dangerous substance or a crime of violence as listed in prior law from the Habitual Offender Law. New law provides that if the second felony and the prior felony are sex offenses as defined in R.S. 15:541 or the prior felony would be a sex offense under R.S. 15:541 but the offense occurred prior to June 18, 1992, or conviction was obtained under the laws of any other state, the U.S., or any foreign government, the person shall be sentenced to imprisonment for a determinate term not less than 2/3 of the longest possible sentence for the conviction and not more than three times the longest possible sentence prescribed for a first conviction, without benefit of probation, parole, or suspension of sentence. New law provides that if the second felony and the prior felony are sex offenses as defined in R.S. 15:541, or the prior felony would be a sex offense under R.S. 15:541 but the offense occurred prior to June 18, 1992, or the conviction was obtained under the laws of any other state, the United States, or any foreign government, and the victims of the previous offense and the instant offense were under the age of 13 at the time of the commission of the offense or any part thereof, the person shall be imprisoned for the remainder of his natural life, without benefit of parole, probation, or suspension of sentence. Prior law required the court to provide written notification to any person convicted of a sex offense and a criminal offense against a victim who is a minor of the registration requirements and the notification requirements as provided in prior law. New law

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retains prior law and requires the court to notify the person convicted of a sex offense and criminal offense against a victim who is a minor that certain types of employment are prohibited for the duration of registration period. Prior law provided for the duration of registration and notification period for sex offenders. Prior law provided that a person required to register pursuant to law who was convicted of a sexual offense against a victim who is a minor shall register and maintain his registration and provide community notification for a period of 25 years, or the duration of the lifetime of the offender as provided by law, unless the conviction is reversed, set aside, or vacated. New law prohibits certain sex offenders from maintaining certain types of employment. New law provides that it shall be unlawful for any person who is required to maintain registration pursuant to law to operate any bus, taxicab, or limousine for hire. Further prohibits any person who is required to maintain registration to engage in employment as a service worker who enters a residence to provide any type of service. New law provides that it shall be unlawful for any person whose offense involved a minor child and who is required to maintain registration pursuant to law to operate any carnival or amusement ride. New law provides for definitions. New law provides for penalties if a sex offender who is required to register pursuant to law engages in certain types of employment. Further provides that the provisions of new law shall apply only to persons ordered by the court to register as a sex offender on or after August 15, 2010. Provides that **this Act will be known as the "Justin M. Bloxom Act."** (Effective upon signature of the governor or lapse of time for gubernatorial action (July 6, 2010).)

976

Adds **C.Cr.P. Art. 228.4**. New law provides procedures for the disposal of any contraband unclaimed property seized in connection with any criminal investigation under the jurisdiction of any district attorney, municipal police department, or state investigative agency if it remains unclaimed for more than one year after its seizure. New law provides for the district attorney to determine if any of the property for which disposal is sought is subject to a prior recorded mortgage, lien or security interest held by a federally insured financial institution. New law provides for the distribution of any revenue which is derived from the disposal of the unclaimed noncontraband property. New law requires items designated by the court to be sold either by public sale or by public auction without appraisal. (Effective August 15, 2010.)

977

Adds **R.S. 14:102.24. Creates the crime of unlawful restraint of a dog**. New law provides that it shall be unlawful to tie, tether, or restrain any animal in a manner that is inhumane, cruel, or detrimental to its welfare. Provides that new law shall not apply to any of the following:

- (1) Accepted veterinary practices.
- (2) Activities carried on for scientific or medical research governed by accepted standards.

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	<p>(3) A dog restrained to a running line, pulley, or trolley system and is not restrained to the running line, pulley, or trolley system by means of a pinch-type, prong-type, choke-type, or improperly fitted collar.</p> <p>(4) A dog restrained in compliance with the requirements of a camping or recreational area as defined by a federal, state, or local authority or jurisdiction.</p> <p>(5) A dog restrained while the owner is engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by this state if the activity for which the license is issued is associated with the use or presence of a dog.</p> <p>(6) A dog restrained while the owner is engaged in conduct directly related to the business of shepherding or herding cattle or livestock.</p> <p>(7) A dog restrained while the owner is engaged in conduct directly related to the business of cultivating agricultural products if the restraint is reasonably necessary for the safety of the dog.</p> <p>(8) A dog being restrained and walked with a hand-held leash regardless of the type of collar being used.</p> <p>New law defines "collar", "owner", "properly fitted", and "restraint." New law provides a penalty of a fine of not more than \$300. (Effective August 15, 2010.)</p>
979	<p>Amends R.S. 56:325.3(A)(1); Suspends R.S. 56:428(C). Existing law requires the Wildlife and Fisheries Commission to establish an annual quota for the commercial harvest of speckled trout. Prior law required the commission to establish an open season for the commercial taking of speckled trout to run from Jan. 2 each year to July 31 or until the annual quota is met, whichever comes first. New law provides that the season remains open until the quota is reached. New law prohibits commercial taking of speckled trout west of the Mermentau River. New law suspends until 60 days after the end of the 2011 Regular Session the law (R.S. 56:428(C)) which requires payment of oyster lease rentals by Dec. 31 of each year. (Effective August 15, 2010.)</p>
980	<p>Amends R.S. 3:2891, 2892, and 2896. Prior law provided that no person owning swine shall permit his swine to run at large on public or private property of another person except in certain wards, districts, and parishes of the state. New law removes the exceptions to swine running at large in certain wards, districts, and parishes of the state. Otherwise retains prior law. Prior law provided for the seizure and impoundment, by certain persons, of swine found unaccompanied by its owner or keeper and running at large on public or private property of another person except in certain wards, districts, and parishes of the state. Further provided for proper notification of known owner of impounded swine. New law removes exceptions to seizure and impoundment of swine found unaccompanied by its owner or keeper and running at large on public or private property of another person in certain wards, districts, and parishes of the state. Otherwise retains prior law. Prior law provided that the</p>

