

ACTS OF THE 2009 LEGISLATIVE SESSION GENERAL
EFFECTIVE DATE: AUGUST 15, 2009

This update does not represent all changes and new laws, but covers those issues that have the most impact on the law enforcement profession. The following update information was presented at the Fall Conference 2009 and was made available to the Association by ADA Darwin Miller of the East Baton Rouge District Attorney's Office.

Thanks Darwin

Act 3:

R.S. 32:681 provides for post accident drug testing for boating accidents.

Act 5:

Amends La. R.S. 32:681 to treat fatal boating collisions as fatal motor vehicle collisions and treated as to presumption of consent for substance testing of driver or boat operator and as to coroner's testing of body of victims.

Act 6:

Amends La. R.S. 14:108.1 to include boat operators within crime of "flight from an officer" when instructed to bring watercraft to stop.

Act 58:

Adds to 14:81.3

Computer-Aided solicitation of a minors paragraph (2) basically now illegal for one 17 to pimp for a 3rd party to one under 17 and with a >2 year age difference.

Act 79:

Adds La. R.S. 14:30(A)(10) and Code of Criminal Procedure Art. 905.4(A)(13) to include within definition of first-degree murder the killing of a human being when the offender has specific intent to kill or inflict great bodily harm and has previously acted within specific intent to kill or inflict great bodily harm that resulted in killing of one or more persons; includes within aggravating circumstances the situation in which the offender has knowingly killed two or more persons in a series of separate incidents (eff. on governor's signature).

Act 90:

Amends R.S. 14:35.3(K) to specify that third offense of domestic abuse battery is punishable by a minimum to two years imprisonment with or without hard labor without benefit of probation, parole or suspension of sentence, and fourth offense is punishable to a minimum of four years at hard labor without benefit of probation, parole or suspension of sentence; see also Act 245, to delete "without consent of the victim" from the definition of the crime of domestic abuse battery and to clarify that "household member" who may be victim of crime, as defined, includes a child of whatever age (eff. on governor's signature).

Act 106:

Small expansion of aggravated cruelty to an animal to animals owned by another.

Act 124:

32:378.3 new limits on sound amplification systems on vehicle exteriors.

Act 150:

New Crime 14:95.2.2

14:95.2.2 Reckless discharge of a firearm at a parade or demonstration-a long statute with a 5 to 10 year DOC sentence with a minimum of 3 years without benefit of probation, parole or suspension of sentence and a \$5000 fine.

Act 154:

14:95.1 Defines 'firearm' in new paragraph D.

Act 156:

New criminal penalty under 37:2160 for contracting without a license.

Act 157:

Expands False Personation of a Peace Officer 14:112.1 to cover equipping a vehicle with lights and sirens, expands "peace officer" meaning and defines what is a "badge."

Act 160: 14:95.1

Adds language about possession of a firearm while in possession of C.D.S.

Act 166: 32:295.1 (B)

Amends La. R.S. 32:295.1(B) to require every occupant of a motor vehicle 13 or older to use seat belt, deleting limitation to "front seat" occupants.

Act 188:

Enacts La. R.S. 32:266 to require that all fines or penalties collected by or on behalf of a local law enforcement body for citations issued for exceeding speed limit by less than 10 mph on interstate highway be forwarded to state treasurer for deposit in Highway Safety Commission Fund.

Act 190: New Crime 32:71 (C), (D), (E)

Enacts La. R.S. 32:71(C), (D), (E) to provide that no vehicle traveling in left-hand lane on multi-lane highway shall be driven at speed slower than any vehicle traveling to its right on same highway and to provide that no vehicle shall be driven in the left-hand lane except when preparing for a left turn, overtaking or passing another vehicle or when right-hand lanes are congested.

Act 193:

New Crime 14:73.8

14:73.8 Use of a wireless router for pornography involving juveniles.

Act 198:

Technical changes to indecent behavior with juvenile - (deals with electronic contact).

Act 199:

Very long changes to Negligent Homicide and Negligent Injury caused by dogs or other animals.

Act 210:

Prohibited sexual conduct between educator and student 14:81.4 for victims up from 19 to 21 years old with age difference of 4 years.

Also limits sexually violent predators from group homes. ..child care facilities

Act 222: Limits Justice of the Peace who can sign arrest warrants to those who complete a course by the Attorney General.

Act 236:

New Crime 14:98.3

Enacts 14:98.3***Operating a Vehicle under suspension because of conviction (under 32:414 (a)(1), (B)(1) or (2), D(1) (a) or R.S. 32:667 — Vehicular negligent injury, manslaughter, vehicular homicide resulting from operating of motor vehicle or DWI)

Act 264:

14:34.1 Second Degree battery now reads: "Second degree battery is a battery when the offender intentionally inflicts serious bodily injury; however, this provision shall not apply to a medical provider who has obtained the consent of a patient." Without consent or the victim has been deleted.

Act 268:

14:202 and 14:202.1 "home improvement fraud" higher penalties and increased penalties for fraud if victim is disabled or 60+.

Act 283:

Minor amendments to assault and battery of a school teacher.

Act 287:

Stops depositions of police before drivers license suspension hearings. (This will stop the questioning of arresting officers in DWI cases!)

Act 302:

New Crime 14:40.6

14:40.6 unlawful disruption of the operation of a school - a felony.

Act 322:

Physically challenged hunters can use a laser device for bird hunts....

Act 375:

New Crime 14:463

14:463 trafficking of children for sexual purposes very high fines and up to 50 years DOC, 25 of which is without benefit of probation and parole or suspension of sentence if victim is <14, slightly down for victims 15 to 18. To prevent harboring a child for commercially sexual activity.

Act 408:

Law enforcement can move a body to maintain the flow of traffic on a highway or railroad without waiting on the coroner.

Act 494 technical amendments to 14:329 (Fuel price gouging during emergency)

