Designers, the Louisiana Real Estate Appraisers Board, the State Boxing and Wrestling Commission, the Louisiana Motor Vehicle Commission, the Louisiana Used Motor Vehicle Commission, and the Louisiana Motor Carrier, Polygraph Board shall be re-created effective June 30, 2014, and all statutory authority therefor is continued in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

Section 2. All statutory authority for the existence of the aforementioned agencies and the statutory entities made a part of them as re-created by Section 1 of this Act shall cease as of July 1, 2019, pursuant to R.S. 49:191. However, the aforementioned agencies may be re-created prior to such date in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

Section 3. The provisions of R.S. 49:193 are hereby superseded to the extent that those provisions are in conflict with the provisions of this Act.

Section 4. R.S. 49:191(7)(a) is hereby enacted to read as follows:

§191. Termination of legislative authority for existence of statutory entities; phase-out period for statutory entities; table of dates

Notwithstanding any termination dates set by any previous Act of the legislature, the statutory entities set forth in this Section shall begin to terminate their operations on July first of each of the following years, and all legislative authority for the existence of any statutory entity, as defined in R.S. 49:190, shall cease as of July first of the following year, which shall be the termination date:

(7) July 1, 2018:
(a) Those entities transferred to or placed within the office of the governor pursuant to R.S. 36:4.

Section 5. R.S. 49:191(5)(b) is hereby repealed in its entirety.

Section 6. This Act shall become effective on June 30, 2014; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2014, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, May 16, 2014.

A true copy:
Tom Schedler
Secretary of State

ACT No. 122

SENATE BILL NO. 287
BY SENATOR MARTINY
AN ACT

To enact R.S. 49:191(7)(a) and to repeal R.S. 49:191(5)(b), relative to the Department of Public Service; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Pursuant to R.S. 49:193, the Department of Public Service and the statutory entities made a part of the Department of Public Service by law shall be re-created effective June 30, 2014, and all statutory authority therefor is continued in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

Section 2. Notwithstanding any provision of any previous Act of the legislature, all statutory authority for the existence of the Department of Public Service and the statutory entities made a part of the Department of Public Service, as re-created under the provisions of Section 1 of this Act, shall cease as of July 1, 2018, pursuant to R.S. 49:191. However, the Department of Public Service and the statutory entities made a part of them as re-created by the Department of Public Service may be re-created prior to such date in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

Section 3. The provisions of R.S. 49:193 are hereby superseded to the extent those provisions are in conflict with the provisions of this Act.

Section 4. R.S. 49:191(7)(a) is hereby enacted to read as follows:

§191. Termination of legislative authority for existence of statutory entities; phase-out period for statutory entities; table of dates

Notwithstanding any termination dates set by any previous Act of the legislature, the statutory entities set forth in this Section shall begin to terminate their operations on July first of each of the following years, and all legislative authority for the existence of any statutory entity, as defined in R.S. 49:190, shall cease as of July first of the following year, which shall be the termination date:

(7) July 1, 2018:
(a) Those entities transferred to or placed within the office of the governor pursuant to R.S. 36:4.

To enact R.S. 15:622, relative to sexual assault collection kits; to require criminal justice agencies to conduct a physical inventory of such kits; to provide for definitions; to provide relative to the reporting of such inventory; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:622 is hereby enacted to read as follows:

§622. Sexual assault collection kits

A. As used in this Section:
(1) "Criminal justice agency" means any government agency or subunit thereof, or private agency that, through statutory authorization or a legal formal agreement with a governmental unit or agency, has the power of investigation, arrest, detention, prosecution, adjudication, treatment, supervision, rehabilitation, or control over detained persons suspected of, charged with, or convicted of a crime; or that collects, stores, processes, transmits, or disseminates criminal history record or crime information.
(2) "Forensic medical examination" means an examination provided to the victim of a sexually-oriented criminal offense by a health care provider for the purpose of gathering and preserving evidence of a sexual assault for use in a court of law.
(3) "Sexual assault collection kit" means a human biological specimen or specimens collected by a health care provider during a forensic medical examination from the victim of a sexually-oriented criminal offense.
(4) "Sexually-oriented criminal offense" includes any sexual assault offense as defined in R.S. 44:51 and any sexual abuse offense as defined in R.S. 14:403.
(5) "Untested sexual assault collection kit" means a sexual assault collection kit that has not been submitted to the Louisiana State Police Crime Laboratory or a similar qualified laboratory for either a serology or deoxyribonucleic acid (DNA) test.

B. By January 1, 2015, all criminal justice agencies charged with the maintenance, support, or preservation of sexual assault collection kits shall conduct a physical inventory of all such kits being stored by the agency and shall compile, in writing, a report containing the number of untested sexual assault collection kits in the possession of the agency and the date the sexual assault kit was collected. Each criminal justice agency shall also provide written notification that does not contain an untested sexual assault collection kit in its possession. The report shall be transmitted to the director of the Louisiana State Police Crime Laboratory.

C. By March 1, 2015, the Louisiana State Police Crime Lab shall prepare and transmit to the chairman of the Senate Committee on Judiciary B and the chairman of the House of Representatives Committee on Judiciary containing the number of untested sexual assault collection kits being stored by each parish, by each criminal justice agency, and the date the untested kit was collected. The report shall also include the name and contact information...
of each criminal justice agency that failed to submit the report required by
Subsection B of this Section.

A true copy:
Tom Schedler
Secretary of State

ACT No. 125

BY SENATE BILL NO. 362
BY SENATOR CORTEZ
AN ACT

To amend and reenact R.S. 6:1004(A) and 1004.1(B) and to enact R.S. 6:1004(E) and 1004.1(C), relative to currency exchange services; to provide for licensure; to provide for renewal; to provide for procedures, terms, and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 6:1004(A) and 1004.1(B) are hereby amended and reenacted and R.S. 6:1004(E) and 1004.1(C) are hereby enacted to read as follows:

§1004. Application for license and change of control.

A. An applicant shall submit a written application to the commissioner on an application form provided application for a license under this Chapter shall be made under oath and on a form prescribed by the commissioner.

E. Any person required to be licensed pursuant to this Chapter shall, prior to application for licensure, be duly registered with the secretary of state and be in possession of a certificate of authority to transact business in this state pursuant to the provisions of R.S. 5:3422, R.S. 12:304, or R.S. 12:1345, as applicable.

§1004.1. License fees; online renewal

B.(1) The licensee shall pay an annual license renewal fee on or before the first day of December of each year for a license to engage in currency exchange during the following calendar year of two hundred fifty dollars, plus an additional fee of fifty dollars for each currency exchange location in this state, not to exceed three thousand dollars.

(2) If the commissioner has not received the annual renewal fee from a licensee by the sixteenth day of January, as determined by the postmarked date, he shall notify the licensee by United States mail and assess a late fee of one hundred dollars.

(3) If the commissioner has not received the annual renewal fee and late fee by March thirty-first, the license to engage in currency exchange and all certificates issued for currency exchange locations shall lapse without a hearing or notification, and the license and certificates shall not be reinstated. However, the person whose license and certificates have lapsed may apply for a new license and certificates.

(4) After the date the licensing system provided for in Subsection C of this Section is available for use, any filing or notification required by the commissioner shall be made through the online-licensing system. Thereafter, the provisions of this Subsection shall expire and no longer have any effect.

C.(1) Beginning January 1, 2013, and thereafter, a licensee may submit through the Nationwide Mortgage Licensing System and Registry his renewal application on or before December thirty-first of each year in a manner and form prescribed by the commissioner.

(2) The renewal application shall be accompanied by a renewal fee of two hundred fifty dollars plus an additional fee of fifty dollars for each currency exchange location in this state, not to exceed three thousand dollars, payable on or before December thirty-first of each year. A renewal application submitted through the Nationwide Licensing System and Registry after December thirty-first and before March first of the following year shall be charged a late fee of one hundred dollars.

(3) If the renewal application is submitted timely on or before December thirty-first, the license shall remain in force and effect until the renewal application is either approved or denied by the commissioner. Nothing in this Paragraph shall preclude the commissioner from implementing any administrative or enforcement actions authorized by this Title for violations of this Chapter or for any material misrepresentation that may have occurred prior to the renewal date of a license.

(4) If the commissioner has not received the renewal fee and late fee before March first, the license to engage in currency exchange shall lapse without hearing or notification, and the license shall not be reinstated. However, the person whose license has lapsed may apply for a new license.

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

Approved by the Governor, May 16, 2014.

A true copy:
Tom Schedler
Secretary of State

ACT No. 127

BY SENATE BILL NO. 399
BY SENATORS MILLS AND MURRAY
AN ACT

To amend and reenact R.S. 15:574.4(A)(4)(b), (B)(2)(a)(iii), (iv) and (v), (B)(2)(b) (iii), (iv) and (v), (B)(2)(c)(i), (iv), (v), (B)(2)(d)(ii), (iv) and (v), (D)(1)(b), and (E)(1)(b), relative to parole eligibility; to require that disqualification for a disciplinary offense be a major offense; to provide for definitions; to change time frame for consideration of disciplinary offenses; to limit required procedures to those available at facility where offender is incarcerated; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:574.4(A)(4)(b), (B)(2)(a)(iii), (iv) and (v), (B)(2)(b)(iii), (iv) and (v), (B)(2)(c)(ii), (iv) and (v), (B)(2)(d)(ii), (iv) and (v), (D)(1)(b), and (E)(1)(b) are hereby amended and reenacted to read as follows:

§574.4. Parole; eligibility

A.(1) *   *   *   *   *

(4) Notwithstanding any other provision of law to the contrary, unless eligibility for parole at an earlier date, a person committed to the Department of Public Safety and Corrections for a term or terms of imprisonment with or without benefit of parole who has served at least ten years of the term or terms of imprisonment in actual custody shall be eligible for parole consideration upon reaching the age of sixty years if all of the following conditions are met:

*   *   *

(b) The offender has not committed any major disciplinary offenses in twelve consecutive months prior to the parole eligibility hearing date. A major disciplinary offense is an offense identified as a Schedule B offense by the Department of Public Safety and Corrections in the Disciplinary Rules and Procedures for Adult Offenders.

B.(1) *   *   *   *   *

(2) Notwithstanding any other provision of law to the contrary, any person serving a life sentence, with or without the benefit of parole, who has not been convicted of a crime of violence as defined by R.S. 14:2(B), or a sex offense as defined by R.S. 15:541, shall be eligible for parole consideration as follows:

(a) If the person was at least eighteen years of age and under the age of twenty-five years at the time he was sentenced to life imprisonment, he shall be eligible for parole consideration if all of the following conditions have been met:
(iii) The person has not committed any major disciplinary offenses in the twelve consecutive months prior to the parole eligibility hearing date. A major disciplinary offense is an offense identified as a Schedule B offense by the Department of Public Safety and Corrections in the Disciplinary Rules and Procedures for Adult Offenders.

(iv) The person has completed the mandatory minimum of one hundred hours of pre-release programming in accordance with the provisions of R.S. 15:827.1, if such programming is available at the facility where the offender is incarcerated.

(v) The person has completed substance abuse treatment, if applicable and such treatment is available at the facility where the offender is incarcerated.

(b) The offender has not committed any major disciplinary offenses in the twelve consecutive months prior to the parole eligibility hearing date. A major disciplinary offense is an offense identified as a Schedule B offense by the Department of Public Safety and Corrections in the Disciplinary Rules and Procedures for Adult Offenders.

Approved by the Governor, May 16, 2014.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 128

SENATE BILL NO. 436
BY SENATORS WHITE AND ERDEY AND REPRESENTATIVES HODGES AND IVEY
AN ACT

To authorize and provide for the transfer of certain state property; to authorize the transfer of certain state property in East Baton Rouge Parish from the Department of Health and Hospitals to the Central Community School System of East Baton Rouge Parish; to provide for the property description; to provide for reservation of mineral rights; to provide terms and conditions; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The secretary of the Department of Health and Hospitals, notwithstanding any other provision of law to the contrary, is hereby authorized and empowered to convey, transfer, assign, lease or deliver any interest, excluding mineral rights, the state may have to all or any portion of the following described parcel of property to the Central Community School System of East Baton Rouge Parish:

Portions of the Greenwell Springs Tract situated in the Parish of East Baton Rouge, State of Louisiana, being the eastern part of Section 49, comprised within Letters “A”, “M”, “C”, “E” in Township 5 South, Range 2 East, Greensburg Land District, Louisiana, containing one hundred sixty-one and 88/100 (161.88) acres east of Greenwell Springs Road.

Section 2. The secretary of the Department of Health and Hospitals is hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate any conveyance, transfer, assignment, lease or delivery of title, excluding mineral rights, to the property described in Section 1 of this Act, and as more specifically described in any such agreements entered into and documents executed by and between the secretary of the Department of Health and Hospitals and the Central Community School System of East Baton Rouge Parish, in exchange of consideration proportionate to at least the assessed value of the property.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, May 16, 2014.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 129

SENATE BILL NO. 436
BY SENATOR MORRISH
AN ACT

To amend and reenact R.S. 22:1931.13, relative to the Sledge Jeannson Louisiana Insurance Fraud Prevention Act; to change the sunset date of the Act; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1931.13 is hereby amended and reenacted to read as follows:

§1931.13. Termination of Part

This Part shall terminate on August 1, 2016.

Section 2. This Act shall become effective August 1, 2014.

Approved by the Governor, May 16, 2014.

A true copy:

Tom Schedler
Secretary of State

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To enact R.S. 27:15(H), relative to the Gaming Control Board; to require an annual report on impact of technology; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:15(H) is hereby enacted to read as follows: §15. Board’s authority, responsibilities

H. The board shall annually report to the president of the Senate and the speaker of the House of Representatives on the impact that developments in technology are having on gaming and the gaming industry in Louisiana. The report shall specifically address awareness and growth, to the extent known, of any unregulated gaming such as in gambling and online games, address Internet gaming in jurisdictions in which it is authorized and any enforcement issues the jurisdiction is experiencing with age verification and geo-location, and identify issues for legislative concern and make recommendations regarding such concerns.

Approved by the Governor, May 16, 2014.

A true copy:
Tom Schedler
Secretary of State

ACT No. 131

SENATE BILL NO. 7
BY SENATORS PEACOCK AND BUFFINGTON AND REPRESENTATIVES FRANKLIN, GISCLAIR, GUINN AND NORTON
AN ACT
To enact R.S. 47:463.165, relative to motor vehicle special prestige license plates; to provide for the creation, issuance, and design of such license plates; to provide relative to the fee and distribution of such plates; to authorize the promulgation of rules and regulations relative to the creation and implementation of a special prestige license plate; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:463.165 is hereby enacted to read as follows:
§463.165. Special prestige license plates; Sci-Port Discovery Center in Shreveport
A. The secretary of the Department of Public Safety and Corrections shall establish a special prestige motor vehicle license plate for the Sci-Port Discovery Center in Shreveport provided there is a minimum of one thousand applicants for such plate. The license plates shall be restricted to use on passenger cars, pickup trucks, recreational vehicles, and vans.
B. The secretary shall work in conjunction with the Sci-Port Discovery Center in Shreveport to select the color and design of the plate provided that it is in compliance with R.S. 47:463(A)(3).
C. The prestige license plate shall be issued upon application, to any citizen of Louisiana in the same manner as any other motor vehicle license plate.
D. The department shall collect an annual royalty fee of twenty-five dollars for this special prestige license plate that shall be disbursed in accordance with Subsection E of this Section. This fee shall be in addition to the standard motor vehicle license tax imposed by Article VII, Section 5 of the Constitution of Louisiana, and a handling fee of three dollars and fifty cents for each plate to be retained by the department to offset a portion of administrative cost.
E. The annual royalty fee shall be collected by the department and forwarded to the Sci-Port Discovery Center in Shreveport. The monies received from the royalty fees shall be used solely for the support of programs administered by the Sci-Port Discovery Center in Shreveport.
F. The secretary shall adopt rules and regulations as are necessary to implement the provisions of this Section.

Approved by the Governor, May 22, 2014.

A true copy:
Tom Schedler
Secretary of State

ACT No. 132

SENATE BILL NO. 59
BY SENATOR JOHN SMITH AND REPRESENTATIVE HILL
AN ACT
To repeal Part I-A of Chapter 4 of Title 12 of the Louisiana Revised Statutes of 1950, comprised of R.S. 12:431 and 431.1, relative to the Beauregard Electric Cooperative; to provide for an effective date; and to provide for related matters. Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. Part I-A of Chapter 4 of Title 12 of the Louisiana Revised Statutes of 1950, comprised of R.S. 12:431 and 431.1, is hereby repealed in its entirety.

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

Approved by the Governor, May 22, 2014.

A true copy:
Tom Schedler
Secretary of State
To amend and reenact R.S. 9:315.3 and 315.20, relative to the obligation of child support; to provide for child care costs; to provide terms and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:315.3 and 315.20 are hereby amended and reenacted to read as follows:

§315.3. Net child care costs; addition to basic obligation

A. Net child care costs shall be added to the basic child support obligation. The net child care costs are determined by applying the Federal Credit for Child and Dependent Care Expenses provided in Internal Revenue Form 2441 to the total or actual child care costs.

B. Reasonable child care expenses incurred by either parent while receiving job training or education necessary to obtain employment or enhance earning potential may be added to the basic child support obligation unless such expenses unreasonably burden the parent paying child support.

§315.20. Worksheets

Obligation Worksheet A
(The worksheet for calculation of the total support obligation under R.S. 9:315.8 and 315.10)

Court ________________________
Case Number ________________
Petitioner
______________________________
______________________________
Children           Date of Birth
______________________________
______________________________
Respondent
Parish ________________   Louisiana
Div/CtRm ________________________
Prepared by __________________ Date __________

Obligation Worksheet B
(The worksheet for calculation of the total child support obligation under R.S. 9:315.9)

Court ________________________
Case Number ________________
Petitioner
______________________________
______________________________
Children           Date of Birth
______________________________
______________________________
Respondent
Parish ________________   Louisiana
Div/CtRm ________________________

6. TOTAL CHILD SUPPORT OBLIGATION (Add lines 5, 5a, 5b, 5c, and 5d; Subtract line 5e).(R.S. 9:315.8) $ 

7. EACH PARTY’S CHILD SUPPORT OBLIGATION
(Multiply line 4 times line 6 for each parent). $ $ 

8. DIRECT PAYMENTS made by the noncustodial parent on behalf of the child for work-related net child care costs, health insurance premiums, extraordinary medical expenses, or extraordinary expenses. - 

9. RECOMMENDED CHILD SUPPORT ORDER (Subtract line 8 from line 7). $ 

Comments, calculations, or rebuttals to schedule or adjustments if made under 8 above or if ordering a credit for a joint custodial arrangement:

THE ADVOCATE
8. PERCENTAGE with each party (Use actual percentage of time spent with each party, if percentage is not 50%) (R.S. 9:315.9(A)(3))

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<th>A. Petitioner</th>
<th>B. Respondent</th>
<th>C. Combined</th>
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9. BASIC CHILD SUPPORT OBLIGATION FOR TIME WITH OTHER PARTY (Cross Multiply line 7 for each party times line 8 for the other party) (R.S. 9:315.9(A)(3)) (For Line 9 Column A, multiply Line 7 Column A times Line 8 Column B) (For Line 9 Column B, multiply Line 7 Column B times Line 8 Column A)

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a. Net Child Care Costs (Costs minus Federal Tax Credit) (R.S. 9:315.3)
b. Child’s Health Insurance Premium Cost (R.S. 9:315.4)
c. Extraordinary Medical Expenses (Uninsured only) (Agreed to by parties or by order of court) (R.S. 9:315.5)
d. Extraordinary Expenses (Agreed to by parties or by order of the court) (R.S. 9:315.6)
e. Optional: Minus extraordinary adjustments (Child’s income if applicable) (R.S. 9:315.7)

10. TOTAL EXPENSES/EXTRAORDINARY ADJUSTMENTS (Add lines 9a, 9b, 9c, and 9d; Subtract line 9e)

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11. EACH PARTY’S PROPORTIONATE SHARE of Expenses/Extraordinary Adjustments (Line 4 times line 10) (R.S. 9:315.9(A)(4))

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12. DIRECT PAYMENTS made by either party on behalf of the child for child care, health insurance premiums, extraordinary medical expenses, or extraordinary expenses. Deduct each party’s proportionate share of an expense owed directly to a third party. If either parent’s proportionate share of an expense is owed to the other parent, enter zero. (R.S. 9:315.9(A)(5))

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13. EACH PARTY’S CHILD SUPPORT OBLIGATION (Line 9 plus line 11 and minus line 12) (R.S. 9:315.9(A)(4) and (5))

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14. RECOMMENDED CHILD SUPPORT ORDER (Subtract lesser amount from greater amount in line 13 and place the difference in the appropriate column) (R.S. 9:315.9(A)(6))

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Comments, calculations, or rebuttals to schedule or adjustments:

Prepared by __________________________ Date __________________________

Approved by the Governor, May 22, 2014.

A true copy:

Tom Schedler
Secretary of State
(d) is not in violation of any of the provisions of this Chapter and the rules and
ded regulations adopted by the board.

(1) Has completed a one-thousand-two-hundred-hour, nine-month internship
under the supervision of a certified school psychologist in a school setting
or by a licensed psychologist in a community setting. The one thousand two
hundred hours will be computed only in the case of one of the five
members, shall find by a preponderance of the evidence that a psychologist or specialist in school psychology
has engaged in any of the following acts or offenses:

(15) Failure to comply with mandatory reporter laws.

E. Suspension by the board of the license of a psychologist or specialist in school psychology shall be for a period not exceeding two years.

THE ADVOCATE
G. The board shall notify all licensed psychologists and licensed specialists in school psychology of any disciplinary action taken against a licensed psychologist and a licensed specialist in school psychology.

§2363. Privileged communications
A. In judicial proceedings, whether civil, criminal, or juvenile, legislative and administrative proceedings, and proceedings preliminary and ancillary thereto, a patient or client, or his legal representative, may refuse to disclose or prevent the disclosure of confidential information, including information contained in administrative records, communicated to a psychologist or a licensed specialist in school psychology licensed under this Chapter, or persons reasonably believed by the patient or client to be so licensed, or to their employees or other persons under their supervision, for the purpose of diagnosis, evaluation, or treatment of any mental or emotional condition or disorder.
B. In the absence of evidence to the contrary, the psychologist or licensed specialist in school psychology is presumed to be authorized to claim the privilege on behalf of the patient or client.
C. This privilege may not be claimed by or on behalf of the patient or client in the following circumstances: * * *
3. Where such information is necessary for the defense of the psychologist or licensed specialist in school psychology in a malpractice action brought by the patient or client.
4. Where an immediate threat of physical violence against a clearly identified victim or victims is disclosed to the psychologist or licensed specialist in school psychology.
5. In the context of civil commitment proceedings, where an immediate threat of self-inflicted damage is disclosed to the psychologist or licensed specialist in school psychology.
6. Notwithstanding the provisions of this Section, testimonial privileges, exceptions, and waiver with respect to communications between psychologist or licensed specialist in school psychology and patient are governed by the Louisiana Code of Evidence.

Approved by the Governor, May 22, 2014.

A true copy:
Tom Schedler
Secretary of State

ACT No. 137

SENATE BILL NO. 157

BY SENATOR MARTINY

AN ACT

To amend and reenact R.S. 37:2352(6) and (7), 2354(A), (B), (C), and (D), the introductory paragraph of R.S. 37:2359(B), and 2359(C), (D), (E), (F), and (G) and to enact R.S. 37:2352(6), 2354.2 and 2359(B)(15), relative to the State Board of Examiners of Psychologists; to provide for a provisional license for psychologists; to provide for fees; to provide for definitions; to provide for the renewal of a provisional license; to provide for qualifications; to provide for continuing education; to provide the denial, revocation, or suspension of a provisional license; to provide for conditions, terms, and procedures; and to provide for related matters.

Be it enacted by the Legislature of the State of Louisiana:

Section 1. R.S. 37:2352(6) and (7), 2354(A), (B), (C), and (D), the introductory paragraph of R.S. 37:2359(B), and 2359(C), (D), (E), (F), and (G) are hereby amended and reenacted and R.S. 37:2352(6), 2354.2, and 2359(B)(15) are hereby enacted to read as follows:

§2352. Definition of terms
As used in this Chapter the following terms mean:

(6) “Provisional licensed psychologist” means a person provisionally licensed under this Chapter.
(7) “Psychologist” means any person licensed as a psychologist under this Chapter. A person represents himself to be a psychologist by using any title or description of services incorporating the words “psychology”, “psychological”, or “psychologist” by using any other terms which imply that he is qualified to practice psychology or that he possesses expert qualification in any area of psychology or if that person offers to the public or renders to individuals or to groups of individuals services defined as the practice of psychology in this Chapter.
(8) “School” or “college” means any regional accredited university or other institution of higher learning offering a full-time doctoral course of study in psychology that is approved by the board.