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owner of any swine who permits his swine to run at large upon public property or private property of another person shall be liable for any damages caused by such swine while running at large. Further provided for exceptions to these provisions in certain wards, districts, and parishes of the state. New law retains prior law but provides that the exceptions to liability for damages caused by swine permitted to run at large by its owner on public property or private property of another shall become null and void on Jan. 1, 2020. (Effective August 15, 2010.)

981 Amends **R.S. 32:123(E)(1)**. Existing law requires every driver and operator of a vehicle approaching an intersection indicated by a stop sign to stop before entering the crosswalk at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. Existing law provides that after having stopped, the driver shall yield the right-of-way to all vehicles which have entered the intersection from another highway or which are approaching so closely on said highway as to constitute an immediate hazard. Existing law provides that at a four-way stop intersection, the driver of the first vehicle to stop at the intersection shall be the first to proceed. Provides that if two or more vehicles reach the intersection at the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right. Existing law provides that the driver or operator of a vehicle approaching a yield sign shall slow down to a speed reasonable for the existing conditions or shall stop if necessary, before entering the crosswalk on the near side of the intersection. The driver shall yield the right-of-way to any pedestrian legally crossing the roadway and to any vehicle in the intersection or approaching on another highway as to constitute an immediate hazard. **New law increases the penalties for operators of motor vehicles cited for failure to yield the right-of-way as follows:**

- (1) **Changes the possible fine when the accident resulted in the injury of another person from \$200 to not less than \$200 nor more than \$500 and changes the possible driver's license suspension from 30 days to up to 90 days.**
- (2) **Changes the fine when the accident results in serious bodily injury of another person from \$500 to not less than \$500 nor more than \$1,000 and changes the possible driver's license suspension from 90 days to up to 180 days.**
- (3) **Changes the fine when the accident results in the death of another person from \$1,000 to not less than \$1,000 nor more than \$5,000 and changes the possible driver's license suspension from 180 days to up to 360 days.**

New law provides in addition to fines and penalties set for in existing law, whoever is responsible for such violations shall be subject to the following penalties:

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	<p>(1) If the violations result in a serious bodily injury of another person as defined in existing law, the offender may be subjected to imprisonment up to six months.</p> <p>(2) If the violations result in the death of another person, the offender may be subjected to imprisonment up to 12 months.</p> <p>New law provides that the provisions under new law shall be known as the "Pickholtz Act." (Effective August 15, 2010.)</p>
989	<p>Adds R.S. 14:40.7 and Ch.C. Art. 730(11). New law defines cyberbullying as the transmission of any electronic textual, visual, written, or oral communication with the malicious and willful intent to coerce, abuse, torment, or intimidate a person under the age of 18. New law defines "cable operator", "electronic textual, visual, written, or oral communication", "interactive computer service", and "telecommunications service." New law provides an exception for providers of interactive computer services, providers of telecommunications services, and cable operators. New law provides that whoever commits the crime of cyberbullying shall be fined not more than \$500, imprisoned for not more than six months, or both. When the offender is under the age of 17, the disposition of the matter shall be governed exclusively by the Families in Need of Services provisions of the Children's Code. New law further provides that new law shall not be construed to prohibit or restrict religious free speech pursuant to Article I, Section 18 of the Constitution of Louisiana. (Effective August 15, 2010.)</p>
990	<p>Adds R.S. 14:56.5. New law creates the crime of criminal damage to historic buildings or landmarks by defacing with graffiti. New law defines "deface", "defacing", "graffiti", and "historic building or landmark." New law requires offenders to be fined up to \$1,000 and provides that offenders may be sentenced to imprisonment with or without hard labor for not more than two years. New law further provides that the court shall also order the offender to perform the following hours of community service as follows:</p> <p>(1) For a first conviction, not to exceed thirty-two hours over a period not to exceed 180 days.</p> <p>(2) For a second or subsequent conviction, sixty-four hours over a period not to exceed 180 days.</p> <p>New law further provides that the fine and community service shall not be suspended. (Effective August 15, 2010.)</p>
993	<p>Amends Ch.C. Art. 804(3); Adds R.S. 14:81.1.1. New law creates the crime of sexting which:</p> <p>(1) Prohibits a person under the age of 17 from knowingly and voluntarily using a computer or telecommunication device to transmit an indecent visual depiction of himself to another.</p>

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- (2) Prohibits a person under the age of 17 from knowingly possessing or transmitting such image.