§2354. Fees
A. All monies received by the board under this Chapter shall be paid into the treasury of the State Board of Examiners of Psychologists and may be expended by the board without appropriation for costs of administration and other expenses, and any surplus at the end of a fiscal year or a biennium may be retained by the board for future expenditures and the board is not required to pay any such surplus into the general fund of the state of Louisiana.
B. The board shall charge an application fee to all applicants for licensure. The board may also charge a written examination fee and an oral examination fee. A hearing fee may also be charged at the discretion of the board. The board shall establish a reasonable fee schedule in conformity with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. for the purpose of implementing the provisions of this Paragraph.
C. The board shall charge an application fee in an amount not to exceed two hundred dollars. The board shall adopt rules in accordance with the Administrative Procedure Act to implement the provisions of this Paragraph.

§2356.2. Provisional licensed psychologist; renewal; continuing education
A. The board shall issue a provisional license to each person who files an application with the board upon a form and in such a manner as the board prescribes, submits the fee for a provisional license, and furnishes evidence to the board that the person meets all the following requirements:
1. Is at least twenty-one years of age.
2. Is of good moral character.
3. Is a citizen of the United States or has declared his intention to become a citizen.
4. Is not in violation of any of the provisions of this Chapter and the rules and regulations adopted by the board.
5. Holds a doctoral degree in psychology from an institution of higher learning.
6. Demonstrates professional knowledge of laws and rules regarding the practice of psychology in Louisiana.
B. If the board reasonably believes that a person applying for a provisional license or for renewal of a provisional license is not physically or mentally competent to render psychological services with reasonable skill and safety to his patients or is alleged within a disciplinary proceeding to have exhibited either physical or mental, which would impair his competency to render psychological services, the board may request the person to submit to a physical examination by a medical doctor approved by the board or submit to a mental health examination by a licensed psychologist. If the board determines that the applicant is not capable of practicing psychology, the board may request the person to submit to the examination, the board, after a contradictory hearing and upon finding reasonable cause, may issue an order requiring the person to submit to the examination. A person who is ordered to submit to an examination shall not be eligible for a provisional license or renewal of a provisional license prior to such examination. Proceedings under this Subsection shall be conducted in compliance with the Administrative Procedure Act.
C. A provisional licensed psychologist shall be eligible for renewal of licensure without regard to any subsequent changes in the requirements for licensure upon fulfillment of the fees established pursuant to R.S. 37:2354 and compliance with the requirements established pursuant to this Subsection. A provisional license may be renewed a maximum of three times.
D. The board shall establish continuing education requirements to be fulfilled by all provisional licensed psychologists to fulfill these requirements shall cause the license to lapse. A provisional license shall not be reinstated if a lapse occurs unless such requirements are satisfied within six months from the date of lapse.
E. A provisional licensed psychologist shall maintain a relationship with a licensed psychologist or a medical psychologist licensed in accordance with R.S. 37:1360.51 et seq. for the purposes of clinical supervision. The supervising psychologist or medical psychologist shall have legal functioning authority over the professional activities of the provisional licensed psychologist.
F. The board may adopt rules in accordance with the Administrative Procedure Act to administer and implement the provisions of this Section.

§2359. Denial, revocation, or suspension of license; provisional license

B. The board shall have the power and duty to suspend, place on probation, require remediation for a specified period of time, or revoke the practice psychology or any provisional license to practice psychology issued by the board.
or take any other action specified in the rules and regulations whenever the board, by affirmative vote of at least four of its five members, shall find by a preponderance of the evidence that a psychologist or a provisional licensed psychologist has engaged in any of the following acts or offenses:

**15. Failure to comply with mandatory reporter laws.**

C. Proceedings for disciplinary action or for the denial or withholding of a license or provisional license or any other action of this Section shall be conducted in compliance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq. The board may require a person against whom disciplinary action has been taken by the board after hearing to pay reasonable costs of the proceedings incurred by the board for hearing and any judicial review, including attorney, stenographer, and witness fees. These costs shall be paid no later than thirty days after the adjudication by the board becomes final. No license or provisional license shall be issued, reinstated, or renewed until such costs have been paid.

D. The board may deny or withhold for a specified time not to exceed two years the granting of a license or provisional license to any applicant or candidate who has committed any of the acts or offenses set forth in Subsection B of this Section.

E. A person who has been refused a license or provisional license, or whose license has been revoked, under the provisions of this Section, may reapply for licensure after more than two years have elapsed from the date such denial or revocation is legally effective.

F. An oral or a provisional licensed psychologist shall be for a period not exceeding two years.

G. The board shall notify all licensed psychologists of any disciplinary action taken against a licensed psychologist or a provisional licensed psychologist.

Approved by the Governor, May 22, 2014.

A true copy:

Tom Schedler
Secretary of State

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**ACT No. 138**

SENATE BILL NO. 326
BY SENATOR GARY SMITH
AN ACT

To amend and reenact R.S. 15:440.5(C), relative to electronic recordings of video-taped statements of a protected person; to provide with respect to copies and transcripts of the video-taped statement; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:440.5(C) is hereby amended and reenacted to read as follows:

$440.5. Admissibility of videotaped statements; discovery by defendant.

C. In a criminal prosecution, when the state intends to offer as evidence a copy of a videotaped oral statement of a protected person made pursuant to the provisions of this Subpart, the defendant, through his attorney only, may be provided a copy of the videotape if the court determines it necessary to prepare a proper defense. If the defendant’s attorney is provided a copy of the videotaped statement by court order or by permission of the district attorney, only the attorney and the defendant shall be permitted to view the tape, and no copies shall be made by any person the following persons involved in preparing the defense of the instant charges shall be permitted to view the videotape: the attorney and his regularly employed staff, the defendant, the defense investigator designated to work on the case, the defense paralegal designated to work on the case, and other staff members of the attorney who are transcribing the videotaped oral statement. Other than a transcript of the videotaped oral statement, no copies of the videotape shall be made by any person, except for use as trial exhibits. The copy of the videotaped statement and any transcripts shall be securely retained by the defendant’s attorney at all times and shall not be possessed, transferred, distributed, copied, or viewed by any unauthorized party. It shall be the affirmative duty of the defendant’s attorney to return the videotape to the court immediately upon conclusion of the case, but in all cases prior to sentencing. A defendant who appears pro se in a criminal proceeding shall be allowed reasonable access to the videotape of a protected person only with an order of the court and under court directed supervision. The tape shall be filed as part of the record under seal by the clerk of court for use in subsequent legal proceedings or appeals and shall only be released upon motion of the state or counsel of record with an order of court and in compliance with this Section. Any violation of this Subsection shall be punished as contempt of court. Any person who makes an unauthorized disclosure of the videotape or its content may also be released upon motion of the state or counsel of record with an order of court and in compliance with this Section. Any violation of this Subsection shall be punished as contempt of court. Any person who makes an unauthorized disclosure of the videotape or its content may also be subject to liability for civil damages, including punitive damages.

Approved by the Governor, May 22, 2014.

A true copy:

Tom Schedler
Secretary of State

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**ACT No. 140**

SENATE BILL NO. 388
BY SENATOR THOMPSON
AN ACT

To amend and reenact R.S. 15:562.2, 562.3(B)(2), the introductory paragraph of 562.4(A), 562.5(A) and (B)(2), and 562.6 and to enact R.S. 15:562.1(3)(i), relative to the registration of arson offenders; to provide relative to the penalties for failure to register; to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:562.2, 562.3(B)(2), the introductory paragraph of 562.4(A), 562.5(A) and (B)(2), and 562.6 are hereby amended and reenacted and R.S. 15:562.1(3)(i) is hereby enacted to read as follows:

§562.1. Definitions

For the purposes of this Chapter, the following shall apply:

(3) “Offense involving arson” includes the following:

(i) Injury by arson (R.S. 14:51.1).

§562.2. Powers and duties of state fire marshal

A. In addition to any other powers and duties conferred in this Chapter, the state fire marshal shall:

(1) Be responsible for the policy management and administration of the registration of persons who are convicted of committing arson to support investigations, enforcement and prevention of activities involving arson.

(2) Have the authority to enforce the provisions of this Chapter.

B. The state fire marshal may promulgate rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Chapter.

§562.3. Registration of arson offenders

B. (2) Every offender required to register in accordance with this Chapter shall appear in person and provide the information required by Paragraph (1) of this Subsection to the state fire marshal or his designee within thirty business days of establishing residence in Louisiana, or if a current resident, within thirty business days after conviction or adjudication if

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* * *
not immediately incarcerated or taken into custody after conviction or adjudication. If incarcerated, once released from confinement, every offender shall appear in person within thirty business days to register with the state fire marshal or his designee pursuant to the provisions of this Section.

§562.4. Duty of offenders to notify of enforcement of change of address, residence, or other registration information
A. Those persons required to register pursuant to the provisions of this Chapter shall appear in person at the fire marshal’s office or his designee’s office within thirty business days of establishing a new or additional physical residential address or of changes in information previously provided when any of the following occur:

1. Upon conviction, the offender shall be fined not more than five hundred dollars, imprisoned for not more than six months, or both.

2. Any person who fails to provide the notice required by this Section shall be fined not more than five hundred dollars, imprisoned for not more than six months, or both.

$562.5. Failure to register; penalties
A. A person who fails to register, periodically renew and update registration, or fails to provide proof of residence or notification of change of address or other registration information, as required by the provisions of this Chapter, and a person who knowingly provides false information to the state fire marshal as provided in R.S. 15:562.3(B)(3), shall, upon first conviction, be fined not more than five thousand dollars, imprisoned for not more than six months, or both. Upon a second or subsequent conviction, the offender shall be fined one thousand dollars.

B. Any person who fails to pay the annual registration fee in accordance with the provisions of R.S. 15:562.3 shall be fined not more than five hundred dollars. Upon a second or subsequent conviction for the failure to pay the annual registration fee, the offender shall be fined not more than one thousand dollars.

§562.6. Duration of registration and notification period
A person required to register pursuant to the provisions of this Chapter shall comply with the requirement for five years from the date of initial registration for a first offense and for the duration of the lifetime of the offender for a second or subsequent offense, unless the underlying conviction is reversed, set aside, or vacated.

Approved by the Governor, May 22, 2014.

A true copy:

Tom Scheder
Secretary of State

ACT No. 142

HOUSE BILL NO. 23
BY REPRESENTATIVE PEARSON
AN ACT
To amend and reenact R.S. 11:1789.1(2), 1798.4(1), 1808.4(2), 1841(B), 1842, 1861, and 1862(B)(introductory paragraph) and to repeal R.S. 11:1787, 11:1788, 11:1789(1)(a), and 11:1799 relative to the Municipal Employee Retirement System; to provide relative to expenses of the system; to provide relative to employees first hired on or after January 1, 2013; to provide technical changes; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article X, Section 29(C) of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:1789.1(2), 1798.4(1), 1808.4(2), 1841(B), 1842, 1861, and 1862(B)(introductory paragraph) are hereby amended and reenacted to read as follows:

§1789.1. Application; definitions
Terms not specifically defined in this Section shall have the meanings provided in R.S. 11:1732 unless a different meaning is clearly required by the context. For purposes of Plan A Tier 2:

1. “Member” shall include persons who would be eligible for system membership pursuant to R.S. 11:1751 but whose first employment making them eligible for membership in one of the state systems this system occurred on or after January 1, 2013.

§1789.4. Computation of normal retirement allowances; return of accumulated contributions
The monthly amount of the retirement allowance for any member of MERS Plan A Tier 2 shall consist of an amount equal to three percent of the member’s final compensation multiplied by his years of creditable service. In addition:

1. Any city marshal or deputy city marshal, excluding those members serving as city marshals and deputy city marshals of Bossier City or Ruston on June 30, 2005, shall receive an additional regular retirement benefit computed as follows: the monthly average of the seventy-two highest consecutive or joined months of supplemental marshals’ earnings on which contributions were paid to the retirement system multiplied by the number of years contributions were paid to the retirement system on supplemental marshals’ earnings multiplied by three percent for all service as a city marshal or deputy city marshal. Should the period for which contributions are paid to the retirement system for supplemental marshals’ earnings be less than seventy-two months, then the actual period on which contributions were paid shall be used to determine average supplemental marshals’ earnings used to compute this benefit.

§1804. Computation of normal retirement allowances; return of accumulated contributions
The monthly amount of the retirement allowance for any member of MERS Plan B Tier 2 shall consist of an amount equal to two percent of the member’s final compensation multiplied by his years of creditable service. In addition:

1. Any city marshal or deputy city marshal, excluding those members serving as city marshals and deputy city marshals of Bossier City or Ruston on June 30, 2005, shall receive an additional regular retirement benefit computed as follows: the monthly average of the seventy-two highest consecutive or joined months of supplemental marshals’ earnings on which contributions were paid to the retirement system multiplied by the number of years contributions were paid to the retirement system on supplemental marshals’ earnings multiplied by two percent for all service as a city marshal or deputy city marshal. Should the period for which contributions are paid to the retirement system for supplemental marshals’ earnings be less than seventy-two months, then the actual period on which contributions were paid shall be used to determine average supplemental marshals’ earnings used to compute this benefit.

§1841. Investment of funds by board of trustees

B. The board of trustees annually shall allow regular interest on the amount in the fund at the end of the preceding year in each of the funds with the exception of the expense fund and the annuity savings fund. The amounts so allowed shall be due and payable to said the funds and shall be annually credited thereto by the board of trustees from interest and other earnings on the money of the retirement system. Any additional amount required to meet the interest on the fund of the system shall be paid from the Pension Accumulation Funds, and any excess of earnings over such amount required shall be paid to the pension accumulation funds. Regular interest shall mean such percentage rate to be compounded annually as shall be determined by the board of trustees on the basis of the interest earnings of the system for the preceding year and of the probable earnings to be made, in the judgment of the board, during the immediate future, such rate to be limited to a maximum of six percent.

§1842. Board of trustees as custodian of funds
The board of trustees shall be the custodian of the several funds. All expense vouchers and pension payrolls shall be certified by the administrative director. The administrative director shall furnish the board of trustees a surety bond with any company authorized to do business in Louisiana and in such an amount as shall be required by the board, the premium to be paid from the expense expenses of the fund.

§1861. General
All of the assets of the retirement system shall be credited according to the purpose for which they are held to one of seven eight funds, namely the annuity savings fund A, the annuity savings fund B, the annuity reserve fund A, the annuity reserve fund B, the pension accumulation fund A, the pension accumulation fund B, and the expense fund. The Deferred Retirement Option Plan fund A and the Deferred Retirement Option Plan fund B. Expenses for the entire system shall be paid from the pension accumulation fund from Plan A. Annually, a transfer of funds from the pension accumulation fund for Plan B shall be made to reimburse Plan A for the pro rata expenses attributable to Plan B.

§1862. Funds to which assets credited

B. The pension accumulation funds A and B shall be the funds to which shall be credited all payments to the system, exclusive of payments to the annuity savings or expense fund and including contributions from employers and taxes from employers and ex officio tax collectors on behalf of members of Plans A and B respectively. From each of these funds shall be paid the amounts required to be transferred to the annuity reserve funds as prescribed by C. below Subsection C of this Section.

Section 2. R.S. 11:1787, 1807, 1862(D), and 1863 are hereby repealed in their entirety.
Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 8 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.
Approved by the Governor, May 22, 2014.

A true copy:
Tom Schedler
Secretary of State

ACT No. 143
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BY REPRESENTATIVE PEARSON

To enact R.S. 11:1456.1(E), relative to Back-Deferred Retirement Option Plan in the Louisiana Assessors’ Retirement Fund; to provide relative to lump-sum distributions from such plan; to authorize transfers to a third-party provider; to provide relative to contracts to manage such funds; to provide relative to the rights, duties, and obligations of participants, providers, the fund, and the state; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Art. 29(C) of the Constitution of Louisiana. It is the opinion of the Senate Committee on Appropriations that Senate Bill No. 84 is in the best interest of the state or the fund for any action taken by the participant or for choices the participant makes in relationship to the self-directed account funds in which he chooses to place his account balance.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.
Approved by the Governor, May 22, 2014.

A true copy:
Tom Schedler
Secretary of State

ACT No. 144
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BY REPRESENTATIVE HENRY BURNS

To amend and reenact Code of Civil Procedure Articles 1911 and 4906, relative to judgments; to provide for the court’s signature on judgments; to provide for the typewritten or printed name of the judge rendering judgment; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Articles 1911 and 4906 are hereby amended and reenacted to read as follows:

Art. 1911. Final judgment; partial final judgment; signing; appeals
Except as otherwise provided by law, every final judgment shall contain the typewritten or printed name of the judge and be signed by the judge.

Any judgment that does not contain the typewritten or printed name of the judge shall not be invalidated for that reason. For the purpose of an appeal as provided in Article 2063, no appeal may be taken from a final judgment until the requirement of this Article has been fulfilled. No appeal may be taken from a partial final judgment under Article 1915(B) until the judgment has been designated a final judgment under Article 1915(B). An appeal may be taken from a final judgment under Article 1915(A) without the judgment being so designated.

Art. 4906. Form of judgment in parish or city courts
The judgment shall be in writing, contain the typewritten or printed name of the judge, and be signed by the judge. Any judgment that does not contain the typewritten or printed name of the judge shall not be invalidated for that reason.

Approved by the Governor, May 22, 2014.

A true copy:
Tom Schedler
Secretary of State

ACT No. 145
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BY REPRESENTATIVES LOPINTO, ADAMS, ARMES, BADON, BARRAS, WESLEY BISHOP, BROSETT, BROWN, HENRY BURNS, BURRELL, CARROD CARPER, COX, DAVY, GAINES, GUILLOPHY, HARRISON, HAZEL, HODGES, HOFFMANN, HONORE, HOWARD, HUNTER, KATRINA JACKSON, JAMES, JEFFERSON, NANCY LANDRY, TERRY LANDRY, MORENO, JIM MORRIS, NORTON, PYLANT, SMITH, ST. GERMAIN, THIERRY, PATRICK WILLIAMS, AND WOODRUFF AND SENATORS GALLOT, GUILLOPHY, JOHNS, MARTINY, MILLS, MORRELL, GARY SMITH, AND TARVER

To amend and reenact R.S. 44:4(A)(3b), to enact Title XXXIV of the Code of Criminal Procedure, to be comprised of Articles 971 through 995, and to repeal R.S. 44:49, relative to expungement; to provide for the effect of expunged records; to provide for definitions; to authorize the expungement of certain felony conviction records; to prohibit the dissemination of expunged records by third parties; to provide penalties for the unlawful dissemination of expunged records by third parties; to provide for legislative findings; to provide for applicability; to provide for procedures for obtaining an expungement; to provide for filing of motions to obtain an expungement; to provide for service of motions for expungement; to provide for service of judgments of expungement; to authorize the expungement of conviction records after a certain period of time has elapsed; to provide for eligibility to obtain an expungement; to delete provisions of law referring to destruction of arrest or conviction records; to provide for the assessment of certain fees for expungement; to provide that certain fees are nonrefundable; to provide for expungement by redaction of records; to provide for uniform forms for expungement; to provide for the exemption of certain fees in certain circumstances; to provide for a judgment granting an expungement; to provide for contradistinctive hearings; to prohibit incarcerated individuals from filing a motion to expunge an arrest or conviction record; to provide for the interim expungement of certain arrests from criminal history records; to provide for exceptions to the public records law; and to provide for related matters.

THE ADVOCATE
* As it appears in the enrolled bill

CODING: Words in struck through type are deletions from existing law; words underscored (House Bills) and underlined and boldfaced (Senate Bills) are additions.
The legislature hereby finds and declares the following:

(1) Louisiana law provides for the expungement of certain arrest and conviction records under limited circumstances. Obtaining an expungement of a defendant's arrest or conviction allows for the defendant to request and be granted a record from public access but does not result in the destruction of the record.

(2) An expunged record is confidential, but remains available for use by law enforcement agencies, criminal justice agencies, and other statute-defining agencies.

(3) Following the passage of the Maritime Transportation Security Act of 2002, all individuals who wish to work at ports or on vessels regulated by this Act are required to obtain a Transportation Worker Identification Credential (TWIC). Obtaining a TWIC card requires a criminal history check and law enforcement agencies are allowed to maintain information on whether an individual has one or an expunged record with respect to certain offenses.

(4) The inability to obtain an expungement can prevent certain individuals from obtaining gainful employment.

(5) The need for employment must be balanced appropriately against the desire for public safety. Nothing in this Title shall be construed to limit or impair in any way the subsequent use of any expunged record of arrest or conviction in any lawful manner by law enforcement, law enforcement agencies, prosecutors or judges, including its use as a predicate offense or for the provisions of the Habitual Offender Law.

(6) It is the intention of the legislature that this Title will provide opportunities to break the cycle of criminal recidivism, increase public safety, and assist the growing population of criminal offenders reentering the community to establish a self-sustaining life through opportunities in employment.

(7) In balancing the legitimate needs of law enforcement agencies and the desire to afford employment opportunities to all Louisiana citizens, the Louisiana Legislature enacts the provisions of this Title within the Code of Criminal Procedure.

**Art. 972. Definitions**

As used in this Title:

- “Expunge a record” means to remove a record of arrest or conviction, photographs, fingerprints, disposition, or any other information of any kind from public access pursuant to the provisions of this Title. “Expunge a record” does not mean destruction of the record.

- “Expunge by redaction” provides for the expungement of records of those who have been found not to be entitled to expungement and involves the removal of the name or any other identifying information of the person entitled to the expungement and otherwise retains the records of the incident as they relate to the other persons.

- “Interim expungement” means to expunge a felony arrest from the criminal history of a person who was convicted of a misdemeanor offense arising out of the original felony arrest. Only the original felony arrest may be expunged in an interim expungement.

- “Expunged record” means the expungement of reports, photographs, fingerprints, disposition, or any other such information of any kind in relation to a single arrest event in the possession of the clerk of court, any criminal justice agency, and local and state law enforcement agencies but shall not include DNA records.

**Art. 973. Effect of expunged record of arrest or conviction**

A. An expunged record of arrest or conviction shall be confidential and no longer considered to be a public record and shall not be made available to any person or other entity except for the following:

1. To a member of a law enforcement or criminal justice agency or prosecutor who shall request that information in writing, certifying that the request is for the purpose of investigating, prosecuting, or enforcing criminal law, for the purpose of any other statute defined law enforcement or administrative duties, or for the purposes of the requirements of sex offender registration and notification pursuant to the provisions of R.S. 15:540 et seq.

2. On order of a court of competent jurisdiction and after a contradictory hearing for good cause shown.

3. To the person whose record has been expunged or his counsel.

4. To a member of a law enforcement or criminal justice agency, prosecutor, or judge, who requests that information in writing, certifying that the request is for the purpose of determining law enforcement, criminal justice agency, or prosecutor in a civil suit for damages resulting from wrongful arrest or other civil litigation and the expunged record is necessary to provide a proper defense.

5. Upon written request therefor and on a confidential basis, the information contained in an expunged record may be released to the following entities that shall maintain the confidentiality of such record:
   - the Office of Financial Institutions, the Louisiana State Board of Medical Examiners, the Louisiana State Board of Nursing, the Louisiana State Board of Environmental Examiners, the Louisiana Board of Pharmacy, the Louisiana State Board of Social Work Examiners, the Emergency Medical Services Certification Commission, the Louisiana Attorney Disciplinary Board, the Office of Disciplinary Counsel, the Louisiana Supreme Court Committee on Bar Admissions, the Louisiana Department of Insurance, the Louisiana Licensed Professional Counselors Board of Examiners, or any person or entity requesting a record of all criminal arrests and convictions pursuant to R.S. 15:540(B), or as otherwise provided by law.

C. Except as to those persons and other entities set forth in Paragraph A of this Article, no person whose record of arrest or conviction has been expunged shall be required to disclose to any person that he was arrested or convicted of any such offense, or that the record of the arrest or conviction has been expunged.

D. Any person who fails to maintain the confidentiality of records as required by the provisions of this Article shall be subject to contempt proceedings.

E. Nothing in this Article shall be construed to limit or impair in any way the subsequent use of any expunged record of any arrests or convictions by a law enforcement agency, criminal justice agency, or prosecutor including its use as a predicate offense, for the purposes of the Habitual Offender Law, or for any other law enforcement agency.

F. Nothing in this Article shall be construed to limit or impair the authority of a law enforcement official to use an expunged record of any arrests or convictions in conducting an investigation to ascertain or confirm the qualifications of any person for any privilege or license as required or authorized by law.

G. Nothing in this Article shall be construed to limit or impair in any way the subsequent use of any expunged record of any arrests or convictions by a “news-gathering organization.” For the purposes of this Title, “news-gathering organization” means all of the following:

1. A newspaper, or news publication, printed or electronic, of current news and intelligence of varied, broad, and general public interest, having been published for a minimum of one year and that can provide documentation of its employment with the newspaper, wire service, or news publication.

2. A radio broadcast station, television broadcast station, cable television organization, or any media organization as represented by an employee thereof who can provide documentation of his employment.

3. A radio broadcast station, television broadcast station, cable television organization, or any media organization as represented by an employee thereof who can provide documentation of his employment.

H. Nothing in this Article shall be construed to relieve a person who is required to register and provide notice as a child predator or sex offender of the obligations imposed upon him in R.S. 15:541 et seq.

I. A person may file a motion to expunge a record of his arrest for a felony or misdemeanor offense that did not result in a conviction, or to expunge a record of an arrest which did not result in a conviction or to expunge a record of an arrest and conviction of a misdemeanor or felony offense.

J. A person in the custody of the Department of Public Safety and Corrections, or incarcerated under the authority of a law enforcement agency, criminal justice agency, or prosecutor including its use as a predicate offense, for the purposes of the Habitual Offender Law, or for any other law enforcement agency.

K. Motion to expunge record of arrest that did not result in a conviction

L. A person may file a motion to expunge a record of his arrest for a felony or misdemeanor offense that did not result in a conviction if any of the following apply:

1. The person was not prosecuted for the offense for which he was arrested, and the limitations on the institution of prosecution have barred the prosecution for that offense.

2. The district attorney for any reason declined to prosecute any offense arising out of that arrest.

3. Prosecution was instituted and such proceeding have been finally disposed of by dismissal, sustaining of a motion to quash, or acquittal.

M. Motion to expunge a record of arrest and conviction of a misdemeanor offense

A. A person may file a motion to expunge his record of arrest and conviction of a misdemeanor offense if either of the following apply:

1. The conviction was set aside and the prosecution was dismissed pursuant to Code of Criminal Procedure Article 894(B).

2. More than five years have elapsed since the person completed all sentences or terms of probation or parole, and the person has not been convicted of any felony offense during the five-year period, and has no felony charge pending against him. The motion filed pursuant to this Subparagraph shall be accompanied by an attorney who certifies that to his knowledge the applicant has not

THE ADVOCATE

* As it appears in the enrolled bill
no felony convictions during the five-year period and no pending felony charges under a bill of information or indictment.
B. The motion to expunge a record of arrest and conviction of a misdemeanor or felony offense shall be served pursuant to the provisions of Code of Criminal Procedure Article 979.
C. No person shall be entitled to expungement of a record under either of the following circumstances:
(1) The conviction was set aside and the prosecution was dismissed pursuant to Code of Criminal Procedure Article 893(E).
(2) More than ten years have elapsed since the person completed any sentence, deferred adjudication, or period of probation or parole based on the felony offense for which the person has not been convicted of any other criminal offense during the ten-year period, and has no criminal charge pending against him. The motion filed pursuant to this Subparagraph shall include a certification obtained from the district attorney which verifies that the conviction was set aside and the prosecution was dismissed pursuant to Code of Criminal Procedure Article 893(E).
D. Expungement of a record of arrest and conviction of a misdemeanor or felony offense shall occur only once with respect to any person during a fifteen-year period.
E. The granting of the motion to expunge a record, it shall file an affidavit of response with reasons for the objection to the defendant within sixty days from the date of the service of the motion until August 1, 2015. On August 1, 2015, and thereafter, if the Louisiana Bureau of Criminal Identification and Information objects to the granting of the motion to expunge a record, it shall file an affidavit of response with reasons for the objection to the defendant within sixty days from the date of the service of the motion.
F. The court may grant an extension of time to file an objection not to exceed sixty days from the date of service of the motion to expunge a record.
G. The court shall have a contradictory hearing. If an objection is timely filed, the district attorney shall file a motion and setting the matter for a contradictory hearing. A notice of hearing shall be served on the defendant and those persons provided for in Code of Criminal Procedure Article 979.
H. The objection agency must show by a preponderance of the evidence why the motion of expungement should not be granted.
I. If no objection is filed by an agency listed under Article 979, the district attorney shall file a motion for expungement and the court shall grant the motion to expunge the record if the court determines that the mover is entitled to the expungement in accordance with law.
J. Any agency listed under Article 979 may expressly waive its time period to object by filing a formal "No Opposition" into the record.
K. If an objection is filed, it shall be heard immediately upon receipt in equal proportions to the office of the district attorney, the sheriff, the district attorney, and the processing fee amount shall be remitted to the office of the district attorney to obtain or execute an order of a court of competent jurisdiction to expunge any record of arrest when ordered to do so by the court in compliance with the provisions of this Title.
L. If no objection is filed by an agency listed under Article 979, the court shall grant the motion to expunge a record of arrest and conviction.
M. A judgment granting motion to expunge a record of arrest or conviction: execution
A. A judgment ordering expungement of a record of arrest or conviction shall be served as provided for in Code of Criminal Procedure Article 982. The judgment shall not affect any persons or other entities set forth in Code of Criminal Procedure Article 982 who have not been served with the motion and judgment ordering the expungement of a record.

PAGE 53
(3) The applicant was arrested and was not prosecuted within the time limitations prescribed in Chapter 1 of Title XVII of the Code of Criminal Procedure and did not participate in a pretrial diversion program.
(4) The applicant was determined to be factually innocent and entitled to compensation for a wrongful conviction pursuant to the provisions of R.S. 15:572.8.
G. Notwithstanding any other provision of law to the contrary, a juvenile who has successfully completed any juvenile drug court program operated by a court of this state shall be exempt from payment of the processing fees otherwise authorized by this Article.
Art. 984. Additional requirements for the expungement of records involving the operating of a vehicle while intoxicated; additional fee
A. A person convicted of operating a vehicle while intoxicated shall be required to supplement the motions required in this Title with proof in the form of a certified letter from the Department of Public Safety and Corrections, office of motor vehicles, that the person has complied with the requirements of this Article. The certified letter shall be attached to the motion to expunge the record of arrest and conviction for operating a vehicle while intoxicated.
B. The court shall order the clerk of court to mail to the Department of Public Safety and Corrections, office of motor vehicles, all of the following as provided by the defendant:
(1) A certified copy of the record of the plea of guilty or nolo contendere.
(2) Fingerprints of the defendant.
(3) Proof that the defendant meets the requirements as set forth in Code of Criminal Procedure Article 956 or 556.1 which shall include the defendant’s date of birth, social security number, and driver’s license number.
C. An additional fifty dollar court cost shall be assessed at this time against the defendant and paid to the Department of Public Safety and Corrections, office of motor vehicles, for the costs of storage and retrieval of the records.
Art. 985. Expungement by redaction of records with references to multiple individuals
A. If a record includes the name of more than one individual and one or more of the individuals is entitled to an expungement of an arrest or conviction pursuant to the provisions of this Title, any individual entitled to an expungement may petition the court to have records related to the arrest or conviction of the individual expunged by redaction.
B. If the court grants the expungement by redaction, the name of the individual and all other identifying information regarding the individual are redacted. All records shall be available for public access.
C. The clerk of court shall not be liable for any damages resulting to any person or entity as a consequence of expunging or redacting or for the failure to expunge or redact any record where the expungement order does not specifically identify all locations of the records to be expunged or specify the information to be redacted.
Art. 985.1. Interim motion to expunge a felony arrest from criminal history in certain cases resulting in a misdemeanor conviction
A. A person may file an interim motion to expunge a felony arrest from his criminal history when that original arrest results in a conviction for a misdemeanor. In such cases, only the original felony arrest may be expunged.
B. The interim motion to expunge a felony arrest which results in a misdemeanor conviction from criminal history is separate and distinct from an expungement of a final conviction pursuant to Code of Criminal Procedure Articles 976, 977, and 978.
C. Except as provided in Paragraph D of this Article, an interim motion to expunge a felony arrest from criminal history shall follow the same procedures and fees established pursuant to the provisions of Code of Criminal Procedure Article 979, et seq.
D. An interim motion to expunge shall not be subject to the time limitations provided for in Articles 977(A)(2) or 978(A)(2), and there shall be no restriction on the number of interim expungements which may be granted.
Art. 986. Forms for the expungement of records
A. Only the forms provided for in Articles 987, 988, 989, 990, 991, 992, 993, 994, and 995 shall be used for filing motions to expunge a record of an arrest which did not result in a conviction, for the expungement of a record of arrest and conviction of a misdemeanor or felony offense, or for an interim motion to expunge a felony offense which resulted in a misdemeanor conviction.
B. Supplemental forms may be added to any petition as long as they adhere to the form provided for in Article 993.
Art. 987. Motion to set aside conviction and dismiss prosecution: rule to show cause; order of dismissal forms to be used
NOW INTO HONORABLE COURT, comes
☐ Defendant, OR
☐ Defendant through undersigned Counsel, who moves that the conviction pursuant to Louisiana Code of Criminal Procedure
☐ 894(B) Misdemeanors, OR
☐ 893(E) Felonies
in the above numbered case be set aside and that the prosecution dismissed in accordance with the Code of Criminal Procedure in that the period of the deferred sentence has run and petitioner has successfully completed the terms of his probation.
The mover is further identified below:
DOCKET NUMBER: ____________________________
CHARGE: ____________________________
DATE OF ARREST: ____________________________
ARRESTING AGENCY: ____________________________
CITY/PARISH OF ARREST: ____________________________
The Mover prays that, after a contradictory hearing with the District Attorney’s Office, the Court order the above numbered case be set aside and that the prosecution dismissed in accordance with the Code of Criminal Procedure.
Respectfully submitted,
Signature of Attorney for Mover/Defendant
Signature of Attorney for Mover/Defendant Name
Address
City, State, ZIP Code
Telephone Number
If not represented by counsel:
Signature of Mover/Defendant
Mover/Defendant Name
Address
City, State, ZIP Code
Telephone Number

STATE OF LOUISIANA
JUDICIAL DISTRICT FOR THE PARISH OF

No. ____________________________
State of Louisiana

vs.

THE ADVOCATE
* As it appears in the enrolled bill
PAGE 54
CODING: Words in ______________ type are deletions from existing law; words underscored (House Bills) and ______________ and ______________ (Senate Bills) are additions.
STATE OF LOUISIANA
JUDICIAL DISTRICT FOR THE PARISH OF
No.: ________ Division: “ ________ ”
State of Louisiana

vs.

____________________________

RULE TO SHOW CAUSE

IT IS HEREBY ORDERED, that the District Attorney show cause on the ______ day of ______________________, 20 _____, at ______ o’clock ___m why the foregoing motion should not be granted.

THUS ORDERED AND SIGNED this _____ day of ______________________, 20 ___
at ________________, Louisiana: ____________________________.

JUDGE

PLEASE SERVE:
1. District Attorney: ________________________________
2. Attorney for Defendant and/or Defendant: ________________

STATE OF LOUISIANA
JUDICIAL DISTRICT FOR THE PARISH OF
No.: ________ Division: “ ________ ”
State of Louisiana

vs.

____________________________

ORDER OF DISMISSAL

Considering the Motion to Set Aside Conviction and Dismiss Prosecution, the hearing conducted on the representation of the State of Louisiana of its consent hereto, and that there is no opposition for any good cause appearing herein;

IT IS ORDERED, ADJUDGED AND DECREED that this conviction is set aside and the prosecution dismissed for purposes of expungement.

THUS ORDERED AND SIGNED this _____ day of ______________________, 20 ___
at ________________, Louisiana.

JUDGE

PLEASE SERVE:
1. District Attorney: ________________________________
2. Attorney for Defendant and/or Defendant: ________________

STATE OF LOUISIANA
JUDICIAL DISTRICT FOR THE PARISH OF
No.: ________ Division: “ ________ ”
State of Louisiana

vs.

____________________________

MOTION FOR EXPUNGEMENT

NOW INTO COURT comes mover, who provides the court with the following information in connection with this request:

I. DEFENDANT INFORMATION

NAME: ________________________________ (Last, First, MI)

DOB: ______/_____/______(MM/DD/YYYY)

GENDER: ______Female ______Male

SSN (last 4 digits): XXX-XX-____

RACE: ________________________________

DRIVER LIC.# ________________________________

ARRESTING AGENCY: ________________________________

DATE OF ARREST ________________________________

DOCKET NUMBER ________________________________

CHARGE ________________________________

In accordance with Louisiana Code of Criminal Procedure Article 983, the Office of the District Attorney has reviewed the available databases and determined that (Check all that apply. To be completed by authorized personnel from the District Attorney’s Office and returned within 15 days to defendant):

☐ The arrestee listed above has NO FELONY CONVICTIONS.

AND

☐ The arrestee listed above has NO PENDING FELONY CHARGES UNDER A BILL OF INDICTMENT OR INFORMATION.

AND

☐ The arrestee listed above WAS ACQUITTED after trial of all charges derived from the arrest listed above, including any lesser and included offense.

OR

☐ The arrestee listed above WAS NOT PROSECUTED WITHIN THE TIME LIMITATIONS prescribed in Chapter 1 of Title XVII of the Code of Criminal Procedure and the arrestee did not participate in a pretrial diversion program for the arrest listed above.

OR

☐ The case involving the arrestee listed above was dismissed or the district attorney declined to prosecute the case prior to the time limitations prescribed in Chapter 1 of Title XVII of the Code of Criminal Procedure, and the arrestee did not participate in a pretrial diversion program.

OR

☐ The arrestee listed above has been determined to be factually innocent and entitled to compensation for a wrongful conviction pursuant to the provisions of R.S. 15:572.8.

District Attorney or his designee - Print Name ________________________________ (Last, First, MI)

District Attorney or his designee - Signature ________________________________ Date ______/_____/______(MM/DD/YYYY)

Art. 989. Motion for expungement forms to be used

“ STATE OF LOUISIANA
JUDICIAL DISTRICT FOR THE PARISH OF
No.: ________ Division: “ ________ ”
State of Louisiana

vs.

____________________________

CERTIFICATION OF FEE WAIVER

To be completed by defendant and submitted to the District Attorney’s Office prior to filing. Append completed form to Motion of Expungement at filing only if eligible.

<table>
<thead>
<tr>
<th>DEFENDANT NAME</th>
<th>DATE OF BIRTH</th>
<th>SSN#</th>
</tr>
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<tr>
<td>________________________________</td>
<td>________________________________</td>
<td>________________________________</td>
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</table>

THE ADVOCATE PAGE 55
CODING: Words in strike-through type are deletions from existing law; words underscored (House Bills) and underscored and boldfaced (Senate Bills) are additions.
ARREST NUMBER: ____________________________

Mover is entitled to expunge the record of his arrest/conviction pursuant to Louisiana Code of Criminal Procedure 971 et seq. and states the following in support:

II. ARREST INFORMATION

1. Mover was arrested on ___/___/______ (MM/DD/YYYY)

2. Yes ___ No A supplemental sheet with arrests and/or convictions is attached after page 2 of this Motion.

3. Mover was:
   ___ Yes ___ No Arrested, but it did not result in conviction
   ___ Yes ___ No Convicted of and seeks to expunge a misdemeanor
   ___ Yes ___ No Convicted of and seeks to expunge a felony

4. Mover was booked and/or charged with the following offenses: (List each offense booked and charged separately. Attach a supplemental sheet, if necessary.)

   **Yes** ***No** ARRESTS THAT DID NOT RESULT IN CONVICTION

   **ITEM NO. 1**
   Name of the offense
   ( ) Time expired for prosecution ___/___/______ (MM/DD/YYYY)
   ( ) Not prosecuted for any offense arising out of this charge.
   ( ) Pre-trial Diversion Program.
   ( ) Charge dismissed
   ( ) Found not guilty/judgment of acquittal

   **ITEM NO. 2**
   Name of the offense
   ( ) Time expired for prosecution ___/___/______ (MM/DD/YYYY)
   ( ) Not prosecuted for any offense arising out of this charge.
   ( ) Pre-trial Diversion Program.
   ( ) Charge dismissed
   ( ) Found not guilty/judgment of acquittal

   **ITEM NO. 3**
   Name of the offense
   ( ) Time expired for prosecution ___/___/______ (MM/DD/YYYY)
   ( ) Not prosecuted for any offense arising out of this charge.
   ( ) Pre-trial Diversion Program.
   ( ) Charge dismissed
   ( ) Found not guilty/judgment of acquittal

   **Yes** ***No** MISDEMEANOR CONVICTIONS

   **ITEM NO. 1**
   Name of the offense
   ( ) Conviction set aside/dismissed pursuant to C.Cr.P. Art. 894(B) ___/___/______ (MM/DD/YYYY)
   ( ) More than 5 years have passed since completion of sentence.

   **ITEM NO. 2**
   Name of the offense
   ( ) Conviction set aside/dismissed pursuant to C.Cr.P. Art. 894(B) ___/___/______ (MM/DD/YYYY)
   ( ) More than 5 years have passed since completion of sentence.

   **Yes** ***No** FELONY CONVICTIONS

   **ITEM NO. 1**
   Name of the offense
   ( ) Conviction set aside/dismissed pursuant to C.Cr.P. Art. 893(E) ___/___/______ (MM/DD/YYYY)
   ( ) More than 10 years have passed since completion of sentence

   **ITEM NO. 2**
   Name of the offense
   ( ) Conviction set aside/dismissed pursuant to C.Cr.P. Art. 893(E) ___/___/______ (MM/DD/YYYY)
   ( ) More than 10 years have passed since completion of sentence

   **Yes** ***No** OPERATING A MOTOR VEHICLE WHILE INTOXICATED CONVICTIONS

   **ITEM NO. 1**
   Name of the offense
   ( ) Conviction set aside/dismissed pursuant to C.Cr.P. Art. 894(B) ___/___/______ (MM/DD/YYYY)
   ( ) More than 5 years have passed since completion of sentence

   **ITEM NO. 2**
   Name of the offense
   ( ) Conviction set aside/dismissed pursuant to C.Cr.P. Art. 894(B) ___/___/______ (MM/DD/YYYY)
   ( ) More than 5 years have passed since completion of sentence

Mover has attached the following:

( ) A copy of the proof from the Department of Public Safety and Corrections, office of motor vehicles, that it has received from the clerk of court a certified copy of the record of the plea, fingerprints of the defendant, and proof of the requirements set forth in C.Cr.P. Art. 556, which shall include the defendant’s date of birth, last four digits of social security number, and driver’s license number

5. Mover has attached to this Motion the following pertinent documents:

☐ Criminal Background Check from the La. State Police/Parish Sheriff dated within the past 30 days (required).

☐ Bill(s) of Information (if any).

☐ Minute entry showing final disposition of case (if any).

☐ Certification Letter from the District Attorney for fee waiver (if eligible).

☐ Certification Letter from the District Attorney verifying that the charges were refused.

☐ Certification Letter from the District Attorney verifying that the applicant did not participate in a pretrial diversion program.

☐ A copy of the order waiving the sex offender registration and notification requirements.

The Mover prays that if there is no objection timely filed by the arresting law enforcement agency, the district attorney’s office, or the Louisiana Bureau of Criminal Investigation and Information, that an order be issued herein ordering the expungement of the record of arrest and/or conviction set forth above, including all photographs, fingerprints, disposition, or any other such information, which record shall be confidential and no longer considered a public record, nor be made available to other persons, except a prosecutor, member of a law enforcement agency, or a judge who may request such information in writing, certifying that such request is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any other statutorily defined law enforcement or administrative duties, or for the purpose of the requirements of sex offender registration and notification pursuant to the provisions of R.S. 13:541, et seq. or as an order of this Court to any other person for good cause shown, or as otherwise authorized by law.

If an “Affidavit of No Opposition” by each agency named herein is attached hereto and made a part hereof, Defendant requests that no contradictory hearing be required and the Motion be granted ex parte.

Respectfully submitted,

Signature of Attorney for Mover/Defendant

Attorney for Mover/Defendant Name

Address

City, State, ZIP Code

Telephone Number

If not represented by counsel:

Signature of Mover/Defendant

Mover/Defendant Name

Address
STATE OF LOUISIANA
JUDICIAL DISTRICT FOR THE PARISH OF

No.:  Division: “______”

State of Louisiana vs.

ORDER

IT IS HEREBY ORDERED,
☐ If there is an objection to the Motion for Expungement, the district attorney and the arresting law enforcement agency shall file a motion to object within sixty days of the service of this Order.
☐ If the Louisiana Bureau of Criminal Identification and Information objects to the Motion for Expungement, they shall file a motion within 120 days of the service of this order (prior to August 1, 2015) and within 60 days of service of this order (after August 1, 2015).
☐ NO CONTRADICTORY HEARING SHALL BE REQUIRED as evidenced by the “Affidavit of No Opposition” executed by each agency named herein and attached to the Motion for Expungement.

THUS ORDERED AND SIGNED this ______ day of ______, 20____, at ______, Louisiana.

JUDGE

PLEASE SERVE:
1. District Attorney:
2. Louisiana Bureau of Criminal Identification and Information
3. The Arresting Law Enforcement Agency

ORDER OF EXPUNGEMENT OF ARREST/CONVICTION RECORD

Considering the Motion for Expungement
☐ The hearing conducted and evidence adduced herein, OR
☐ Affidavits of No Opposition filed,

IT IS ORDERED, ADJUDGED AND DECREED
☐ THE MOTION IS DENIED for Item(s) No. ______ the following reasons (check all that apply):
  ☐ More than five years have not elapsed since Mover completed the misdemeanor conviction sentence.
  ☐ More than ten years have not elapsed since Mover completed the felony conviction sentence.
  ☐ Mover was convicted of one of the following ineligible felony offenses:
    ☐ A violation of the Uniform Controlled Dangerous Substances Law which is ineligible to be expunged.
    ☐ An offense currently listed as a sex offense that requires registration pursuant to La. Rev. Stat. Ann. 15:540 et seq., at the time the Motion was filed, regardless of whether the duty to register was ever imposed.
    ☐ An offense defined or enumerated as a “crime of violence” pursuant to La. Rev. Stat. Ann. 14:2(B) at the time the Motion was filed.

THE ADVOCATE PAGE 57
The arrest and conviction being sought to have expunged is for operating a motor vehicle while intoxicated and a copy of the proof from the Department of Public Safety and Corrections, office of motor vehicles, is not attached as required by C.Cr.P. Art. 984(A).

Mover has had another record of misdemeanor conviction expunged during the previous five-year period.

The record of arrest and conviction which Mover seeks to have expunged is for operating a motor vehicle while intoxicated and Mover has had another record of arrest and misdemeanor conviction expunged during the previous ten-year period.

Mover has had another record of felony conviction expunged during the previous fifteen-year period.

Mover was convicted of a misdemeanor which arose from circumstances involving a sex offense as defined in R.S. 15:541.

Mover was convicted of misdemeanor offense of domestic abuse battery which was not dismissed pursuant to Code of Criminal Procedure Article 894(B).

Mover did not complete pretrial diversion.

The charges against the mover were not dismissed or refused.

Mover’s felony conviction was not set aside and dismissed pursuant to Code of Criminal Procedure Article 893(E).

Mover’s felony conviction was not set aside and dismissed pursuant to Code of Criminal Procedure Article 894(B).

Mover completed a DWI pretrial diversion program, but five years have not elapsed since the mover’s date of arrest.

Mover’s conviction for felony carnal knowledge of a juvenile is not defined as misdemeanor carnal knowledge of a juvenile had the mover been convicted on or after August 15, 2001.

Denial for any other reason provided by law with attached reasons for denial.

THE MOTION IS HEREBY GRANTED for Item(s) No. ______ and all agencies are ordered to expunge the record of arrest/conviction and any photographs, fingerprints, or any other such information of any kind maintained in connection with the Arrest(s)/Conviction(s) in the above-captioned matter, which record shall be confidential and no longer considered a public record, nor be available to other persons except a prosecutor, member of a law enforcement agency, or a judge who may request such information in writing certifying that such request is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any other statutorily defined law enforcement or administrative duties, or for the purpose of the requirements of sex offender registration and notification pursuant to the provisions of R.S. 15:541, et seq., or upon an order of this Court to any other person for good cause shown, or as otherwise authorized by law.