New law provides for definitions of "indecent visual depiction", "sexually explicit conduct", "telecommunication device", and "transmit." Existing law defines "delinquent act" as an act committed by a child of 10 years of age or older which if committed by an adult is designated an offense under the statutes or ordinances of this state, or of another state if the act occurred in another state, or under federal law, except traffic violations. New law amends the definition of "delinquent act" to include the crime of sexting. New law provides for the following penalties:

- (1) For a violation of the crime where a person under the age of 17 knowingly and voluntarily transmits an indecent visual depiction of himself to another, the disposition shall be governed by Title VII of the Louisiana Children's Code.

- (2) For a violation of the crime where a person under the age of 17 knowingly possesses or transmits an indecent visual depiction of another person under the age of 17, the penalties are as follows:

(a) A first offense provides for a fine of \$100 to \$250, imprisonment for not more than 10 days, or both. The sentence may be suspended if the court orders the offender to perform two eight-hour days of court-approved community service.

(b) A second offense provides for a fine of \$250 to \$500, imprisonment for 10 to 30 days, or both. The sentence may be suspended if the court orders the offender to perform five eight-hour days of court-approved community service.

(c) A third or subsequent offense provides for a fine of \$500 to \$750, imprisonment for 30 days to six months, or both. The sentence may be suspended if the court orders the offender to perform ten eight-hour days of court-approved community service. (Effective August 15, 2010.)

1039

Amends **R.S. 32:405.1, 407(A)(3), (4), and (5)**; Adds **R.S. 32:407(A)(6)**; **Repeals R.S. 32:407(E)**. Existing law provides that no first time application for a Class "E" license shall be received from any person 17 years of age or older unless there is also submitted with the application written evidence of the successful completion by the applicant of a full 28 hour driver's education course or of an approved six hour "pre-licensing" training course. New law retains existing law and adds that no first time application for a Class "E" license shall be received from any person 17 years of age or older unless there is also submitted with the application a signed statement to the department attesting that the applicant has completed a minimum of 50 hours of supervised driving practice with a licensed parent, guardian, or adult at least age 21 or older. At least 15 hours must be nighttime driving. Prior law prohibited an applicant from being issued a Class "E" intermediate license unless a signed statement by the parent or legal

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guardian was provided to the department attesting that the applicant had a minimum of 35 hours of behind the wheel driving experience with a licensed adult driver. New law allows the Class "E" learner's license to be converted to a Class "E" intermediate license upon the applicant being at least 16 years of age and meeting the following conditions:

- (1) The applicant's parent or legal guardian must provide a signed statement to the department attesting that the applicant has completed a minimum of 50 hours, rather than 35 hours as stated in existing law, of supervised driving practice with a licensed parent, guardian, or adult at least age 21 or older. New law requires at least 15 of these hours must be nighttime driving.
- (2) The applicant must pass an on-road driving test.
- (3) The applicant must remain accident free, except where the licensee was not at fault, and receiving no convictions for moving violations or violations of the seat belt or curfew laws of this state or any law pertaining to drug or alcohol use.

Existing law does not contain the "accident free" conditions. Existing law provides that in addition to a licensed parent, sibling, guardian, or adult, there may be other members of the permittee's immediate family in the vehicle, and when accompanied by a driver's education teacher, there may be one or more fellow driver's education students in the vehicle. New law retains existing law and adds that, unless accompanied by a licensed parent, guardian, or adult at least age 21 or older, an intermediate licensee may not between the hours of 6:00 p.m. and 5:00 a.m. transport more than one non-immediate family member passenger that is under 21 years of age. Existing law provides that upon completing the Class "E" intermediate licensing stage, and upon demonstrating that the licensee has remained accident free, except in cases where the licensee was not at fault, has received no convictions for moving violations, and has received no convictions for violations of the seat belt or curfew laws of this state for 12 consecutive months after being issued his intermediate license, an applicant may be issued full Class "E" driving privileges. New law adds requirement that the driver not be convicted of any laws pertaining to drug or alcohol use for 12 consecutive months after being issued his intermediate license to be issued full Class "E" driving privileges. New law requires that the intermediate licensee shall not place the vehicle in motion until every occupant of the vehicle has been restrained by a properly fastened seat belt or other occupant restraint system unless such person is not required to be restrained pursuant to R.S. 32:295.1. Prior law provided for special provisions for unemancipated minors who applied for any type of license between the ages of 15 and 18 and suspension terms. New law repeals prior law. (Effective January 1, 2011.)

- 1053 Present constitution (Art. I, §17(A)) permits a criminal defendant, except in capital cases, to knowingly and intelligently waive his right to a trial by jury. **Proposed constitutional amendment** retains present constitution (Art. I, §17(A)) **but requires the defendant to waive no later than forty-five days prior to the**

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trial date and provides that the waiver shall be irrevocable. (Proposed constitutional amendment, if approved by a majority of voting electors, shall become effective 20 days after proclamation by the governor that the amendment has been adopted. Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 2, 2010.)