Please serve:
1. District Attorney:
2. Arresting Agency:
3. Parish Sheriff:
4. Louisiana Bureau of Criminal Identification and Information:
5. Attorney for Defendant (or defendant):

Art. 993. Supplemental forms to be used

SUPPLEMENTAL SHEET

___Yes  ___No  ARRESTS THAT DID NOT RESULT IN CONVICTION

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___Yes  ___No  MISDEMEANOR CONVICTIONS

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___Yes  ___No  FELONY CONVICTIONS

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<td>( ) Found not guilty/judgment of acquittal</td>
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___Yes  ___No  CONVICTIONS SET ASIDE/DISMISSED

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<td>( ) Found not guilty/judgment of acquittal</td>
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__JUDGE__
NOW INTO COURT comes mover, who provides the court with the following information in connection with this request:

1. **DEFENDANT INFORMATION**

   **NAME:**
   (Last,     First,    MI)  
   
   **DOB:**                      /                /                (MM/DD/YYYY)
   
   **GENDER**  
   ______Female  Male

   **SSN (last 4 digits):**  XXX-XX-

   **RACE:**  

   **DRIVER LIC.#**

   **ARRESTING AGENCY:**

   **SID# (if available):**

   **ARREST NUMBER:**

Mover is entitled to an interim expungement of the entry of the felony charge(s) of his arrest pursuant to Louisiana Code of Criminal Procedure Article 985.1 and states the following in support:

2. **ARREST INFORMATION**

   1. **Mover was arrested on** / / / (MM/DD/YYYY)

   2. **YES**  NO  A supplemental sheet with arrests and/or convictions is attached after page 2 of this Motion.

   3. **Mover was:**
   _____YES  NO  Arrested for a felony offense.
ORDER OF EXPUNGEMENT OF INTERIM ARREST RECORD

Considering the Motion for Expungement

☐ The hearing conducted and evidence adduced herein, OR
☐ Affidavits of No Opposition filed,

IT IS ORDERED, ADJUDGED AND DECREED

☐ THE MOTION IS DENIED for the following reasons (check all that apply):
  □ Mover was not arrested for a felony.
  □ Mover was not convicted of a misdemeanor offense.

☐ THE MOTION IS HEREBY GRANTED and the Louisiana Bureau of Criminal Identification and Information is hereby ordered to expunge the entry of the felony charge(s) contained in the criminal history of the above-named for the following felony charge(s):

<table>
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<tr>
<th>La. R.S.</th>
<th>Name of Offense</th>
<th>(MM/DD/YYYY)</th>
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IT IS FURTHER ORDERED that the Clerk of Court, District Attorney and arresting agency expunge the entry of the felony charge(s) from any public indices of the above-named from the above enumerated charge(s).

THUS ORDERED AND SIGNED this ______ day of _____________, 20____ at _____________, Louisiana.

__________________________
JUDGE

PLEASE SERVE:

1. District Attorney ______________________________
2. Louisiana Bureau of Criminal Identification and Information________________
3. Arresting Agency ______________________________

Section 2. R.S. 44:4.1(B)(38) is hereby amended and reenacted to read as follows:
§4.1. Exceptions
  a. * * *
  B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:
  a. * * *(38) C.Cr.P. Art. 103, 877, 894. Title XXXIV of the Code of Criminal Procedure comprised of Articles 971 through 995.

Section 3. R.S. 44:9 is hereby repealed in its entirety.

Section 4. The Louisiana State Law Institute is hereby directed to delete any references to R.S. 44:9 in Louisiana law and to make any necessary changes to Louisiana law to reflect the provisions of this Act.

Approved by the Governor, May 22, 2014.

A true copy:

Tom Schedler
Secretary of State

ACT NO. 146

---

HOUSE BILL NO. 61

BY REPRESENTATIVE POPE

AN ACT

To amend and reenact R.S. 13:5554.2(C)(2) and (G)(1)(a), relative to the Livingston Parish Retired Employees’ Insurance Fund; to provide for the investment of fund monies; to provide for members of the investment advisory board; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5554.2(C)(2) and (G)(1)(a) are hereby amended and reenacted to read as follows:

“STATE OF LOUISIANA
JUDICIAL DISTRICT FOR THE PARISH OF

No.: __________ Division: “_________”

THE ADVOCATE

* As it appears in the enrolled bill
§5554.2. Livingston Parish; payment of group insurance premiums; retired sheriffs and deputy sheriffs; creation of fund

C. Upon recommendation of the board established in Subsection G of this Section, the sheriff of Livingston Parish shall invest the monies in LREIF as follows:

(2) At least twenty-five percent in fixed-income investments, provided that the average credit quality of the fixed income portion is rated investment grade.

G.(1) To provide recommendations concerning the investment of funds as provided in Subsection C of this Section, the sheriff shall establish an investment advisory board consisting of seven members as follows:

(a) The controller of the sheriff’s department. A representative to be appointed by the sheriff.

Approved by the Governor, May 22, 2014.

A true copy:
Tom Schedler
Secretary of State

ACT No. 147

BY REPRESENTATIVES LOPINTO, ADAMS, ARMES, ARNOLD, HENRY BURNS, CARDROY, CHANEY, GREENE, HARRIS, HAVARD, HAZEL, HOLLS, HOWARD, IVY, LORUSO, PYLANT, STOKES, THOMPSON, AND WHITNEY AND SENATORS SMITH AND THOMPSON

An Act
To amend and reenact R.S. 14:95.5(C), relative to the possession of a firearm

on the premises of an alcoholic beverage outlet; to exempt certain law enforcement officers from the prohibition; to exempt concealed permit holders from the prohibition as it relates to restaurants; to provide relative to the authority of sheriffs or chief law enforcement officers to establish policies in this regard; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:95.5(C) is hereby amended and reenacted to read as follows:

§95.5. Possession of firearm on premises of alcoholic beverage outlet

C.(1) The provisions of this Section shall not apply to the owner or lessee of an alcoholic beverage outlet, or to an employee of such owner or lessee, or to a law enforcement officer or other person vested with law enforcement authority or listed in R.S. 14:95(G) or (H) acting in the performance of his official duties.

(2) The provisions of this Section shall not apply to a person possessing a firearm in accordance with a concealed handgun permit issued pursuant to R.S. 40:1379.1 or 1379.3 on the premises of an alcoholic beverage outlet which has been issued a Class A Restaurant permit, as defined in Part I of Chapter 1 or Part II of Chapter 2 of Title 26 of the Louisiana Revised Statutes of 1950.

(3) The provisions of this Section shall not be construed to limit the ability of a sheriff or chief law enforcement officer to establish policies within his department or office regarding the carrying of a concealed handgun on the premises of an alcoholic beverage outlet by any law enforcement officer under his authority.

Approved by the Governor, May 22, 2014.

A true copy:
Tom Schedler
Secretary of State

ACT No. 148

BY REPRESENTATIVE LOPINTO

An Act
To amend and reenact R.S. 32:53(A) and to repeal R.S. 47:507, relative to motor vehicle license plates; to provide for the proper display of license plates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:53(A) is hereby amended and reenacted to read as follows:

§32.53(A) Proper equipment required on vehicles; display of plate

A.(1) No person shall drive or move, nor cause or knowingly permit any vehicle owned or controlled by him to be driven or moved, on any highway of this state, at any time, any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person or property, or which does not contain those parts or is not at all times equipped with such lamps and other equipment, in proper condition and adjustment, as required in this Chapter, or which is constructed or equipped in any manner in violation of this Chapter; and no person shall do any act forbidden or fail to perform any act required under this Chapter.

(2) The permanent registration license plate assigned to a trailer, semitrailer, motorcycle, or other motor vehicle shall be attached to the rear thereof. Notwithstanding the foregoing, the permanent registration license plate shall be so displayed during the current registration year, except as otherwise provided herein.

(3) Every permanent registration license plate shall at all times be securely fastened to the vehicle to which it is assigned, so as to prevent the plate from swinging, and at a height not less than twelve inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible, and shall be maintained free from foreign materials and in a condition to be clearly legible.

(4) The provisions of this Section shall not be construed to prohibit placing a permanent registration license plate on a rear tender as long as it is facing to the rear of the vehicle.

Section 2. R.S. 47:507 is hereby repealed in its entirety.

Approved by the Governor, May 22, 2014.

A true copy:
Tom Schedler
Secretary of State

ACT No. 149

BY REPRESENTATIVE HARRISON

An Act
To amend and reenact R.S. 32:866(A)(1), relative to compulsory motor vehicle liability security; to provide relative to the prohibition of the recovery of damages in certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:866(A)(1) is hereby amended and reenacted to read as follows:

§866. Compulsory motor vehicle liability security; failure to comply; limitation of damages

A.(1) There shall be no recovery for the first fifteen thousand dollars of bodily injury and no recovery for the first twenty-five thousand dollars of property damage based on any cause or right of action arising out of a motor vehicle accident, for such injury or damages occasioned by an owner or operator of a motor vehicle involved in such accident who fails to own or maintain compulsory motor vehicle liability security.

Approved by the Governor, May 22, 2014.

A true copy:
Tom Schedler
Secretary of State

ACT No. 150

BY REPRESENTATIVES GUINN, BROWN, GISCLAIR,
HONORE, AND NORTON

An Act
To amend and reenact R.S. 56:1948.5(47) and to enact R.S. 56:1948.5(65), relative to Louisiana Byways; to designate sections of certain highways as the Flyway Byway; to provide relative to the Creole Nature Trail All-American road route; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:1948.5(47) is hereby enacted to read as follows:

§1948.5. Louisiana Byways designations

The following highways and sections of highways are hereby designated as Louisiana Byways:

(47) Creole Nature Trail All-American road route; Louisiana Highway 27 beginning at Sulphur in Calcasieu Parish, south to Hollybeach in Cameron Parish at the junction with Louisiana Highway 82, Louisiana Highway 82 west to the Texas state line, and east to Louisiana Highway 27/82 to Creole, south on Louisiana Highway 27 to Oak Grove, east on Louisiana Highway 82 to the Vermilion Parish line; Louisiana Highway 384 proceeding east toward Louisiana Highway 82 between Skidaway and Arnaudville to Louisiana Highway 27 to Creole; or, alternate spur, extending east from Holmwood on Louisiana Highway 14, through the communities of Bell City and Havens, to Illinois Plant Road, and proceeding south on Illinois Plant Road to its conclusion on Lacassine National Wildlife Refuge.

(65) Flyway Byway: LA 99 from its intersection with the westbound ramps of I-10 south to its intersection with LA 14, including its routing through Welsh; Illinois Plant Road from the Jefferson Davis Cameron Parish line north to
its intersection with LA 14; LA 14 from its intersection with Illinois Plant Road east to the Jefferson Davis-Vermilion Parish line, including its routing through Lake Arthur; LA 26 from the Jefferson Davis-Cameron Parish line north to its intersection with LA 14; LA 26 from its intersection with LA 14 north to its intersection with North Frontage Road at the Oil and Gas Park north of I-10, including its routing through Lake Arthur and Jennings; and US 90 from its intersection with LA 90 in Welsh east to its intersection with LA 26 in Jennings including its routing through Roanoke.

Approved by the Governor, May 22, 2014.
A true copy:
Tom Schedler
Secretary of State

ACT No. 151

HOUSE BILL NO. 160
BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 40:1472.2(7)(d) and to enact R.S. 40:1472.2(7)(e), relative to the regulation of explosives; to add “exploding or explosive target” to the definition of explosives; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1472.2(7)(d) is hereby amended and reenacted and R.S. 40:1472.2(7)(e) is hereby enacted to read as follows:

§1472.2. Definitions

* * *

(7) “Explosives” means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. The term includes but is not limited to dynamite and other high explosives, black powder in quantities in excess of five pounds, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, and igniters.

The term “explosives” further includes but is not limited to the following:

(d) The “Except as provided for in Subparagraph (e) of this Paragraph the term “explosive” shall not include smokeless powder when used in sporting arms.”

(e) “Exploding or explosive target” means two or more mixed, commercially manufactured prepackaged chemical substances including oxidizers, flammable liquids or solids, or similar substances that are not independently classified as explosives but which when mixed or combined in quantities greater than five pounds form a mixture that is classified as an explosive and designed primarily as a target for firearms practice.

* * *

Approved by the Governor, May 22, 2014.
A true copy:
Tom Schedler
Secretary of State

ACT No. 152

HOUSE BILL NO. 193
BY REPRESENTATIVE RICHARD
AN ACT

To repeal R.S. 18:441(B)(4), relative to political parties; to repeal the prohibition against the recognition of certain political parties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:441(5)(4) is hereby repealed in its entirety.

Section 2. This Act shall become effective on January 1, 2015.

Approved by the Governor, May 22, 2014.
A true copy:
Tom Schedler
Secretary of State

ACT No. 153

HOUSE BILL NO. 210
BY REPRESENTATIVE JEFFERSON AND SENATOR WALSWORTH
AN ACT

To amend and reenact R.S. 15:574.20, relative to medical parole; to amend certain eligibility requirements for medical parole; to amend certain definitions; to provide with respect to a risk assessment of an inmate prior to recommendation for medical parole; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:574.20 is hereby amended and reenacted to read as follows:

§1574.20. Medical parole program; eligibility; revocation

A.(1) Notwithstanding the provisions of this Part or any other law to the contrary, any person sentenced to the custody of the Department of Public Safety and Corrections may, upon referral by the department, be considered for medical parole by the committee on parole. Medical parole consideration shall be in addition to any parole for which an inmate may be eligible, but shall not be available to any inmate who is awaiting execution or who has a contagious disease.

(2) Medical parole shall not be available to any inmate serving time for the violation of R.S. 14:30, first degree murder; or R.S. 14:30.1, second degree murder.

B. The committee on parole shall establish the medical parole program to be administered by the Department of Public Safety and Corrections. An inmate eligible for consideration for release under the program shall be any person who, because of an existing medical or physical condition, is determined by the department to be within one of the following designations:

1. “Permanently incapacitated disabled inmate” which shall mean means any person who, by reason of an existing physical or medical condition, is so permanently and irreversibly physically incapacitated that he does not constitute a danger to himself or to society. For the purposes of this Section, “terminally ill” is defined as having a life expectancy of less than one year due to an underlying medical condition.

2. “Terminally ill inmate” which shall mean means any person inmate who, because of an existing medical condition, is irreversibly terminally ill; and who by reason of the condition does not constitute a danger to himself or to society.

C. No inmate shall be recommended for medical parole by the department until full consideration has been given to the inmate’s crime and criminal history, length of time served in custody, institutional conduct, an indication that the inmate represents a low risk to himself or society, and a medical assessment of the inmate’s condition. In the assessment of risk, emphasis shall be given to the inmate’s medical condition and how this relates to his overall risk to society.

D. The authority to grant medical parole shall rest solely with the committee on parole, and the committee shall establish additional conditions of the parole in accordance with the provisions of this Subpart. The Department of Public Safety and Corrections shall identify those inmates who may be eligible for medical parole based upon available medical information. In considering an inmate for medical parole, the committee may require that additional medical evidence be produced or that additional medical examinations be conducted. The committee on parole shall determine the risk to public safety and shall grant medical parole only after determining that the inmate does not pose a threat to the public safety.

E. The parole term of an inmate released on medical parole shall be for the remainder of the inmate’s sentence, without diminution of sentence for good behavior. Supervision of the parolee shall consist of periodic medical evaluations at intervals to be determined by the committee at the time of release.

If it is discovered through the supervision of the medical parolee that his condition has improved such that he would not then be eligible for medical parole under the provisions of this Subpart, the committee may order that the person be returned to the custody of the Department of Public Safety and Corrections to await a hearing to determine whether his parole shall be revoked. Any person whose medical parole is revoked due to an improvement in his condition shall resume serving the balance of his sentence with credit given for the duration of the medical parole. If the person’s medical parole is revoked due to an improvement in his condition, and he would be otherwise eligible for parole, he may then be considered for parole under the provisions of R.S. 15:574.4. Medical parole may also be revoked for violation of any condition of the parole as established by the committee on parole.

F. The committee on parole shall promulgate such rules as are necessary to effectuate this Subpart, including rules relative to the conduct of medical parole hearings, and the conditions of medical parole release.

Approved by the Governor, May 22, 2014.
A true copy:
Tom Schedler
Secretary of State

ACT No. 154

HOUSE BILL NO. 237
BY REPRESENTATIVE MACK
AN ACT

To enact R.S. 13:2583(A)(2)(c), relative to constables; to provide relative to qualifications; to provide relative to the mandatory retirement age of constables in certain parishes; and to provide for related matters.

Be it enacted by the Legislature of the State of Louisiana:

Section 1. R.S. 13:2583(A)(2)(c) is hereby enacted to read as follows:

§2583. Constables; election; term of office; qualifications

A. * * *

(2) * * *

(c) The provisions of this Paragraph shall not apply in Livingston Parish.

Approved by the Governor, May 22, 2014.
A true copy:
Tom Schedler
Secretary of State
ACT No. 155

BY REPRESENTATIVES TIM BURNS, HOLLIS, PEARSON, RITCHIE, AND SIMON AND SENATORS CROWE, DONAHUE, AND NEVERS

AN ACT

To enact Subpart B-42 of Part I of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:130.791 through 130.795, relative to St. Tammany Parish; to authorize the governing authority of the parish to create a geographic information system district; to provide relative to the governing board of the district; to provide for the powers, duties, and functions of the district; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

SUBPART B-42. ST. TAMMANY PARISH GEOGRAPHIC INFORMATION SYSTEM DISTRICT

Section 1. R.S. 41:1224.1 is hereby enacted to read as follows:

A. The district shall have and exercise all powers of a political subdivision necessary or convenient for the purpose of funding the district and carrying out its objects and purposes, including but not limited to the following:

1. To incur debt.
2. To sue and be sued.
3. To adopt, use, and alter a corporate seal.
4. To adopt bylaws and rules and regulations.
5. To receive by gift, grant, donation, or otherwise any sum of money, property, aid, or assistance from the United States, the state of Louisiana, or any political subdivision thereof, or any person, firm, or corporation.
6. To enter into contracts, agreements, or cooperative endeavors with the state or any political subdivisions or political corporations and with any public or private association, corporation, business entity, or individual.
7. To elect officers and appoint agents and employees, prescribe their duties, and fix their compensation.
8. To acquire property by purchase, gift, grant, donation, lease, or otherwise.
9. To establish monetary, bank, and investment accounts.
10. To establish committees or subcommittees.
11. To enter into contracts or agreements with the district; and to provide for related matters.

B. The district shall be subject to audit by the legislative auditor pursuant to the district; and to provide for related matters.

C. Any vacancy which occurs prior to the expiration of the term for which a member of the board has been appointed shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

D. The board may combine such offices or elect other officers as it deems necessary.

E. The members of the board shall serve without compensation.

F. The board shall keep minutes of all meetings and shall make them available through the secretary of the board to residents of the district.

G. The board may adopt bylaws and rules and regulations as it deems necessary or advisable for conducting its business affairs.

H. The board may meet at such times and places within the district as may be prescribed by the board.

I. A majority of the members of the board shall constitute a quorum for the transaction of business.

J. All acts and proceedings of the board shall be open to public inspection, and the minutes of its meetings shall be open for public inspection unless the board shall determine that the interest of the district or the district's business affairs would be prejudiced by such inspection.

K. The district shall have and exercise all powers of a political subdivision necessary or convenient for the purpose of funding the district and carrying out its objects and purposes, including but not limited to the following:

1. To incur debt.
2. To sue and be sued.
3. To adopt, use, and alter a corporate seal.
4. To adopt bylaws and rules and regulations.
5. To receive by gift, grant, donation, or otherwise any sum of money, property, aid, or assistance from the United States, the state of Louisiana, or any political subdivision thereof, or any person, firm, or corporation.
6. To enter into contracts, agreements, or cooperative endeavors with the state or any political subdivisions or political corporations and with any public or private association, corporation, business entity, or individual.
7. To elect officers and appoint agents and employees, prescribe their duties, and fix their compensation.
8. To acquire property by purchase, gift, grant, donation, lease, or otherwise.
9. To establish monetary, bank, and investment accounts.
10. To establish committees or subcommittees.
11. To enter into contracts or agreements with the district; and to provide for related matters.

L. The district shall be subject to audit by the legislative auditor pursuant to the district; and to provide for related matters.

M. Any vacancy which occurs prior to the expiration of the term for which a member of the board has been appointed shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

N. The board may combine such offices or elect other officers as it deems necessary.

O. The members of the board shall serve without compensation.

P. The board shall keep minutes of all meetings and shall make them available through the secretary of the board to residents of the district.

Q. The board may adopt bylaws and rules and regulations as it deems necessary or advisable for conducting its business affairs.

R. The board may meet at such times and places within the district as may be prescribed by the board.

S. A majority of the members of the board shall constitute a quorum for the transaction of business.

T. All acts and proceedings of the board shall be open to public inspection, and the minutes of its meetings shall be open for public inspection unless the board shall determine that the interest of the district or the district's business affairs would be prejudiced by such inspection.

* As it appears in the enrolled bill

CODING: Words in struck through type are deletions from existing law; words underscored (House Bills) and boldfaced (Senate Bills) are additions.
become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, May 22, 2014.
A true copy:
Tom Schedler
Secretary of State

 ACT No. 157

HOUSE BILL NO. 278
BY REPRESENTATIVES HAVARD AND THIBAUT
AN ACT
To enact R.S. 14:30(A)(12) and (B)(4) relative to first degree murder; to add “correctional facility employee” to the list of specific victims of the crime of first degree murder; to provide for a definition of “correctional facility employee”; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 14:30(A)(12) and (B)(4) are hereby enacted to read as follows:
§30. First degree murder
A. First degree murder is the killing of a human being:
(12) When the offender has a specific intent to kill or to inflict great bodily harm upon a correctional facility employee who is in the course and scope of his employment.
B. * * *
(4) For purposes of Paragraph (A)(12) of this Section, the term “correctional facility employee” means any employee of any jail, prison, or correctional facility who is not a peace officer as defined by the provisions of Paragraph (1) of this Subsection.

$1333. Agreements concerning collection and disposal of solid wastes
Any parish, municipality, consolidated garbage district created pursuant to Article III, Section 1, of the Louisiana Constitution of 1974, or political subdivision of the state may make agreements pursuant to R.S. 33:1324 and R.S. 4162.1 in order to create greater efficiency, and economy and further extension of services in the area of solid waste disposal. All such agreements shall be in writing, provisions of which may be deemed suitable and necessary for the ability to acquire by gift, grant, purchase, or condemnation proceedings as provided in R.S. 33:1329, the parishes, municipalities or commissions political subdivisions may use any state equipment which may be available for purposes of solid waste disposal. The municipalities, parishes or commissions political subdivisions pursuant to the provisions of R.S. 33:1332 may issue bonds to finance construction, acquisition, improvement, maintenance, or operation of such public projects and the issuance of such bonds which are hereby declared to be a work of public improvement under Article XIV, §46(b) of the Louisiana Constitution Part III of Chapter 4 of Subtitle II of Title 39 of the Louisiana Revised Statutes of 1950. Such construction, acquisition, or improvement, and the maintenance or operation thereof is hereby declared to involve a public purpose for the purposes of Article VI, Section 32 of the Constitution of 1974, whereby allowing such municipalities, parishes or commissions political subdivisions to collect an ad valorem tax pursuant to the procedure set forth in Article X, §10 of the Louisiana Constitution Article VI, Section 32 of the Constitution of 1974 and applicable law. Arrangements for financing such agreements involving the issuance of bonded indebtedness, shall be set forth in the agreement between the parishes, municipalities, and consolidated garbage districts political subdivisions as required by R.S. 33:1331.

$3821. Authority to issue bonds and levy taxes
Waterworks districts shall be subdivisions of the state and as such may issue bonds and levy taxes in accordance with the provisions of Subsection 312 of Article XIV of the Constitution of 1974 Part III of Chapter 4 of Subtitle II of Title 39 of the Louisiana Revised Statutes of 1950.

$4051. Consolidation of districts by parish governing authority; approval of governing body; rights of consolidated district; governing body of district
Any parish or commission political subdivision, or more consolidated sewerage districts comprised of one or more existing sewerage districts, together with, if so determined by the governing authority, territory not within the boundaries of an existing sewerage district. No sewerage district the governing body of which is not the governing authority of the parish may be included in any consolidated district without the approval of the governing body of such district to be evidenced by resolution, and no sewerage district lying wholly or partially within the limits of an incorporated municipality may be included in a consolidated district without the governing authority of such district to be evidenced by resolution. Consolidated sewerage districts so created shall constitute sewerage districts within the meaning of Subsection 111 of Article XIV of the Constitution Part III of Chapter 4 of Subtitle II of Title 39 of the Louisiana Revised Statutes of 1950, and such district shall be entitled to all rights, powers, and privileges enjoyed by other sewerage districts under the provisions of said section, including the right to issue bonds, and shall have the right to issue certificates of indebtedness secured by local or special assessments. The governing authority of such consolidated sewerage district shall be the governing authority of the parish creating the district.

$4161. Revenue-producing public utility defined
For the purposes of this Part, “revenue-producing public utility” means any component of a municipal corporation, or any parish or any other political subdivision of the state, or any incorporated municipality, or any municipal corporation, or any parish or any other political subdivision that regularly supplies the public with a commodity or service, including electricity, gas, water, ice, ferries, warehouses, docks, wharves, terminals, airports, transportation, telephone, telegraph, radio, television, drainage, sewage, garbage disposal, emergency medical services, and other similar commercial services; or any project or undertaking, including public lands and improvements thereon, owned and operated by a municipal corporation or parish or other political subdivision or taxing district authorized by the Constitution of Louisiana or by law to issue bonds under authority of Section 13 of Article XIV of the Constitution of Louisiana of 1921, from the conduct and operation of which revenue can be derived.

$4162. Power to own and operate; power to lease
A. Any municipal corporation or any parish or any other political subdivision of the state, or any incorporated municipality, or any municipal corporation, or any parish or any other political subdivision or taxing district authorized by the Constitution of Louisiana or by law to issue bonds under authority of Section 13 of Article XIV of the Constitution of Louisiana of 1921, may construct, acquire, extend, or improve any revenue-producing public utility and property necessary thereto, either within or

THE ADVOCATE
* As it appears in the enrolled bill
CODING: Words in strike through type are deletions from existing law; words underscored (House Bills) and boldfaced (Senate Bills) are additions.
without its boundaries, and may operate and maintain the utility in the interest of the public.

A municipal corporation may lease waterworks systems, electric light and power plants, combined water and electric systems, garbage plants, sewerage works, electric street and interurban railways, gas plants, and distributing systems.

No municipal corporation may lease or purchase gas fields, wells, lands, or holdings for the purpose of drilling and operating gas wells.

A parish may lease gas plants, gas distributing systems, gas wells, gas lands, and holdings.

§4306. District as subdivision of state within constitutional provision; provision of a political subdivision

Any gas utility district created hereunder pursuant to this Subpart shall be a subdivision of the State of Louisiana political subdivision within the meaning of Section 14 of Article X of the Constitution of 1898, as hereinafter or hereafter amended, and of the general laws of Louisiana authorizing the issuance of bonds, provided that nothing herein Nothing in this Subpart shall be construed as authorizing the issuance and sale of property or ad valorem bonds.

Section 2. R.S. 33:3744 and 3745 are hereby repealed in their entirety.

Section 3. The Louisiana State Law Institute is authorized to redesignate R.S. 33:1947, Subpart A-1 of Part II of Chapter 4 of Title 33 of the Louisiana Revised Statutes of 1950, consisting of R.S. 33:1981, Subpart B-1 of Part II of Chapter 4 of Title 33 of the Louisiana Revised Statutes of 1950, consisting of R.S. 33:2201 through 2010, Subpart A-1 of Part III of Chapter 4 of Title 33 of the Louisiana Revised Statutes of 1950, consisting of R.S. 33:2201, and Subpart B-1 of Part III of Chapter 4 of Title 33 of the Louisiana Revised Statutes of 1950, consisting of R.S. 33:2218.1 through 2218.10 as Sections within Title 40 of the Louisiana Revised Statutes of 1950.

Section 4. The Louisiana State Law Institute is authorized to redesignate R.S. 33:1391(Acts 1990, No. 187) and 1392(Acts 1979, No. 341) by removing them from Title 33 of the Louisiana Revised Statutes of 1950 and including them in the Table of Local and Special Acts.

Section 5. The Louisiana State Law Institute is further authorized to make such technical changes in any citations as may be necessary to reflect the statutory redesignations made by the Louisiana State Law Institute as provided by Sections 3 and 4 of this Act.

Section 6. The redesignation of a statute as provided by Sections 3 and 4 of this Act shall not affect the validity of the statute, and references to a statute as redesignated shall be valid; however, the redesignation of a statute as provided by Sections 3 and 4 of this Act shall not invalidate a reference to the former citation of the redesignated statute.

Section 7. The Louisiana State Law Institute is hereby authorized to designate new Chapters, Parts, and Subparts of Title 40 of the Louisiana Revised Statutes of 1950 for those statutes redesignated from Title 33 of the Louisiana Revised Statutes of 1950 as provided by Section 3 of this Act.

Approved by the Governor, May 22, 2014.

A true copy:
Tom Schedler
Secretary of State

ACT No. 159

HOUSE BILL NO. 314
BY REPRESENTATIVE ARNOLD
AN ACT
To enact R.S. 49:191(7)(a) and to repeal R.S. 49:191(5)(m), relative to the Department of Justice; including provisions to provide for the re-creation of the Department of Justice and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Pursuant to R.S. 49:193, the Department of Justice and the statutory entities made a part of the department by law shall be re-created effective June 30, 2014, and all statutory authority therefor is continued in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

Section 2. All statutory authority for the existence of the Department of Justice and the statutory entities made a part of the department as re-created by Section 1 of this Act shall cease as of July 1, 2019, pursuant to R.S. 49:191. However, the Department of Justice may be re-created prior to such date in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

Section 3. The provisions of R.S. 49:193 are hereby superseded to the extent that those provisions are in conflict with the provisions of this Act.

Section 4. R.S. 49:191(7)(a) is hereby enacted to read as follows:
§191. Termination of legislative authority for existence of statutory entities; phase-out period for statutory entities; table of dates

Notwithstanding any termination dates set by any previous Act of the legislature, the statutory entities set forth in this Section shall begin to terminate their operations on July first of each of the following years, and all legislative authority for the existence of any statutory entity, as defined in R.S. 49:190, shall cease as of July first of the following year, which shall be the termination date:

(7) July 1, 2018;

(a) The Department of Justice and all statutory entities made a part of the department by law.

Section 5. R.S. 49:191(5)(m) is hereby repealed in its entirety.

Section 6. This Act shall become effective on June 30, 2014; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2014, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, May 22, 2014.

A true copy:
Tom Schedler
Secretary of State

ACT No. 160

HOUSE BILL NO. 318
BY REPRESENTATIVES BURFORD, BROWN, COX, GUINN, HILL, HONORE, HOWARD, AND PYLANT AND SENATOR NEVERS
AN ACT
To amend and reenact R.S. 32:1311(B), (C), and (D) and to enact R.S. 32:1311(E), relative to motor vehicle inspection requirements; to remove the requirement that single axle two-wheel trailers bear a valid safety inspection certificate; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:1311(B), (C), and (D) are hereby amended and reenacted and R.S. 32:1311(E) is hereby enacted to read as follows:
§1311. Exemptions

B. Single axle two-wheel trailers are exempt from the inspection requirements of this Chapter.

C. Motor vehicles which are less than twenty-five years old or older and which are used primarily for exhibition in shows, parades, tours, and other special uses and not for general transportation and which are registered and licensed as antique as provided in R.S. 32:707(L) shall be exempt from the inspection requirements of this Chapter.

D. Motor vehicles which display a current safety inspection sticker as certified by the Department of Public Safety and Corrections shall be exempt from the inspection requirements of this Chapter.

E(1) Commercial motor vehicles, trailers, and semitrailers in interstate commerce which are subject to the Federal Motor Carrier Safety Regulations shall be exempt from the inspection requirements of this Chapter provided that these commercial motor vehicles shall comply with the requirements of the Code of Federal Regulations (49 CFR 396) requiring periodic and annual inspections of commercial motor vehicles.

(2) As an alternate means of compliance with the requirements of 49 CFR, the owner or operator of a commercial motor vehicle or truck may opt to obtain a Louisiana commercial motor vehicle inspection certificate which satisfies the requirements of 49 CFR 396.17.

A trailer or semitrailer being used in combination with a truck trailer meeting such exemption may opt to obtain a Louisiana commercial motor vehicle inspection certificate which satisfies the requirements of 49 CFR 396.17.

(3) As used in this Section, “commercial motor vehicle” means any self-propelled truck trailer or towed vehicle which is used on public highways to transport property in interstate commerce, has been issued an apportioned plate through the International Registration Plan; and

(a) Has a gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of 10,001 pounds or more; or

(b) Is used in the transportation of hazardous materials in a quantity placarding under regulations issued by the secretary under the Hazardous Materials Transportation Act (49 USC app. 1801-1813).

Approved by the Governor, May 22, 2014.

A true copy:
Tom Schedler
Secretary of State

ACT No. 161

HOUSE BILL NO. 318
BY REPRESENTATIVE DANAHAY
AN ACT
To enact R.S. 44:448, relative to public records; to exempt certain records of or in the possession of the Board of Tax Appeals; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 44:448 is hereby enacted to read as follows:
44. Applicability

This Chapter shall not apply:

(48) To any tax information in the possession of the Board of Tax Appeals that is required by law to be held confidential or privileged or to any internal...
correspondence among the members and staff of the Board of Tax Appeals pertaining to discussion of a case being adjudicated by the board.

A true copy:
Tom Schedler
Secretary of State

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ACT No. 162
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HOUSE BILL NO. 324
BY REPRESENTATIVE LEGER
AN ACT

To amend and reenact R.S. 12:2.1, relative to certain confidential data in the possession of the Department of State; to authorize the disclosure of electronic mail addresses and short message service numbers to certain persons and entities; to provide for the use of the data; to provide for the maintenance of the confidentiality of the data; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 12:2.1 is hereby amended and reenacted to read as follows:

§2.1. Electronic mail addresses and short message service numbers; confidentiality

A. Any electronic mail address or short message service number submitted to or captured by the secretary of state pursuant to the provisions of this Title shall be confidential and shall not be disclosed by the secretary of state or any employee or official of the Department of State.

B. The provisions of Subsection A of this Section shall not prohibit the disclosure of electronic mail addresses or short message service numbers by the secretary of state or any employee or official of the Department of State to an agency, official, or employee of state government or of a political subdivision of the state in the course of the interaction of the agency, official, or employee with the Department of State. An agency, official, or employee that receives electronic mail addresses or short message service numbers pursuant to this Subsection shall use the electronic mail addresses or short message service numbers only for the governmental purposes for which the information was submitted or captured, shall not disclose the electronic mail addresses or short message service numbers, and shall maintain the confidentiality of the electronic mail addresses and short message service numbers.

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

Approved by the Governor, May 22, 2014.
A true copy:
Tom Schedler
Secretary of State

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ACT No. 163
- - - - - - - -

HOUSE BILL NO. 325
BY REPRESENTATIVES LOPINTO AND STOKES
AND SENATOR GUILLORY
AN ACT

To amend and reenact R.S. 14:19(A) and 20(A)(4)(a) and (B)(introductory paragraph), relative to the justifiable use of force or violence; to provide that the use of force or violence is justified in certain circumstances; to provide that the justification applies when the conflict began; to provide for technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:19(A) and 20(A)(4)(a) and (B)(introductory paragraph) are hereby amended and reenacted to read as follows:

§19. Use of force or violence in defense
A. (1) The use of force or violence upon the person of another is justifiable under either of the following circumstances:
(a) When committed for the purpose of preventing a forcible offense against the person or a forcible offense or trespass against property in a person's lawful possession, provided that the force or violence used must be reasonable and apparently necessary to prevent such offense.
(b)(i) When committed by a person lawfully inside a dwelling, a place of business, or a motor vehicle as defined in R.S. 32:140 when the conflict began, against a person who is attempting to make an unlawful entry into the dwelling, place of business, or motor vehicle, or who has made an unlawful entry into the dwelling, place of business, or motor vehicle, and the person using the force or violence reasonably believes that the use of force or violence is necessary to prevent the entry or to compel the intruder to leave the dwelling, place of business, or motor vehicle.

Approved by the Governor, May 22, 2014.
A true copy:
Tom Schedler
Secretary of State

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ACT No. 164
- - - - - - - -

HOUSE BILL NO. 339
BY REPRESENTATIVES LEGER, BILLIOT, AND BROSETT
AN ACT

To amend and reenact R.S. 33:5062(A), relative to the city of New Orleans; to provide relative to the maintenance of property in a safe and sanitary condition; to provide relative to the powers granted to the governing authority of the city to maintain property in such condition; to remove provisions that prohibit the governing authority from enacting ordinances relative to the removal of weeds and other deleterious growths; to provide relative to the costs of removing such weeds and other growths; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:5062(A) is hereby amended and reenacted to read as follows:

§5062. Weed cutting in municipalities; abutting owner's liability; notice; waiver of notice
A. The governing authority of any municipality, except the city of New Orleans, may enact ordinances requiring that property be maintained in a safe and sanitary condition, including ordinances providing for the cutting, destruction, or removal of noxious weeds or grass or other deleterious, unhealthful, or noxious growths on any sidewalks or banquettes and on any lot, place, or area within the municipality. The charges, costs, and expenses incurred by the municipal governing authority in enforcing such ordinances, shall, to the extent of the actual cost thereof to the municipal governing authority, be a charge, cost, or expense of the property abutting the sidewalk or banquette or of the lot, place, or area, and the owner thereof.

Approved by the Governor, May 22, 2014.
A true copy:
Tom Schedler
Secretary of State

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ACT No. 165
- - - - - - - -

HOUSE BILL NO. 340
BY REPRESENTATIVE JAMES
AN ACT

To enact Chapter 28 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:1951 through 1955, relative to Internet privacy; to prohibit employers and educational institutions from requesting or requiring certain individuals to disclose information that allows access to or observation of personal online accounts; to prohibit employers and educational institutions from taking certain actions for failure to disclose information that allows access to or observation of personal online accounts; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 28 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:1951 through 1955, is hereby enacted to read as follows:

THE ADVOCATE
* As it appears in the enrolled bill

CODING: Words in italics are additions; words in normal type are deletions from existing law; words underscored (House Bills) and underscored and boldfaced (Senate Bills) are additions.
CHAPTER 28. PERSONAL ONLINE ACCOUNT
PRIVACY PROTECTION ACT

§1951. Title
This Chapter shall be known and may be cited as the "Personal Online Account Privacy Protection Act".

§1952. Definitions
As used in this Chapter, the terms defined in this Section have the meanings therein given to them, except where the context expressly indicates otherwise:

(1) "Educational institution" means a public or private educational institution or a separate school or department of a public or private educational institution and includes but is not limited to the following:
   (a) A university, college, or junior college;
   (b) An academy;
   (c) An elementary or secondary school;
   (d) An extension course;
   (e) A kindergarten;
   (f) A nursery school;
   (g) A school system, school district, or intermediate school district;
   (h) A business, nursing, professional, secretarial, technical, or vocational school.

(2) "Electronically" means electronically, through any device that uses electronic signals to create, transmit, and receive information, including a computer, telephone, personal digital assistant, or other similar device.

(3) "Employee" means a person, including a unit of state or local government, who has entered into a business, industry, profession, trade, or other enterprise in this state and includes an agent, representative, or designee of the employer.

(4) "Personal online account" means an online account that the employer, applicant, for employment, student, or prospective student uses exclusively for or to business purposes or to any business purpose of the employer or educational institution. A personal online account does not extend to any account or profile created, serviced, maintained, used, or accessed by a current employee, applicant, for employment, student, or prospective student that the employer or educational institution or to engage in business-related communications.

(5) "Electronic communications device" means any device that uses electronic signals to create, transmit, and receive information, including a computer, telephone, personal digital assistant, or other similar device.

§1953. Employers; prohibited activities; exceptions
A. An employer shall not do any of the following:
   (1) Request or require an employee or applicant for employment to disclose any username, password, or other authentication information that allows access to the employee, student, applicant, or prospective student's personal online account.
   (2) Discharge, discipline, fail to hire, or otherwise penalize or threaten to penalize an employee or applicant for employment for failure to disclose any information specified in this Subsection.

B. An employer shall not be liable under certain websites while using an electronic communications device paid for or supplied in whole or in part by the employer or educational institution, or while using a computer, telephone, personal digital assistant, or other similar device.

C. An educational institution shall not be prohibited from doing any of the following:
   (1) Request or require a student or prospective student to disclose any username, password, or other authentication information to the employer that allows access to the student or prospective student's personal online account.
   (2) Restricting or prohibiting a student or prospective student from self-disclosing any username, password, or other authentication information to the employer that allows access to the student's or prospective student's personal online account.

§1954. Educational institutions; prohibited activities; exceptions
A. An educational institution shall not do any of the following:
   (1) Request or require a student or prospective student to disclose any username, password, or other authentication information that allows access to the student's or prospective student's personal online account.
   (2) Expel, discipline, fail to admit, or otherwise penalize or threaten to penalize a student or prospective student for failure to disclose any information specified in this Subsection.

B. An educational institution shall not be prohibited from requesting or requiring a student or prospective student to disclose any username, password, or other authentication information to the educational institution to gain access to or operate any of the following:
   (1) An electronic communications device paid for or supplied in whole or in part by the employer or educational institution.
   (2) An account or service provided by the employer or educational institution, except where the device has been provided to the student or prospective student in accordance with state or federal law.

§1955. No duty to monitor; liability
A. This Chapter shall not create a duty for an employer or educational institution to search or monitor the activity of an individual's personal online account.

B. An employer or educational institution shall not be liable under this Chapter for failure to request or require an employee, a student, an applicant for employment, or a prospective student to disclose information that allows access to the employee's, student's, applicant's, or prospective student's personal online account.

C. Nothing in this Section shall be construed to prohibit or restrict a student or prospective student from self-disclosing any username, password, or other authentication information to the educational institution that allows access to the student's or prospective student's personal online account.

Approved by the Governor, May 22, 2014.
A true copy:
Tom Schedler
Secretary of State

ACT No. 166
HOUSE BILL NO. 386
BY REPRESENTATIVE HAVARD
AN ACT
To amend and reenact R.S. 32:1304(A)(3)(b), relative to required documents for trailer inspections; to provide that a valid inspection sticker is sufficient to meet the trailer inspection requirements; and to provide for related matters.
Be enacted by the Legislature of Louisiana:
Section 1. R.S. 32:1304(A)(3)(b) is hereby amended and reenacted to read as follows:
§1304. Secretary to require periodical inspection
A. * * *
   (3) * * *
   (b) The secretary is hereby authorized to make necessary rules and regulations for the administration and enforcement of this Section and to designate any periods of time during which owners of vehicles, subject to trailer inspection, shall be required to apply for and receive inspection, and for the display of inspection stickers.

* As it appears in the enrolled bill
CODING: Words in * * * * * type are deletions from existing law; words underscored (House Bills) and underlined and boldfaced (Senate Bills) are additions.
to this Section, shall display upon such vehicles certificates of inspection and approval and shall produce the same on demand of any officer or employee of the department by which issued, the secretary or any police or peace officer when authorized by the secretary.

However, an owner or operator of a light trailer, utility trailer, boat trailer, or farm trailer need only provide a valid inspection sticker on demand of an inspecting officer to be in compliance with the inspection requirements of this Chapter.

* * *

Approved by the Governor, May 22, 2014.

A true copy:

Tom Schedler
Secretary of State

ACT No. 167

BY REPRESENTATIVE LEGER

HOUSE BILL NO. 389

AN ACT

To amend and reenact R.S. 27:247 and 270(A)(3)(a), relative to the casino support services contract; to provide funding for such contract; to establish the Casino Support Services Fund as a special treasury fund; to provide for deposits into the fund; to provide for uses of monies in the fund; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:247 and 270(A)(3)(a) are hereby amended and reenacted to read as follows:

§247. Casino support services contract; Casino Support Services Fund

A. Subject to and in accordance with the provisions of this Chapter, the gaming control board shall enter into a casino support services contract with the governing authority of the parish where the official gaming establishment is located in order to compensate the parish for the cost to the parish of providing services resulting from the operation of the official gaming establishment and the activities therein. Support services as used in this Section shall include but not be limited to fire, police, sanitation, health, transportation, and traffic services. The amount of the contract shall be determined by negotiation and agreement between the gaming control board and the parish, subject to approval by the Joint Legislative Committee on the Budget. In the event that a new contract is not agreed upon by the gaming control board and the parish by March thirty-first of any year, the contract currently in effect shall be submitted to the Joint Legislative Committee on the Budget for approval of the amount of the contract at the next meeting of the committee. If the committee approves the amount of the contract the chairman shall notify the treasurer of the amount of the contract, and, the contract shall remain in full force and effect. If the committee disapproves or does not act upon the amount of the contract, the contract shall be void, null, and of no effect and the treasurer shall be prohibited from depositing monies into the Casino Support Services Fund. B.(1) There is hereby created in the state treasury, as a special fund, the Casino Support Services Fund, hereinafter referred to as the “fund”, to provide compensation to the parish for its costs for providing support services resulting from the operation of the official gaming establishment and the activities therein.

Monies in the fund shall be invested in the same manner as monies in the general fund.

Interest earned on investment of monies in the fund shall be credited to the fund. Unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

C. Monies in the fund shall be appropriated to the parish governing authority and used to compensate the parish for its costs for providing support services resulting from the operation of the official gaming establishment and the activities therein.

§270. Deposit of revenues; expenditures and investments authorized

A. Transfer of revenues to state treasury; corporation operating account; audit of corporation books and records; audits

3(a) Daily, the corporation shall transfer to the state treasury for deposit into certain funds in the treasury, as provided in this Paragraph, the amount of net revenues which the corporation determines are surplus to its needs. After first being credited to the Bond Security and Redemption Fund in accordance with Article VII, Section 9(B) of the Constitution of Louisiana, and after satisfying any other requirements of the Constitution and laws of Louisiana, such net revenues shall be deposited as follows:

(i) In each year for which the Joint Legislative Committee on the Budget disapproves or does not act upon the amount of the casino support services contract as provided in R.S. 27:247, and no monies are deposited in and credited to the Casino Support Services Fund:

(aa) Ten percent shall be deposited in and credited to the Support Education in Louisiana First Fund as provided in R.S. 17:421.7 and shall be used solely and exclusively for the same purposes provided for in Paragraph (B)(1) of that Section.

(bb) Ninety percent shall be deposited in and credited to the Support Education in Louisiana First Fund as provided in R.S. 17:421.7.

(ii) In each year for which the Joint Legislative Committee on the Budget approves the amount of the casino support services contract as provided in R.S. 27:247:

(aa) The first one million eight hundred thousand dollars shall be deposited in and credited to the Casino Support Services Fund.

(bb) The next sixty million dollars shall be deposited in and credited to the Support Education in Louisiana First Fund as provided in R.S. 17:421.7.

(c) After satisfying the requirements of Subitems (aa) and (bb) of this Item, monies shall be deposited into the Casino Support Services Fund until the casino support services contract is fully funded for that year.

(d) After satisfying the requirements of Subitem (c) of this Item, the remaining monies shall be deposited in and credited to the Support Education in Louisiana First Fund as provided for in R.S. 17:421.7.

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law by the failure of the governor to veto the bill. The provisions of this Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, May 22, 2014.

A true copy:

Tom Schedler
Secretary of State

ACT No. 168

BY REPRESENTATIVE GISCHEL

HOUSE BILL NO. 397

AN ACT

To amend and reenact R.S. 49:214.25(F), relative to uses in the coastal zone subject to coastal use permits; to prohibit certain dredging or excavating activities in Lafourche Parish; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:214.25(F) is hereby amended and reenacted to read as follows:

§214.25. Types of uses

* * *

F. A. Except as provided in this Subsection, all uses and activities within the coastal zone are permissible, except as subject to the permitting requirements of this Subpart. However, dredging sand pits and excavating within three hundred feet of Highway 1, south of the town of Golden Meadow in Lafourche Parish, unless such excavating is associated with a drainage, utility, communications, pipeline, or fiber optic project for which a coastal use permit has been issued, shall be prohibited and shall not qualify for a coastal use permit. Any excavation associated with a pipeline project shall be refilled once the project is complete.

Approved by the Governor, May 22, 2014.

A true copy:

Tom Schedler
Secretary of State

ACT No. 169

BY REPRESENTATIVE LANDRY

HOUSE BILL NO. 445

AN ACT

To amend and reenact Children’s Code Article 1243(A)(1) and to repeal Children’s Code Article 1243(C), relative to adoptions; to provide for who may petition for an intrafamily adoption; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children’s Code Article 1243(A)(1) is hereby amended and reenacted to read as follows:

Art. 1243. Persons who may petition for intrafamily adoption

A. A stepparent, step-grandparent, great-grandparent, grandparent, or collateral within the twelfth degree may petition to adopt a child if all of the following elements are met:

(1) The petitioner is related to the child by blood, adoption, or affinity through a parent recognized as having parental rights; the mother of the child or through a father who is filiated to the child in accordance with the Civil Code.

* * *

Comment - 2014

The Civil Code provides that a man may be filiated to a child when the child is born during his marriage to the mother or within three hundred days from the date of termination of the marriage (C.C. Art. 185), while III marries the mother of the child and acknowledges the child by authentic act or by signing the birth certificate (C.C. Art. 195), when he acknowledges the child by authentic act or by signing the birth certificate (C.C. Art. 196), by judgment of paternity (C.C. Art. 198), or by adoption (C.C. Art. 199). Proof of parentage and the existence of the required relations are sufficient to establish filiation.
of a father's filiation in accordance with the Civil Code, as provided in the 2014 revision to this Article, permits the filiated father's relative to petition for intrafamilial adoption but does not necessitate the father's consent to adoption unless his consent is specifically required under Ch.C. Art. 1193. Section 2. Children's Code Article 1243(C) is hereby repealed in its entirety. Approved by the Governor, May 22, 2014.

A true copy:
Tom Schedler
Secretary of State

ACT No. 170
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HOUSE BILL NO. 446
BY REPRESENTATIVE LEGER

To enact R.S. 48:214, relative to public transportation safety; to provide for fixed guideway rail systems; to designate the office of multimodal planning as the state safety oversight entity; to provide for duties and powers of the office; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 48:214 is hereby enacted to read as follows:

1. Fixed guideway rail systems: safety
   A. The office of multimodal planning of the Department of Transportation and Development is hereby designated as the state safety oversight entity pursuant to 49 U.S.C. §3299(d).
   B. As the state safety oversight entity, the office shall have the following powers and duties only to the extent necessary to fulfill its obligations under federal law:
      (1) Enter onto and inspect the property of operators of fixed guideway rail systems receiving federal funds without prior notice to such operators.
      (2) Audit operators of fixed guideway rail systems receiving federal funds for compliance with federal and state laws regarding the safety of fixed guideway rail systems and compliance with a public transportation agency safety plan adopted by a specific operator pursuant to 49 U.S.C. §3299(d).
      (3) Direct the operator of a fixed guideway rail system to correct a safety hazard by a specified date and time.
      (4) Take legal action in a court of competent jurisdiction to compel an operator of a fixed guideway rail system to correct a safety hazard, or to prevent the operation of all or part of a fixed guideway rail system that the office has determined to be unsafe.
      (5) Audit, review, approve, and oversee operators of fixed guideway rail systems receiving federal funds for compliance with a plan adopted by a specific operator in compliance with Title 49, Section 5329(d) of the United States Code.
      (6) Enforce statutes, regulations, executive orders, and rules relating to the operation of a fixed guideway rail public transportation system in Louisiana.
      (7) Implement such rules and regulations as may be necessary in order to comply with this Section, and as may be promulgated by the Louisiana Department of Transportation and Development, in accordance with the Louisiana Administrative Procedure Act.

Approved by the Governor, May 22, 2014.
A true copy:
Tom Schedler
Secretary of State

ACT No. 171
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HOUSE BILL NO. 462
BY REPRESENTATIVES BERTHELOT, BARROW, BROWN, CHAMPAGNE, COX, HARRISON, JEFFERSON, LEOPOLD, PRICE, RICHARD, SCHENXAYDER, ST. GERMAIN, AND PATRICK WILLIAMS

To amend and reenact R.S. 35:393, relative to ex officio notaries for the Department of Public Safety and Corrections; to provide for the appointment of certain persons as ex officio notaries; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 35:393 is hereby amended and reenacted to read as follows:

§393. Ex officio notaries public for the Department of Public Safety and Corrections: powers
A. Notwithstanding any provisions in the law relative to qualifications for and limitations on the number of notaries public, the governor is authorized to appoint, upon recommendation by the secretary of the Department of Public Safety and Corrections, the supervisors of each trooper headquarters, any investigator of the internal affairs unit of the office of state police in the Department of Public Safety and Corrections, and the executive assistant to the general counsel of the Department of Public Safety and Corrections as ex officio notaries public who shall perform the duties provided hereunder without charge or other compensation. Any ex officio notary public appointed under the provisions of this Section shall possess those notarial powers as provided by law to administer oaths and take acknowledgments.
B. Additionally, specially designated commissioned Louisiana state police officers assigned to intelligence, detectives, narcotics, or internal affairs, specially designated commissioned officers of the office of the state fire marshal, and commissioned agents of the office of alcohol, beverage and tobacco control shall have the power to administer oaths and receive sworn statements, in connection with their official duties. Approved by the Governor, May 22, 2014.

A true copy:
Tom Schedler
Secretary of State

ACT No. 172
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HOUSE BILL NO. 500
BY REPRESENTATIVES BERTHELOT, ANDERS, BARROW, BURFORD, COX, HILL, HOFFMANN, LEBAS, PATRICK WILLIAMS, AND WILLMOTT

To amend and reenact R.S. 42:1123(26), relative to the Code of Governmental Ethics; to allow the acceptance of certain gifts by certain public servants under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1123(26) is hereby amended and reenacted to read as follows:

§1123. Exceptions

This Part shall not preclude:

(26)(g) The acceptance by a public servant of anything of economic value as a gift or gratuity from any person when the value of such gift or gratuity does not exceed one hundred dollars in any event, for flowers or a donation in connection with the death of a member of the immediate family of a public servant.
(b) The acceptance by a public servant employed by a prekindergarten, kindergarten, elementary, or secondary school of anything of economic value as a gift from or on behalf of a student or former student when the value of the gift does not exceed twenty-five dollars and the aggregate value of all gifts from or on behalf of any one person pursuant to this Subparagraph does not exceed seventy-five dollars in a calendar year.

Approved by the Governor, May 22, 2014.
A true copy:
Tom Schedler
Secretary of State

ACT No. 173
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HOUSE BILL NO. 501
BY REPRESENTATIVE WESLEY BISHOP

To amend and reenact R.S. 18:114(B)(1) and 173(A) and (D)(1) and to enact R.S. 18:101(A)(3), relative to voter registration; to provide for the “Louisiana Motor Voter Preregistration Act”; to provide relative to qualifications for voter registration; to allow persons who are sixteen years of age to register to vote under certain circumstances; to provide relative to voter registration at a driver’s license facilities; to provide relative to certain reports to election officials concerning deaths; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. This Act shall be known and may be cited as the “Louisiana Motor Voter Preregistration Act”.

Section 2. R.S. 18:114(B)(1) and 173(A) and (D)(1) are hereby amended and reenacted and R.S. 18:101(A)(3) is hereby enacted to read as follows:
§101. Registration to vote; qualifications; more than one residence; presidential elections
A. * * *
B. (3) A person who is sixteen years of age may register to vote in the manner provided in R.S. 18:114(B)(1) however, as one under the age of eighteen years shall be permitted to vote in any election.
§114. Registration at driver’s license facilities

(1) Each application to obtain, renew, or change the name or address on a driver’s license or identification card issued by the Department of Public Safety and Corrections made by an applicant who is eighteen years or older shall also serve as an application for voter registration by the applicant unless the applicant declines to register to vote through specific declination or by failing to sign the voter registration application. Each application to obtain a driver’s license issued by the Department of Public Safety and Corrections made by an applicant who is sixteen years old shall also serve as an application for voter registration by the applicant unless the applicant declines to register to vote through specific declination or by failing to sign the voter registration application. In addition, any person age seventeen may register to vote at any time prior to the first election at which he shall

THE ADVOCATE
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* As it appears in the enrolled bill
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have attained the age of eighteen years. However, no one under the age of eighteen years shall be permitted to vote in any election.

§173. Deaths
A. By the tenth day of each month, the secretary of the Department of Health and Hospitals shall send to the registrar in each parish a report, certified as correct over his signature or the signature of his authorized representative, containing the name, address, sex, and social security number, as such information exists in the database of the Department of Health and Hospitals, of any person seventeen years of age or older who died in the parish within the preceding calendar month.

D(1) By the tenth day of each month, the secretary of the Department of Health and Hospitals shall send to the State a report, certified as correct over his signature or the signature of his authorized representative, containing the name, address, date of birth, sex, and social security number, as such information exists in the database of the Department of Health and Hospitals, of any person eighteen years of age or older who died in each parish of the state within the preceding calendar month.

Section 3. This Act shall become effective on January 1, 2015. Approved by the Governor, May 22, 2014.
A true copy:
Tom Schedler
Secretary of State

ACT No. 174
HOUSE BILL NO. 506
BY REPRESENTATIVE GREENE
AN ACT
To enact Subpart O of Part III of Chapter 4 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:1260.31 through 1260.38, relative to health insurance; to provide for certain notice requirements which must be satisfied by health insurance issuers offering plans on the exchange; to provide definitions; to provide for recoupment deadlines; to provide for severability; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. Subpart O of Part III of Chapter 4 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:1260.31 through 1260.38, is hereby enacted to read as follows:

SUBPART O. PHYSICIAN AND PROVIDER NOTIFICATION OF PATIENTS IN HEALTH INSURANCE EXCHANGE GRACE PERIOD ACT
§1260.31. Short title
This Subpart shall be known and may be cited as the “Physician and Provider Notification of Patients in Health Insurance Exchange Grace Period Act”.

§1260.32. Definitions
As used in this Subpart, the following words shall have the following meanings, unless the context clearly indicates otherwise:
(1) “Enrollee” means a qualified individual or qualified employee enrolled in a qualified health plan. An enrollee is generally a person eligible for services covered by a specific health insurance plan in the exchange.
(2) “Grace period” is a period that applies to recipients of advance payments of the premium tax credit allowed for certain individuals to purchase health insurance coverage on the exchange. The grace period provides three consecutive months for an enrollee to pay a delinquent premium payment if the enrollee has paid a premium at least one full month during the benefit year. The grace period begins when the enrollee fails to pay the premium for a particular month.
(3) “Health insurance exchange” or “exchange” means a governmental agency or nonprofit entity that meets the applicable standards of the Patient Protection and Affordable Care Act and makes qualified health plans available to qualified individuals and qualified employers.
(4) “Qualified health plan” means a health insurance plan that has in effect a certification that the qualified health plan meets applicable state or federal standards and is approved by the qualified health insurance exchange. These may include minimum standards for essential health benefits, deductibles, copayments, out-of-pocket maximum amounts, and other requirements.
(5) “Qualified health plan issuer” means a health insurance issuer that offers a qualified health plan in accordance with a certification from an exchange.

§1260.33. Notice requirements
A. Timing of notice to physician or provider of grace period status.
When a physician or other healthcare provider or his representative requests information regarding enrollees from a qualified health plan issuer about eligibility, coverage, or health plan benefits, or the status of a claim or claims for services provided, and the request or service is for a date within the second or third month of a grace period, the qualified health plan issuer shall provide to the physician or other healthcare provider or his representative the name of the applicable enrollee, whether he is in the grace period and the specific date upon which the grace period will expire.
B. Specific notice requirements.
(1) If the qualified health plan issuer informs the physician or other healthcare provider or his representative that the enrollee is eligible for services rendered during the grace period, the determination shall be binding on the qualified health plan issuer and it shall pay the claims for covered services in accordance with the qualified health plan.
(2) The binding determination shall preclude the qualified health plan issuer from seeking to recoup payment from the physician or other healthcare provider for services rendered during the grace period.
(3) If the qualified health plan issuer informs the physician or other healthcare provider that the enrollee is in a grace period, he shall then provide further notification pursuant to Subsection C of this Section.
C. The notice to the physician or other healthcare provider shall include but not be limited to the following:
(1) Purpose of the notice.
(2) The full legal name of the enrollee and any unique identifying numbers.
(3) The name of the qualified health plan.
(4) The unique health plan identifier of the qualified health plan.
(5) The name of the qualified health plan issuer.
(6) The specific date upon which the grace period for the enrollee began and the specific date upon which the grace period will expire.

§1260.34. Strict compliance required
A qualified health plan issuer shall be obligated to pay for any covered claims payments made to physicians or healthcare providers for services furnished during the grace period.

§1260.35. Deadline for overpayment recoveries
If the qualified health plan issuer seeks to recoup or otherwise recover payments made to a physician or other healthcare provider for services furnished to an enrollee during the grace period, whether and how it will seek to recoup claims payments made to physicians or healthcare providers for services furnished during the grace period.

§1260.36. Waiver prohibited
Any physician or other healthcare provider may request a court of appropriate jurisdiction to issue an injunction to enjoin any provision of this Subpart.

§1260.37. Rules and regulations
The commissioner of insurance shall promulgate all rules and regulations which are necessary and proper to carry out the provisions of this Subpart. All rules and regulations promulgated pursuant to this Subpart shall be in accordance with the Administrative Procedure Act.

Section 2. If any provision of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are hereby declared severable. The severability provision of this Section shall be broadly construed as to give effect to each and every possible provision or application of this Act which is not specifically held invalid, unlawful, or unconstitutional.

Approved by the Governor, May 22, 2014.
A true copy:
Tom Schedler
Secretary of State

ACT No. 175
HOUSE BILL NO. 511
BY REPRESENTATIVE GUILLORY AND SENATOR LAFLEUR
AN ACT
To amend and reenact R.S. 14:98(F), relative to operating a vehicle while intoxicated; to provide relative to determinations of prior convictions of such offenses; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:

THE ADVOCATE
* As it appears in the enrolled bill
CODING: Words in mixed type are deletions from existing law; words underscored (House Bills) and boldfaced (Senate Bills) are additions.
Section 1. R.S. 14:98(F) is hereby amended and reenacted to read as follows:
§ 98. Operating a vehicle while intoxicated.

F. (1) For purposes of determining whether a defendant has a prior conviction for violation of this Subsection, a conviction under either R.S. 14:32.1, vehicular homicide, R.S. 14:39.1, vehicular negligent injuring, or R.S. 14:39.2, first degree vehicular negligent injuring, 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 operation of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance while intoxicated, while impaired, or while under the influence of alcohol, drugs, or any controlled dangerous substance shall constitute a prior conviction.

This determination shall be made by the court as a matter of law.

(2) For purposes of this Section, a prior conviction shall not include a conviction for an offense under this Subsection, a conviction for an offense under R.S. 14:39.1, vehicular negligent injuring, or a conviction under a comparable statute or ordinance of another jurisdiction, as described in Paragraph (1) of this Subsection, 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 operation of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance while intoxicated, while impaired, or while under the influence of alcohol, drugs, or any controlled dangerous substance if committed more than ten years prior to the commission of the crime for which the defendant is being tried and such conviction shall not be considered in the assessment of penalties hereunder. However, periods of time during which the offender was awaiting trial, on probation or parole for an offense described in this Paragraph (2) of this Subsection, under an order of attachment for failure to appear or incarcerated in a penal institution in this or any other state shall be excluded in computing the ten-year period.

* * *

Approved by the Governor, May 22, 2014.
A true copy:
Tom Schedler
Secretary of State

ACT No. 176

BY REPRESENTATIVE HENRY AND SENATOR DORSEY-COLOB

To enact R.S. 40:962.1.2, relative to nonprescription products containing dextromethorphan; to prohibit the selling, purchasing, or attempting to purchase products containing dextromethorphan by minors; to provide for criminal penalties; to provide for preemption of local ordinances regulating the same matters; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:962.1.2 is hereby enacted to read as follows:
§ 962.1.2. Restriction on the sale and purchase of nonprescription products containing dextromethorphan, its salts or optical isomers, and salts of optical isomers.

A. (1) It shall be unlawful to sell a nonprescription material, compound, mixture, or preparation containing any detectable quantity of dextromethorphan, its salts or optical isomers, or salts of optical isomers to any person under the age of eighteen.

(2) It shall be unlawful for any person under the age of eighteen to purchase or attempt to purchase a nonprescription material, compound, mixture, or preparation containing any detectable quantity of dextromethorphan, its salts or optical isomers, or salts of optical isomers.

B. (1) A nonprescription material, compound, mixture, or preparation containing any detectable quantity of dextromethorphan, its salts or optical isomers, or salts of optical isomers shall not be sold unless the purchaser submits a valid, current form of photo identification issued by the state of Louisiana, another state, or the government of the United States, including but not limited to a driver's license, military identification card, state identification card, or passport.

(2) Each form of identification shall on its face establish the age of the person as eighteen years or older, and there must be no reason to doubt the authenticity or correctness of the identification. No form of identification shall be accepted as proof of age if it is expired, defaced, mutilated, or altered.

(3) If the state identification card or lawful identification submitted is a duplicate, the person shall submit additional information which contains the name, date of birth, and photograph of the person.

C. The provisions of this Section shall not apply to a compound, mixture, or preparation containing any detectable quantity of dextromethorphan which is dispensed pursuant to a valid prescription from a licensed practitioner with prescriptive authority.

D. (1) A person who violates the provisions of this Section by selling a nonprescription compound, mixture, or preparation containing any detectable quantity of dextromethorphan, its salts or optical isomers, and salts of optical isomers shall be fined not more than fifty dollars for the first violation. The penalties for subsequent violations shall include a fine of not more than one hundred dollars for the second violation and a fine of not more than one hundred fifty dollars for the third and any subsequent violation.

(2) A person who violates the provisions of this Section by purchasing or attempting to purchase a nonprescription compound, mixture, or preparation containing any detectable quantity of dextromethorphan, its salts or optical isomers, or salts of optical isomers shall be fined not more than fifty dollars for a first violation and not more than two hundred dollars for a second or subsequent violation.

E. The legislature hereby recognizes the need for uniformity in the sales of nonprescription compounds, mixtures, or preparations containing any detectable quantity of dextromethorphan, its salts or optical isomers, and salts of optical isomers. Therefore, the provisions of this Section shall supersede and preempt any rule, regulation, code, statute, or ordinance of any political subdivision or other unit of local government that attempts to regulate the sale or purchase of nonprescription compounds, mixtures, or preparations containing any detectable quantity of dextromethorphan, its salts or optical isomers, or salts of optical isomers.

Approved by the Governor, May 22, 2014.
A true copy:
Tom Schedler
Secretary of State

ACT No. 177

HOUSE BILL NO. 530
BY REPRESENTATIVE PYLANT
AN ACT
To amend and reenact R.S. 14:89(A) and (B) and to repeal R.S. 14:78 and 78.1, relative to offenses affecting sexual immorality; to repeal the crimes of incest and aggravated incest; to amend the offense of crime against nature to include the elements and penalties of the crime of incest; to amend the offense of aggravated crime against nature to include the elements and penalties of the crimes of incest and penalties of the crime of aggravated incest; to direct the Louisiana State Law Institute to amend all references in law accordingly; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:89(A) and (B) and 89.1 are hereby amended and reenacted to read as follows:
§ 89. Crime against nature.

A. Crime against nature is the either of the following:

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 shall not be deemed as a crime against nature when done under any of the circumstances described in R.S. 14:41, 14:42, 14:42.1 or 14:43. 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.

2. The marriage to, or sexual intercourse with, any ascendant or descendant, brother or sister, uncle or niece, aunt or nephew, with knowledge of their relationship. The relationship must be by consanguinity, but it is immaterial whether the parties are related to one another by the whole or half blood. The provisions of this Paragraph shall not apply where one person, not a resident of this state at the time of the celebration of his marriage, contracted a marriage lawful at the place of celebration and thereafter removed to this state.

B. (1) Whoever violates commits the offense of crime against nature in violation of the provisions of Paragraph (A)(1) of this Section shall be fined not more than two thousand dollars, imprisoned, with or without hard labor, for five years, or both.

(2) Whoever violates commits the offense of crime against nature in violation of the provisions of Paragraph (A)(1) of this Section with a person under the age of eighteen years shall be fined not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both.

(3) Whoever violates commits the offense of crime against nature in violation of the provisions of Paragraph (A)(1) of this Section with a person under the age of fourteen years shall be fined not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both.

(4) Whoever commits the offense of crime against nature in violation of the provisions of Paragraph (A)(2) of this Section, where the crime is between an ascendant and descendant, or between brother and sister, shall be imprisoned at hard labor for not more than fifteen years.

(5) Whoever commits the offense of crime against nature in violation of the provisions of Paragraph (A)(2) of this Section, where the crime is between uncle and niece, or aunt and nephew, shall be fined not more than one thousand dollars, imprisoned, with or without hard labor, for not more than five years, or both.

* * *

§ 89.1. Aggravated crime against nature.

A. Aggravated crime against nature is crime against nature either of the following:

1. A violation of the provisions of R.S. 14:89(A)(1) committed under any one or more of the following circumstances:

THE ADVOCATE
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* As it appears in the enrolled bill
(4)(a) When the victim resists the act to the utmost, but such resistance is overcome by force;
(b) When the victim is prevented from resisting the act by threats of great and immediate bodily harm accompanied by apparent power of execution;
(c) When the victim is prevented from resisting the act because the offender is armed with a dangerous weapon;
(d) When through idiocy, imbecility, or any unsoundness of mind, either temporary or permanent, the victim is incapable of giving consent and the offender knew or should have known of such incapacity;
(e) When the victim is incapable of resisting or of understanding the nature of the act, by reason of stupor or abnormal condition of mind produced by a narcotic or anesthetic agent, administered by or with the privity of the offender; or when he has such incapacity, by reason of a stupor or abnormal condition of mind from any cause, and the offender knew or should have known of such incapacity;
(f) When the victim is under the age of seventeen years and the offender is at least three years older than the victim.

(2)(a) The engaging in any prohibited act enumerated in Subparagraph (b) of this Paragraph with a person who is under eighteen years of age and who is known to the offender to be related to the offender as any of the following biological, step, or adoptive relatives: child, grandchild of any degree, brother, sister, half-brother, half-sister, uncle, aunt, nephew, or niece.
(b) The following are prohibited acts under this Paragraph:
(1) Sexual intercourse, sexual battery, second degree sexual battery, carnal knowledge of a juvenile, indecent behavior with juveniles, pornography involving juveniles, molestation of a juvenile or a person with a physical or mental disability, crime against nature, cruelty to juveniles, parent enticing a child into prostitution, or any other involvement of a child in sexual activity constituting a crime under the laws of this state.
(2) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child, the offender, or both.
(c) Consent shall not be a defense to prosecution for a violation of the provisions of this Paragraph.
B. Whoever commits the crime of aggravated crime against nature in violation of the provisions of Paragraph (A)(1) of this Section shall be imprisoned at hard labor for not less than three nor more than fifteen years, such prison sentence to be without benefit of suspension of sentence, probation or parole.
C(1) Whoever commits the crime of aggravated crime against nature in violation of the provisions of Paragraph (A)(2) of this Section shall be fined an amount not to exceed fifty thousand dollars, or imprisoned, with or without hard labor, for a term not less than five years nor more than twenty years, or both.
(2) Whoever commits the crime of aggravated crime against nature in violation of the provisions of Paragraph (A)(2) of this Section with a victim under the age of thirteen years when the offender is seventeen years of age or older shall be punished by imprisonment at hard labor for not less than twenty-five years nor more than ninety-nine years. At least twenty-five years of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

(3) Upon completion of the term of imprisonment imposed in accordance with Paragraph (2) of this Subsection, the offender shall be monitored by the Department of Public Safety and Corrections through the use of electronic monitoring equipment for the remainder of his natural life.
(4) Unless it is determined by the Department of Public Safety and Corrections, pursuant to rules adopted in accordance with the provisions of this Subsection, that a sexual offender is unable to pay all or any portion of such costs, each sexual offender to be electronically monitored shall pay the cost of such monitoring.
(5) The costs attributable to the electronic monitoring of an offender who has been determined unable to pay shall be borne by the department if, and only to the degree that, sufficient funds are made available for such purpose whether by appropriation of state funds or from any other source.

D. The Department of Public Safety and Corrections shall develop, adopt, and promulgate rules in the manner provided in the Administrative Procedure Act that provide for the payment of such costs. Such rules shall contain specific guidelines which shall be used to determine the ability of the offender to pay the required costs and shall establish the reasonable costs to be charged. Such rules may provide for a sliding scale of payment so that an offender who is able to pay a portion, but not all, of such costs may be required to pay such portion.

E. In addition to any sentence imposed under Subsection C of this Section, the court shall, after determining the financial resources and future ability of the offender to pay, require the offender, if able, to pay the victim's reasonable costs of counseling that result from the offense.

F. The amount, method, and time of payment shall be determined by the court either by ordering that documentation of the victim's pecuniary loss submitted by the victim, be included in the presentence investigation and report, or the court may receive evidence of the offender's ability to pay and may order the payment at the time of sentencing.

G. The court may provide for payment to a victim up to but not in excess of the pecuniary loss caused by the offense. The offender may assert any defense that he could raise in a civil action for the loss sought to be compensated by the restitution order.
Section 1. R.S. 28:54(D)(2) is hereby amended and reenacted to read as follows:

§54. Judicial commitment; procedure

D.  

(2) The respondent or his attorney shall have the right to seek an additional independent medical opinion, when necessary, in their discretion. If the respondent is indigent, this opinion may be paid for by the Mental Health Advocacy Service, upon the approval of its executive director. Reasonable compensation of the appointed examining physicians and all court costs shall be paid by the court and ordered paid by respondent or petitioner in the discretion of the court. If it is determined by the court that the costs shall not be borne by the respondent or the petitioner, then compensation to the physicians and all court costs shall be paid from funds appropriated to the judiciary, but such court costs shall not exceed the sum of seventy-five one hundred twenty-five dollars.

Approved by the Governor, May 22, 2014.

A true copy:
Tom Schedler
Secretary of State

ACT No. 182

BY REPRESENTATIVE SHADoin

To amend and reenact R.S. 9:4835(A) and (B), relative to the filing of security in certain civil proceedings under the Private Works Act; to provide for the form of security to be filed; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:4835(A) and (B) are hereby amended and reenacted to read as follows:

§4835. Filing of bond or other security; cancellation of statement of claim or privilege or notice of pendency of action

A. If a statement of claim or privilege or a notice of pendency of action is filed, any interested party may deposit with the recorder of mortgages either a bond of a lawful surety company authorized to do business in the state, or cash, or certified funds, or a federally insured certificate of deposit to guarantee payment of the obligation secured by the privilege or that portion as may be lawfully due together with interest, costs, and attorney fees to which the claimant may be entitled up to a total amount of one hundred twenty-five percent of the principal amount of the claim as asserted in the statement of claim or privilege or such a suit. A surety shall not have the benefit of division or discussion.

B. If the recorder of mortgages finds the amount of the cash, or certified funds, or certificate of deposit or the terms and amount of a bond deposited with him to be in conformity with this Section, he shall note his approval on the bond and make note of either the bond or of the cash, or certified funds, or certificate of deposit, the amount of the statement of claim or privilege or notice of pendency of action as it is recorded in the mortgage records and cancel the statement of claim or privilege or the notice of pendency of action from his records by making an appropriate notation in the margin of the recorded statement or notice. The bond shall not be recorded but shall be retained by the recorder of mortgages as a part of his records.

Approved by the Governor, May 22, 2014.

A true copy:
Tom Schedler
Secretary of State

ACT No. 183

BY REPRESENTATIVES BADON AND BROSETT

To amend and reenact R.S. 33:9091.16(D) and (F)(1) and (3)(b), relative to Orleans Parish; to provide relative to the Seabrook Neighborhood Improvement and Security District; to provide relative to the governing board of the district; to provide relative to the membership of the board; to provide relative to the parcel fee imposed within the district; to provide relative to the amount of the fee imposed on certain parcels; to provide relative to the expiration of the fee; to provide relative to the parcel fee being imposed on the effective date of this Act; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9091.16(D) and (F)(1) and (3)(b) are hereby amended and reenacted to read as follows:

§9091.16. Seabrook Neighborhood Improvement and Security District

D. Governance. (1) The district shall be governed by a board of commissioners, referred to in this Section as the “board”, consisting of members as follows:

(a) The president of the Seabrook Neighborhood Homeowners Association, referred to in this Section as the “association”.

(b) The city council member whose district encompasses all or a greater portion of the area of the district, or his designee.

(c) The governing board of the association shall appoint three members, one all of whom shall be a member of the governing board members of the association.

(2) Appointed and designated members. Members shall be residents and qualified voters of the district.

(3)(a) Board members serving pursuant to Subparagraph (1)(b) of this Subsection shall serve three-year terms after serving initial terms as follows: one member two members shall serve as initial term terms of one year, one member shall serve two years, and one member shall serve three years, as determined by lot at the first meeting of the board.

(b) The president of the association and the city council member shall serve on the board during their terms of office. Any designee of the city council member shall serve at the pleasure of such member.

(4) Vacancies resulting from the expiration of a term or for any other reason shall be filled for the remainder of the unexpired term in the manner of the original appointment.

(5) The members of the board shall select from among themselves a president and such other officers as they deem appropriate. The responsibilities and terms of the officers shall be as provided by the bylaws of the board.

(6) The members of the board shall serve without compensation.

F. Parcel fee. The governing authority of the city of New Orleans is hereby authorized to impose and collect a parcel fee within the district subject to and in accordance with the provisions of this Subsection:

(1) The amount of the fee shall be as requested by duly adopted resolution of the board. The fee shall be a flat fee per improved parcel of land not to exceed two hundred dollars per year for each parcel; however, the parcel fee on an improved parcel shall not exceed one hundred dollars per year if any owner of the parcel is sixty-five years of age or older or has been a full-time active duty member of the armed forces of the United States for three consecutive years.

(2) If approved, the fee shall expire on December 31, 2014, but the fee may be renewed if approved by a majority of the registered voters of the district voting on the proposition at an election as provided in Subparagraph (a) of this Paragraph. If the fee is renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed eight years.

Section 2. The terms of the members of the board of commissioners of the Seabrook Neighborhood Improvement and Security District in office on the effective date of this Act shall terminate on the effective date of this Act; however, such members shall remain in office until the terms of office of the members are appointed as provided in this Act and take office. The members of the governing board of the Seabrook Neighborhood Improvement and Security District shall be appointed and shall take office as provided in this Act and shall serve terms of office as provided in this Act.

This Section shall not be construed to prevent the reappointment to the board of a member in office on the effective date of this Act.

Section 3. The provisions of this Act shall not affect the parcel fee being imposed within the Seabrook Neighborhood Improvement and Security District on the effective date of this Act. The governing authority of the city of New Orleans shall continue to impose the parcel fee until such time as it expires, as provided in the proposition approved by a majority of the district’s registered voters voting on the proposition at an election held on November 2, 2010. The governing authority of the city shall then begin to impose a parcel fee as provided in this Act, if the parcel fee has been approved by a majority of the district’s registered voters as provided in this Act.

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, May 22, 2014.

A true copy:
Tom Schedler
Secretary of State

THE ADVOCATE

CODING: Words in square brackets are deletions from existing law; words underscored (House Bills) and boldfaced (Senate Bills) are additions.
Be it enacted by the Legislature of Louisiana:

§600. Alcoholic beverage sales in restaurants; authorization for propositions to be submitted to voters in certain elections
A. Notwithstanding any other provision of law to the contrary, in the city of Mansfield, the governing authority may submit to the voters in any election held in compliance with provisions of R.S. 18:402, a proposition to determine whether or not the business of selling alcoholic beverages in a restaurant may be conducted and licensed only within the incorporated limits of the municipality.
B. As used in this Section, the following words shall have the following meanings:

(1) “Alcoholic beverages” means any fluid or any solid capable of being converted into fluid, suitable for human consumption, and containing more than one-half of one percent alcohol by volume, including malt, vinous, spirituous, alcoholic or intoxicating liquors, beer, porter, ale, stout, fruit juices, cider, or wine.

(2) “Beverages of high alcoholic content” means alcoholic beverages containing not more than six percent alcohol by volume.

(3) “Beverages of low alcoholic content” means alcoholic beverages containing not more than six percent alcohol by volume.

(4) “Restaurant establishment” means an establishment that meets all of these requirements:

(a) Operates a place of business whose average monthly revenue from food and nonalcoholic beverages exceeds fifty percent of its total average monthly revenue from the sale of food, nonalcoholic beverages, and alcoholic beverages.

(b) Serves food on all days of operation.

(c) Maintains separate sales figures for alcoholic beverages.

(d) Operates a fully equipped kitchen used for the preparation of uncooked foods for service and consumption of such foods on the premises.

(e) Has a public habitable floor area of no less than that which is required by R.S. 26:73 and 272.

(5) The governing authority of the municipality may order a referendum election to be held within the municipality after an ordinance or resolution of the governing authority is passed authorizing such an election.

B. The governing authority of the city of Zachary shall impose the hotel occupancy tax. The governing authority may adopt such ordinance only after a proposition authorizing the levy of the tax has been approved by a majority of the electors of the city voting at an election held for that purpose in accordance with the Louisiana Election Code. The governing authority may provide in the ordinance necessary and appropriate rules and regulations for the imposition, collection, and enforcement of the hotel occupancy tax.

C. The governing authority may enter into a contract with any public entity authorized to collect sales or use taxes, under such terms and conditions as it may deem appropriate, including payment of a reasonable collection fee, for the collection of the hotel occupancy tax authorized by this Section.

D. Except as provided in Subsection C of this Section, the governing authority of the city of Zachary shall be in addition to all taxes levied upon the occupancy of hotel rooms located within the city.

Section 2. This Act shall become effective on July 1, 2014; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2014, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, May 22, 2014.

A true copy:

Tom Schedler
Secretary of State
of service who is at least fifty-five years of age or who retires with at least thirty years of service, at any age meets the requirements of Subparagraph (b) of this Paragraph. A uniform policy with respect to the payment of such premium shall be formulated and applied by the assessor of each parish listed in this Subparagraph.

(b) Either of the following requirements shall be met for eligibility for the assessor’s payment of premium costs as provided in Subparagraph (a) of this Paragraph:

(i) The assessor or assessor’s employee was elected, appointed, or hired on or after August 1, 2014, and retires in accordance with the provisions of R.S. 11:1421 with at least twenty years of service.

(ii) The assessor or assessor’s employee was elected, appointed, or hired on or after August 1, 2014, and retires in accordance with the provisions of R.S. 11:1421 with at least twenty years of service. At least twelve years of service shall have been earned at the assessor’s office from which the person retires. For purposes of this Item, the twelve years of service required for eligibility for receipt of benefits provided for in this Paragraph shall not include any service that was earned elsewhere and transferred for credit with the assessor’s office from which the person retires.

(3)(a) In Acadia Parish, the assessor shall pay the premium cost of group life, dental, group health, hospital, surgical, or other medical insurance for any assessor or assessor’s employee who retires with at least twenty-five years of service who is at least fifty-five years of age or who retires with at least thirty years of service at any age meets the requirements of Subparagraph (b) of this Paragraph. A uniform policy with respect to the payment of the cost of such premium shall be formulated and applied by the assessor of Acadia Parish.

(b) Either of the following requirements shall be met for eligibility for the assessor’s payment of premium costs as provided in Subparagraph (a) of this Paragraph:

(i) The assessor or assessor’s employee was elected, appointed, or hired before August 1, 2014, and retires in accordance with the provisions of R.S. 11:1421 with at least twenty-five years of service.

(ii) The assessor or assessor’s employee was elected, appointed, or hired on or after August 1, 2014, and retires in accordance with the provisions of R.S. 11:1421 with at least twenty years of service. At least twelve years of service shall have been earned at the assessor’s office from which the person retires. For purposes of this Item, the twelve years of service required for eligibility for receipt of benefits provided for in this Paragraph shall not include any service that was earned elsewhere and transferred for credit with the assessor’s office from which the person retires.

(3)(a) In the parishes of East Carroll and Richland, the assessor shall pay the premium cost of group life, dental, group health, hospital, surgical, or other medical insurance for any assessor or assessor’s employee who retires with at least twenty-five years of service who is at least fifty-five years of age or who retires with at least thirty years of service at any age meets the requirements of Subparagraph (b) of this Paragraph. A uniform policy with respect to the payment of such premium shall be formulated and applied by the assessor of each parish listed in this Subparagraph.

(b) The requirements of this Subparagraph shall be met for eligibility for the assessor’s payment of premium costs as provided in Subparagraph (a) of this Paragraph. The assessor or assessor’s employee was elected, appointed, or hired on or after August 1, 2014, and retires in accordance with the provisions of R.S. 11:1421 with at least twenty years of service. At least twelve years of service shall have been earned at the assessor’s office from which the person retires. For purposes of this Item, the twelve years of service required for eligibility for receipt of benefits provided for in this Paragraph shall not include any service that was earned elsewhere and transferred for credit with the assessor’s office from which the person retires.

Approved by the Governor, May 22, 2014.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 187

HOUSE BILL NO. 599

BY REPRESENTATIVE ABRAMSON

AN ACT

To amend and reenact Code of Civil Procedure Article 966(F)(2) and (3), relative to motions for summary judgment; to provide for the effect of a certificate of mortgage; to provide that certain certificates of mortgage do not constitute a legal mortgage; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 966(F)(2) and (3) is hereby amended and reenacted to read as follows:

Art. 966. Motion for summary judgment; procedure

F. * * *

(2) Evidence cited in and attached to the motion for summary judgment or memorandum filed by an adverse party is deemed admitted for purposes of the motion for summary judgment unless excluded in response to an objection made in accordance with Subparagraph (3) of this Paragraph. Only evidence admitted for purposes of the motion for summary judgment may be considered by the court in its ruling on the motion. The court may permit documentary evidence to be filed in the record with the motion or opposition in any electronically stored format authorized by the local court rules of the district court or approved by the clerk of the district court for receipt of evidence.

(3) Objections to evidence in support of or in opposition to a motion for summary judgment may be raised in memorandum or written motion to strike stating the specific grounds therefor. Any such memorandum or written motion to strike shall be served pursuant to Article 1313 within the time limits provided in District Court Rule 9.9.

Approved by the Governor, May 22, 2014.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 188

HOUSE BILL NO. 620

BY REPRESENTATIVE ABRAMSON

AN ACT

To amend and reenact R.S. 15:542.1.4(A)(1), relative to sex offender registration and notification requirements; to provide relative to the crime of failure to register and notify as a sex offender or child predator; to amend the crime of failure to register and notify as a sex offender or child predator to include untimely actions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:542.1.4(A)(1) is hereby amended and reenacted to read as follows:

* 9:2087. Delegating performance * * *

(2) A trustor may, by power of attorney, delegate the performance of ministerial duties and acts that he could not reasonably be required to perform personally.

(2) A written power of attorney in authentic form, executed by a trustee authorizing a mandatary to sell specifically described immovable property at a specific price shall be considered the delegation of the performance of a ministerial duty as provided by Paragraph (1) of this Subsection.

Approved by the Governor, May 22, 2014.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 189

HOUSE BILL NO. 622

BY REPRESENTATIVE ABRAMSON

AN ACT

To amend and reenact Code of Civil Procedure Article 4134(C), relative to tutorship proceedings; to provide for the effect of a certificate of mortgage; to provide that certain certificates of mortgage do not constitute a legal mortgage; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 4134(C) is hereby amended and reenacted to read as follows:

Art. 4134. Natural tutor; bond; recordation of certificate of inventory or detailed descriptive list

C. The recordation operates as a legal mortgage for the amount of the certificate in favor of the minor on all the immovable property of the tutor situated within any parish where recorded. A certificate recorded in the amount of zero dollars shall not create a legal mortgage. If the certificate does not contain the information required by Paragraph A of this Article, it will not be effective against third parties.

Approved by the Governor, May 22, 2014.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 190

HOUSE BILL NO. 638

BY REPRESENTATIVE CONNICK

AN ACT

To amend and reenact R.S. 15:542.1.4(A)(1), relative to sex offender registration and notification requirements; to provide relative to the crime of failure to register and notify as a sex offender or child predator; to amend the crime of failure to register and notify as a sex offender or child predator to include untimely actions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:542.1.4(A)(1) is hereby amended and reenacted to read as follows:

* * *

THE ADVOCATE
§542.1.4. Failure to register and notify as a sex offender or child predator; penalties

A. (1) A person who fails to timely register, fails to timely provide any information required by the provisions of this Chapter, fails to timely and periodically renew and update registration as required by the provisions of this Chapter, fails to timely provide proof of residence, fails to timely provide or notification of change of address or other registration information, or fails to provide community notification as required by the provisions of this Chapter, and a person who knowingly provides false information to a law enforcement agency as provided in R.S. 15:542(3), shall, upon first conviction, be fined not more than one thousand dollars and imprisoned

with hard labor for not less than two years nor more than ten years without benefit of parole, probation, or suspension of sentence.

* * *

Approved by the Governor, May 22, 2014.

Tom Schedler
Secretary of State

ACT No. 191

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HOUSE BILL NO. 670
BY REPRESENTATIVE SMITH

To enact R.S. 15:529.2, relative to intensive parole supervision; to authorize certain habitual offenders to participate in intensive parole supervision; to provide for applicability; to provide criteria; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:529.2 is hereby enacted to read as follows:

§542.2. Intensive parole supervision for certain habitual offenders

A. Notwithstanding any other provisions of law to the contrary, the secretary of the Department of Public Safety and Corrections may release to intensive parole supervision as provided in R.S. 15:374.4 any person sentenced pursuant to R.S. 15:529.1 and denied eligibility for diminution of sentence when the offender meets the requirements of this Section and of any rules or regulations adopted by the secretary in accordance with the provisions of this Section.

B. The secretary may release offenders pursuant to the provisions of this Section only if all of the following conditions exist:

(1) The offender has no convictions for a crime of violence as defined in R.S. 14:271 or a sex offense as defined in R.S. 15:534.

(2) The offender is within six months of his projected release date.

(3) The offender has not committed any major disciplinary offenses in the twelve consecutive months prior to release.

(4) The offender has completed the mandatory minimum of one hundred hours of prerelease programming in accordance with R.S. 15:827.1.

(5) The offender has completed substance abuse treatment as applicable.

(6) The offender has obtained a high school equivalency diploma, unless the offender has previously obtained a high school diploma or is deemed by a certified evaluator as being incapable of obtaining a high school equivalency diploma due to a learning disability. If the offender is deemed incapable of obtaining a high school equivalency diploma, the offender shall complete at least one of the following:

(a) A literacy program.

(b) An adult basic education or general education development program.

(c) A job skills program.

(7) The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary.

(8) The offender has completed a reentry program to be determined by the Department of Public Safety and Corrections. Approved by the Governor, May 22, 2014.

A true copy:

Tom Schedler
Secretary of State

ACT No. 192

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HOUSE BILL NO. 736
BY REPRESENTATIVE JAMES

To amend and reenact R.S. 40:2018.1(A), (B), and (G), relative to the Louisiana Commission on HIV, AIDS, and Hepatitis C; to change the composition and membership of the commission; to provide for an extension of the termination date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2018.1(A), (B), and (G) are hereby amended and reenacted to read as follows:

§2018.1. Louisiana Commission on HIV, AIDS, and Hepatitis C

A. There shall be established within the office of the governor a commission which shall be designated the “Louisiana Commission on HIV, AIDS, and Hepatitis C”, composed of forty-four thirty-six members, as provided in Subsection B of this Section.
ACT No. 193

BY REPRESENTATIVES MORENO, ADAMS, BADON, BERTHELOT, BILLIOT, WESLEY BISHOP, BROSSETT, HAVARD, HAZEL, HILL, HOFFMANN, JEFFERSON, NANCY LANDRY, LEGER, MACK, MILLER, RICHARD, SMITH, ST. GERMAIN, STOKES, PATRICK WILLIAMS, AND WILLIAMS AND SENATORS BUFFINGTON, DORSEY-COLOMB, GUILORY, AND MILLS

AN ACT

To amend and reenact R.S. 40:2707 and 2714(E) and (I), relative to tanning facilities; to prohibit the use of tanning equipment by persons under eighteen years of age; to provide for notice requirements; to make technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2707 and 2714(E) and (I) are hereby amended and reenacted to read as follows:

§2707. Prohibited acts; advertisement

A. A tanning facility may not claim or distribute promotional materials that claim use of a tanning device is safe or free from risk. No person shall state or imply that any activity under such registration has been approved by the department.

B. A tanning facility shall not allow any person under eighteen years of age to use any tanning equipment.

§2714. Information provided to consumer

E. Before any person between fourteen and eighteen years of age uses a tanning facility, the tanning facility shall secure a statement signed at the entrance of the tanning facility by the parent or tutor stating that the parent or tutor has read and understood the warnings given by the tanning facility, concents to the minor's use of a tanning device, and agrees that the minor will use the protective eyewear that the tanning facility provides. A person under fourteen years of age shall be accompanied by a parent or tutor when using a tanning device. The registrant shall place, at the entrance of the tanning facility, a sign that states "LOUISIANA LAW PROHIBITS PERSONS UNDER 18 YEARS OF AGE FROM USING ANY TANNING FACILITIES; TO PROTECT THE PURPOSE OF SKIN TANNING." The sign shall have dimensions of at least eight inches by ten inches.

I. Effective October 1, 1991, the The registrant shall limit the operation of tanning equipment to persons who have successfully completed formal training courses which cover the provisions of Subsection H of this Section and have been approved by the department.

Approved by the Governor, May 22, 2014.

A true copy:

Tom Schedler
Secretary of State

ACT No. 194

BY REPRESENTATIVES MORENO, ADAMS, ARMES, BADON, BILLIOT, BROSSETT, BROWN, TIM BURNS, CONNICK, COX, GISCLAIR, GUILLOY, HARRISON, HENRY, HOWARD, HUNTER, KATRINA JACKSON, JAMES, JEFFERSON, KLECKLEY, NANCY LANDRY, TERRY LANDRY, LEGER, LOPINTO, MILLER, MONTOUX, MUMMERY, MORRIS, PIERRE, POPE, PRICE, REYNOLDS, RICHARD, RITCHIE, SCHRODER, SMITH, ST. GERMAIN, THIBAULT, THIERRY, ALFRED WILLIAMS, AND WOODRUFF AND SENATORS ADLEY, ALARIO, AMEDEE, APPEL, BROOME, BROWN, BUFFINGTON, CORTEZ, DONAHUE, DORSEY-COLOMB, ERDEY, GUILLOY, JOHNS, KOSTELKA, LAFLUR, LONG, MARTIN, MILLS, MORRELL, MURRAY, PEACOCK, GARY SMITH, THOMPSON, AND WARD

AN ACT

To amend and reenact R.S. 9:362(7) and 364(A), (B), and (C), R.S. 14:35.3(B), (3), (4), and (5), (C), (D), (H), and (J), and Code of Criminal Procedure Article 334.2, to enact R.S. 14:2(B)(45) and 35.3(B)(6), and to repeal Code of Criminal Procedure Article 334.4(A)(4), relative to acts of domestic abuse; to designate domestic abuse aggravated assault as a crime of violence; to provide relative to the crime of domestic abuse battery; to amend penalties for second conviction of domestic abuse battery; to provide relative to the defense of an act of violence against a family member as "domestic abuse"; to prohibit release on a person's own recognizance after an arrest for certain offenses related to domestic violence; to provide relative to child custody when there is a history of family violence; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:362(7) and 364(A), (B), and (C), R.S. 14:35.3(B)(3), (4), and (5), (C), (D), (H), and (J) are hereby amended and reenacted and R.S. 14:2(B)(45) and 35.3(B)(6) are hereby enacted to read as follows:

§362. Definitions

As used in this Part:

(7) "Treatment program" means a course of evaluation and psychotherapy designed specifically for perpetrators of family violence, and conducted by licensed mental health professionals. "Court-monitored domestic abuse intervention program" means a program, comprised of a minimum of twenty-six in-person sessions, that so a model designed specifically for perpetrators of domestic abuse. The offender's progress in the program shall be monitored by the court. The provider of the program shall have all of the following:

(a) Experience in working directly with perpetrators and victims of domestic abuse.
(b) Experience in facilitating batterer intervention groups.
(c) Training in the causes and dynamics of domestic violence, characteristics of batterers, victim safety, and sensitivity to victims.

§364. Child custody; visitation

A. There is created a presumption that no parent who has a history of perpetrating family violence shall be awarded sole or joint custody of children. The court may find a history of perpetrating family violence if the court finds that one incident of family violence has resulted in serious bodily injury or the court finds more than one incident of family violence. The presumption shall be overcome only by a preponderance of the evidence that the perpetrator has successfully completed a treatment court-monitored domestic abuse intervention program as defined in R.S. 9:362, is not abusing alcohol and the illegal use of drugs scheduled in R.S. 40:964, and that the best interest of the child or children requires that parent's participation as a custodial parent because of the other parent's absence, circumstances which prevent the occurrence of abuse or when the occurrence of abuse is in the best interest of the child or children. The fact that the abused parent suffers from the effects of the abuse shall not be grounds for denying that parent custody.

B. If the court finds that both parents have a history of perpetrating family violence, custody shall be awarded solely to the parent who is less likely to continue to perpetrate family violence. In such a case, the court shall mandate completion of a treatment court-monitored domestic abuse intervention program by the custodial parent. If necessary to protect the welfare of the child, custody may be awarded to a suitable third person, provided that the person would not allow access to a violent parent except as ordered by the court.

C. If the court finds that a parent has a history of perpetrating family violence, the court shall allow only supervised child visitation with that parent, conditioned upon that parent's participation in and completion of a treatment court-monitored domestic abuse intervention program. Unsupervised visitation shall be allowed only if it is shown by a preponderance of the evidence that the violent parent has completed a treatment program, is not abusing alcohol and psychoactive drugs, and poses no danger to the child, and that such visitation is in the child's best interest.

§2. Definitions

B. In this Code, "crime of violence" means an offense that has, as an element, the use, attempted use, or threatened use of physical force against the person or property of another, and that, by its very nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense or an offense that involves the possession or use of a dangerous weapon. The following enumerated offenses and attempts to commit any of them are included as "crimes of violence":

(45) Domestic abuse aggravated assault

§35.3. Domestic abuse battery

B. For purposes of this Section:

(3) "Court-monitored domestic abuse intervention program" means a program, comprised of a minimum of twenty-six in-person sessions, that follows a model designed specifically for perpetrators of domestic abuse. The offender's progress in the program shall be monitored by the court. The provider of the program shall have all of the following:

(a) Experience in working directly with perpetrators and victims of domestic abuse.
(b) Experience in facilitating batterer intervention groups.
(c) Training in the causes and dynamics of domestic violence, characteristics of batterers, victim safety, and sensitivity to victims.

"Serious bodily injury" means bodily injury that involves unconsciousness, extreme physical pain, or protracted and obvious
disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death.

C. “Strangulation” means intentionally impeding the normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of the victim.

D. A person who has been arrested for domestic abuse battery for purposes of this Section unless the person was represented by counsel in the case; and in the case of a prosecution for an offense described in R.S. 335.2, the defendant was entitled to a jury trial in the jurisdiction in which the case was tried, either the case was tried by a jury, or the person knowingly and intelligently waived the right to have the case tried by a jury by guilty plea or otherwise. A person shall not be considered convicted of R.S. 335.2 if the conviction is reversed or annulled on the ground that the person was denied the right to a jury trial in the jurisdiction in which the case was tried.

E. Any crime of violence, as defined in R.S. 14:2(B), against a person subject to the permanent injunction or protective order represents a credible threat to the physical safety of a family member or household member.

F. A protective order is issued to provide for penalties; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:95.10 is hereby enacted to read as follows:

95.10 Possession of a firearm or carrying of a concealed weapon by a person convicted of domestic abuse battery

A. It is unlawful for any person who has been convicted of the crime of domestic abuse battery, R.S. 14:35.3, to possess a firearm or carry a concealed weapon.

B. Whoever is found guilty of violating the provisions of this Section shall be imprisoned with or without hard labor for not less than one year nor more than five years and shall be fined not less than five hundred dollars nor more than one thousand dollars.

C. A person shall not be considered to have been convicted of domestic abuse battery for purposes of this Section unless the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and in the case of a prosecution for an offense described in R.S. 335.2, the defendant was entitled to a jury trial in the jurisdiction in which the case was tried, either the case was tried by a jury, or the person knowingly and intelligently waived the right to have the case tried by a jury by guilty plea or otherwise.

D. A person who has been arrested for domestic abuse battery for purposes of this Section unless the person was represented by counsel in the case; and in the case of a prosecution for an offense described in R.S. 335.2, the defendant was entitled to a jury trial in the jurisdiction in which the case was tried, either the case was tried by a jury, or the person knowingly and intelligently waived the right to have the case tried by a jury by guilty plea or otherwise. A person shall not be considered convicted of R.S. 335.2 if the conviction is reversed or annulled on the ground that the person was denied the right to a jury trial in the jurisdiction in which the case was tried.

E. Any crime of violence, as defined in R.S. 14:2(B), against a person subject to the permanent injunction or protective order represents a credible threat to the physical safety of a family member or household member.

F. A protective order is issued to provide for penalties; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 2. R.S. 46:2136.3 is hereby enacted to read as follows:

46:2136.3 Prohibition on the possession of firearms by a person against whom a protective order is issued

A. Any person against whom the court has issued a permanent injunction or protective order pursuant to the provisions of R.S. 9:361 et seq., R.S. 9:372, R.S. 46:2136 or 2151, Children's Code Article 1570, Code of Civil Procedure Article 3607.1, or Code of Civil Procedure Articles 30, 327.1, 335.2, and 871.1 shall be prohibited from possessing a firearm or carrying a concealed weapon by persons who have been convicted of domestic abuse battery for a period of ten years from the date of completion of sentence, probation, parole, or suspension of sentence.

Section 3. The Judicial Administrator's Office of the Louisiana Supreme Court is hereby directed to amend Louisiana Code of Civil Procedure Articles 1564 and 1584 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of Civil Procedure Articles 30, 327.1, 335.2, and 871.1 to provide for penalties; to provide for definitions; and to provide for related matters.

Approved by the Governor, May 22, 2014.

A true copy:

Tom Schedler
Secretary of State

ACT No. 195

HOUSE BILL NO. 753

BY REPRESENTATIVES MORENO, ADAMS, BADON, BARROW, BERTHELOT, BILLIOT, WESLEY BISHOP, BROSETT, BROWN, HENRY BURNS, TIM BURNS, BURRELL, CHAMPAGNE, CONNICK, COX, DIXON, GAINES, GISCLAIR, GUILORY, HARRIS, HARRISON, HAVARD, HENSIGNS, HONORE, HOWARD, HUNTER, KATRINA JACKSON, JAMES, JEFFERSON, JONES, KLECKLEY, NANCY LANDRY, TERRY LANDRY, LEBAS, LERGER, LERON GRUSSO, MILLER, MONET, JAY MORRIS, PIERRE, POPE, PRICE, PYLANT, RITCHIE, SCHEXNADYER, SMITH, ST. GERMAIN, THIBAUT, THIERRY, ALFRED WILLIAMS, PATRICK WILLIAMS, AND WOODRUFF AND SENATORS ALARDO, AMEDEE, APPEL, BROOME, BROWN, BUFFINGTON, CORTEZ, DONAHUE, DORSEY-COLUMB, GUILLORY, JOHNS, LAPLACE, LONG, MARTIN, MURRAY, NEVERS, PEACOCK, RISER, GARY SMITH, THOMPSON, WALSWORTH, AND WARD

A true copy:

Tom Schedler
Secretary of State

THE ADVOCATE

CODING: Words in * italics* are additions. Words in **boldface** are deletions from existing law; words underscored (House Bills) and **boldface** (Senate Bills) are additions.
ACT No. 196

BY REPRESENTATIVES ORTEGO, BARRAS, BURRELL, CARTER, CHAMPAIGNE, DIXON, GISCLAIR, GUILORY, GUINN, HARRISON, HUVAL, JONES, KLECKLEY, NANCY LANDRY, LEBAS, MONTOUCET, PIERRE, RICHARD, ROBIDEAUX, ST. GERMAIN, TALBOT, THIERRY, WHITNEY, AND WOODRUFF

AN ACT

To amend and reenact R.S. 17:273.3(C)(2)(a) (introtative paragraph) and to enact R.S. 17:273.3(E), (F), and (G), relative to foreign language immersion programs in public schools; to prohibit local school boards from denying enrollment in a foreign language immersion program to certain students; to provide with respect to requirements for the establishment, continuation, and certification of such programs; to provide restrictions; and to provide for an effective date; and to provide for related matters.

Notice is hereby given that this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:273.3(C)(2)(a) (introtative paragraph) is hereby amended and reenacted and R.S. 17:273.3(E), (F), and (G) are hereby enacted to read as follows:

§142. Qualifications of newspaper

B. The provisions of this Section relating to the five-year requirement shall not contravene any contract existing between any governing body and a newspaper on and prior to May 11, 1970; nor shall the five-year requirement herein be applied in assessing the qualifications of a newspaper which was in existence on May 11, 1970; nor shall any provision of this Chapter prohibit a publication from becoming an official journal in Jefferson Parish or Orleans Parish or from being selected to publish judicial advertisements and legal notices in Jefferson or Orleans Parish or has actually published official proceedings within one year prior to June 1, 1986, of any municipal corporation, parish council, police jury, or school board within Jefferson Parish.

§171. Selection of newspaper

B. The provisions of this Section relating to the five-year requirement shall not contravene any contract existing between any governing body and a newspaper on and prior to May 11, 1970; nor shall the five-year requirement herein be applied in assessing the qualifications of a newspaper which was in existence on May 11, 1970; nor shall any provision of this Chapter prohibit a publication from becoming an official journal in Jefferson Parish or Orleans Parish or from being selected to publish judicial advertisements and legal notices in Jefferson or Orleans Parish or has actually published official proceedings within one year prior to June 1, 1986, of any municipal corporation, parish council, police jury, or school board within Jefferson Parish.

§200. Definitions

As used in this Chapter, the following terms shall have the meanings ascribed to them in this Section:

(3)(a) “Newspaper” means a publication that during each year of the five year period prior to the first publication of any legal or official notice therein:

(1) Has been published at regular intervals of not less than weekly.

(2) Has been originated and published for the dissemination of current news and intelligence of varied, broad, and general public interest, including regular news coverage of local public meetings and events, and is not devoted to the interests of, or published for the entertainment or instruction of, or has a circulation restricted to, any particular sect, denomination, labor or fraternal organization, or other special group or class of citizens.

(3) Has not been published primarily for advertising purposes and has not contained more than seventy-five percent advertising in more than one-half of its issues, including sequential advertising supplements inserted into but separately identifiable from any regular issue or issues.

(4) Has maintained a general paid circulation to bona fide paying subscribers within the area the publication is required.

(5) For purposes of qualifications for publishing judicial proceedings, notices, or advertisements in the parishes of Jefferson and Orleans, the provisions of this Paragraph relating to a five-year requirement shall not apply to a daily newspaper with a general paid circulation when such newspaper has maintained a public business office in Orleans Parish for eight consecutive months prior to January 1, 2014.

§201. Judicial advertisements and legal notices; parishes outside parish of Orleans

D. In Jefferson Parish, no provision of this Chapter shall prohibit a weekly publication being selected to publish judicial advertisements and legal notices when the publication has maintained a public business office for at least five consecutive months in the parish prior to June 1, 2006, and maintained a total circulation of at least twenty-five thousand for at least three consecutive years immediately prior to being selected.

E. Notwithstanding any provision of this Section, in Jefferson Parish a daily newspaper with a general paid circulation may be selected to publish judicial advertisements and legal notices if such newspaper has maintained a public business office in Orleans Parish for eight consecutive months prior to January 1, 2014.

§202. Judicial advertisements in parish of Orleans

Ò As it appears in the enrolled bill
D. Notwithstanding any provision of this Section, in Orleans Parish, a daily newspaper with a general paid circulation may be selected to publish judicial advertisements and legal notices if such newspaper has maintained a public business office in Orleans Parish for eight consecutive months prior to January 1, 2014.

Section 2. R.S. 43:201(E) is hereby repealed in its entirety.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, May 22, 2014.

A true copy:

Tom Schedler
Secretary of State

ACT No. 198

BY REPRESENTATIVE STOKES

AN ACT

To amend and reenact R.S. 47:15(14), 114(F)(3), 287.614(C) and (D)(3), 295(C), 299.9, 299.39, 1407(1), 1408, 1409, 1414(C), 1416, 1433 through 1435, 1438, 1466, 1508.1(B), 1561, 1565(C)(3), 1574(introductory paragraph), 1576(A)(1) and (2), (C), and (E), 1578(B)(2), (3), and (4)(a)(introductory paragraph), 1603(A), and 1688, and to enact R.S. 47:1574(5), relative to the enforcement and adjudication of state taxes; to provide with respect to disputes concerning taxes, fees, and claims against the state; to provide with respect to the authority of the secretary of the Department of Revenue regarding the collection and enforcement of taxes and fees; to provide for the jurisdiction, authority, and procedures of the Board of Tax Appeals; to provide for an amendment to the jurisdiction and decisions of the Board of Tax Appeals; to provide for legislative oversight of Board of Tax Appeals rulemaking; to direct the Louisiana State Law Institute to change certain references to the Board of Tax Appeals in certain provisions of current law; to provide for legislative effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:15(14), 114(F)(3), 287.614(C) and (D)(3), 295(C), 299.9, 299.39, 1407(1), 1408, 1409, 1414(C), 1416, 1433 through 1435, 1438, 1466, 1508.1(B), 1561, 1565(C)(3), 1574(introductory paragraph), 1576(A)(1) and (2), (C), and (E), 1578(B)(2), (3), and (4)(a)(introductory paragraph), 1603(A), and 1688 are hereby amended and reenacted, and R.S. 47:1574(5) is hereby enacted, to read as follows:

§15. Taxpayer’s Bill of Rights

There is hereby established a Taxpayer’s Bill of Rights to guarantee that the rights, privacy, and property of Louisiana taxpayers are safeguarded and protected during tax assessment, collection, and enforcement processes administered under the tax laws of this state. This Taxpayer’s Bill of Rights consists of a statement, in nontechnical terms, of the rights and obligations of the Department of Revenue and taxpayers. The rights afforded taxpayers to assure that their privacy and property are safeguarded and protected during tax assessment and collection are available only insofar as they are implemented in accordance with the Constitution of Louisiana and Louisiana Revised Statutes.

Any person summoned or whose deposition is taken shall receive the same notice of offset by certified mail to the address shown on the individual’s return shall be deemed to be, to the extent of the remittance, a refund to the individual and to any other person who has a claim to such refund. The secretary shall refund to the individual any amount not remitted to a claimant pursuant to an offset request.

§299.9. Remittance: equivalent of refund

The remittance by the secretary to the claiming agency and the sending of the notice of offset by certified mail to the address shown on the individual’s return shall be deemed to be, to the extent of the remittance, a refund to the individual and to any other person who has a claim to such refund.

§1407. Jurisdiction of the board

The jurisdiction of the board shall extend to the following:

(1) All matters relating to appeals for the redetermination of assessments, or for the determination of overpayments, or payment under protest petitions, as provided in R.S. 47:1431 through 47:1433.

§1408. Power to administer oaths and issue subpoenas

A. For purposes of enforcing or administering this Chapter, any member of the board, or and the secretary-clerk for the board, shall have the power to following powers.

(1) Any board member and the secretary-clerk may administer oaths and take affidavits, and any member of the board shall have the power to

(2) Any board member may compel discovery, subpoenas issue subpoenas, and require the attendance of witnesses and the production of books, papers, and documents pertaining to the matter under inquiry, at any designated place of hearing and to

(3) Any board member may examine such witnesses, and may require the taking of deposition depositions before any person competent to administer oaths, either within or without the state, upon notice to the interested person. The depositions are for all purposes civil actions in the district courts of the state. Any party to a matter pending before the board may summon witnesses or require the production of papers, other documents, answers to requests for admissions, or answers to interrogatories in the same manner as witnesses are summoned, discovery completed, or papers required to be produced in civil actions in the district courts of the state.

C. In case of failure of any person fails to comply with any order or subpoena issued under authority of this Chapter, or the refusal of a witness refuses to testify to any matter regarding which he may be lawfully interrogated, the a judge of the district court of the parish in which such person either resides or is summoned, or the parish in which such person may be personally served, or any other judge with personal jurisdiction over such person, on motion of the board, or any member thereof, or the secretary-clerk, or any member thereof, shall immediately compel the obedience by issuing an instant an instant subpoena, or other appropriate process for contempt, or a rule as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

§1409. Witness fees and mileage

Any person summoned or whose deposition is taken shall receive the same fees and mileage as would be allowed in a civil action pending in the district courts and the expense thereof shall be paid by the person summoning such witness or causing the deposition to be taken. These expenses may be assessed as costs by the board.

§1414. Persons authorized to appear before the board

C. Certified public accountants duly qualified and licensed under the laws of the state shall be entitled to represent any taxpayer or other contestant in any matter to which the jurisdiction of the board shall extend, provided that the board may, in its discretion, permit certified
public accountants, duly qualified and licensed under the laws of the several states or the District of Columbia and public accountants are permitted to practice in Louisiana. * * *

§1416. Stenographic reports of hearings
The board shall, upon the request of any party to a matter before it or upon its own motion, order a stenographic report of any hearing before it shall be reported by a stenographer, or be otherwise recorded and transcribed pursuant to regulation or rule of the board, and the expense thereof shall be paid by the board out of the appropriation for the board. The board may contract for the transcription of the proceedings to the report such proceedings. The board may supply copies of the transcript of the proceedings to anyone requesting the same and may fix the fee for purchasing such copies. * * *

§1433. Publication of opinions and decisions
The board shall provide for the publication of such of its reports, opinions and decisions or judgments as are of public interest, in such form as it may deem best adapted for public convenience and use, and such authorized publication shall be competent evidence of the reports of the board therein contained in for purposes of all courts of the state, without any further proof or authentication thereof. The board's internal deliberations concerning a pending matter shall be considered judicial proceedings for the purposes of R.S. 42:17(B).

§1434. Judicial review of decision of the board
After A(1) Within thirty days of the signing of a decision or judgment of the board, the collector or the taxpayer may, within thirty calendar days after receipt thereof, file a petition with the district court to review decisions or judgments of the board. The party filing such petition shall, prior to its filing, notify the board of this intention before the filing of same, either at open hearing or by mail. The board shall respond to the notice of intention of the filing of such petition within ten days. Provided that when in any case where the board has found any tax to be due, except in any payment under protest petition, the taxpayer must, shall post a bond when giving the notice of intention to file a petition for review, conditioned upon the payment of the tax as finally determined, together with any interest, additional amounts or additions to the tax provided for by law, including applicable penalties and attorney fees. The bond shall be payable to the collector in an amount not to exceed one and one-half times the tax, interest, additional amounts or additions to the tax provided for by law, including applicable penalties and attorney fees, if any, found to be due in said decision or judgment of the board, and the posting of such bond shall be a condition precedent to the filing of any petition for review in any district appellate court.

Except as to the amount, and to the extent not otherwise inconsistent with the provisions of this Section, the nature of the bond or security and the procedures for posting bond or providing other security shall be consistent with the provisions for providing security in connection with a suspensive appeal pursuant to Title 47, subtitle C of the Code of Civil Procedure.

Thereafter, and within the thirty calendar days from the date of the rendering and signing of such decision or judgment of the board, the taxpayer may file his petition for review with the proper district court, setting forth specifically any errors which may have been committed by the board. As used in this section, the term "district court" means any district court of the State of Louisiana having jurisdiction to review the decision or judgment of the board, and the term "mandate" in case a mandate has been recalled prior to the expiration of thirty days from date of issuance thereof, means the final mandate. If a petition for review of a judgment of the board has been filed within the time allowed by the appellate court, the judgment of the board rendered thereon shall be final when so corrected.

(2) Upon the expiration of the time allowed for filing a petition for review, no such appeal has been duly filed within such time; or (3) Prior to the expiration of the time allowed for filing a petition for review, if the decision or judgment of the board has been affirmed or the petition for review dismissed, or (3) Upon dismissal of the appeal, if the decision or judgment of the board has been affirmed or the petition for review dismissed by the district court; or (4) Upon the expiration of thirty days from the date of issuance of the mandate of the supreme court, if such court directs that the decision or judgment of the board be affirmed or the petition for review dismissed, if the Supreme Court directs that the decision or judgment of the board be modified or reversed, the decision or judgment of the board rendered in accordance with the mandate of the supreme court shall become final upon the expiration of thirty days from the time it was rendered, unless no such appeal has been taken; or if the appeal has been dismissed; or if the Supreme Court orders a rehearing, or if the case is remanded by the Supreme Court orders a rehearing, or if the case is remanded by the Supreme Court, the decision or judgment of the board rendered in accordance with the mandate of the supreme court shall become final upon the expiration of thirty days from the time such decision or judgment was rendered, unless within thirty days of the expiration of the time allowed by the applicable appellate court, the judgment of the board rendered thereon shall be corrected.

If the Supreme Court orders a rehearing, or if the case is remanded by the Supreme Court, the decision or judgment of the board rendered in accordance with the mandate of the supreme court shall become final upon the expiration of thirty days from the time such decision or judgment was rendered, unless no such appeal has been taken; or if the appeal has been dismissed; or if the decision or judgment of the board has been affirmed or the petition for review dismissed, or if the decision or judgment of the board is not in accordance with law or is manifestly erroneous on the facts considering the record as a whole, to modify, or to reverse the decision or judgment of the board, or if the case is remanded for further proceedings as may be deemed necessary to fully dispose of the case for further proceedings as justice may require. An appellate court may also remand a case with an order that it be immediately transferred to the district court pursuant to R.S. 47:1432(B).

§1438. Date judgment becomes final
For the purposes of this Title, the date on which a decision or judgment of the board becomes final shall be determined as provided herein. The decision or judgment of the board shall become final in either of the following circumstances:

(1) Upon the expiration of the time allowed for filing a petition for review, if no such petition has been duly filed within such time; or (2) Upon dismissal of the appeal, if the decision or judgment of the board has been affirmed or the petition for review dismissed, or (3) Upon dismissal of the appeal, if the decision or judgment of the board has been affirmed or the petition for review dismissed by the district court; or (4) Upon the expiration of thirty days from the date of issuance of the mandate of the supreme court, if such court directs that the decision or judgment of the board be affirmed or the petition for review dismissed, if the Supreme Court directs that the decision or judgment of the board be modified or reversed, the decision or judgment of the board rendered in accordance with the mandate of the supreme court shall become final upon the expiration of thirty days from the time it was rendered, unless no such appeal has been taken; or if the appeal has been dismissed; or if the Supreme Court orders a rehearing, or if the case is remanded by the Supreme Court orders a rehearing, or if the case is remanded by the Supreme Court, the decision or judgment of the board rendered in accordance with the mandate of the supreme court shall become final upon the expiration of thirty days from the time such decision or judgment was rendered, unless within thirty days of the expiration of the time allowed by the applicable appellate court, the judgment of the board rendered thereon shall be corrected.

§1508.1. Unauthorized disclosure of information
B. Nothing contained in this Section shall be construed to prevent such persons from disclosing a return of a taxpayer or the records of the secretary as authorized by law in any Board of Tax Appeals or other judicial proceeding in which the state or any political subdivision thereof is a party. * * *

§1561. Alternative remedies for the collection of taxes
A. In addition to following any of the special remedies provided in the various sections of this subtitle, the collector may, in his discretion, proceed in the same manner as therein provided in collection of the taxes under the provisions of any of the following alternative remedies or procedures:

(1) Assessment and distraint, as provided in R.S. 47:1562 through 47:1573.
(2) Summary court proceeding, as provided in R.S. 47:1574.
(3) Ordinance court proceeding under the provisions of the general laws regulating actions for the enforcement of obligations.

B. The collector may choose which of these procedures he will shall pursue in each case, and the counter-remedies and delays to which the taxpayer shall shall be entitled will be only those which are not inconsistent

THE ADVOCATE CODING: Words in square parentheses are deletions from existing law; words underscored (House Bills) and italicized (Senate Bills) are additions.

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with the proceeding initiated by the collector, provided that in every case the taxpayer shall be entitled to proceed under R.S. 47:1576 except as hereafter provided.

(1) When an assessment provided in this Subtitle Subtitle or elsewhere in the laws of this state, and for the purpose of facilitating and expediting the determination and trial of all claims for taxes, penalties, interest, attorney fees, or costs and charges arising under this Subtitle Subtitle, is hereby provided a summary proceeding for the hearing state, or by or on behalf of the collector, for taxes, excises, and licenses and for the penalties, interest, attorney fees, costs or other charges due thereon, by preference in all courts, all as follows:

(2) The provisions of this Section shall apply only in the following instances:

(a) The proceeding is for collection of a tax assessment that has become final, or to which the provisions of R.S. 47:1567 or 1568 apply.

(b) The proceeding is for the recovery of any amount found due by the secretary of the Department of Revenue, or the enforcement of any provision of the tax laws in relation thereto, shall remit to the Department of Revenue the amount due and at that time shall give notice of intention to either file suit for the recovery of such tax or file a petition with the Board of Tax Appeals for purposes of recovery of such tax.

(c) The matter involves the special authority to enforce collection of taxes collected or withheld from others pursuant to R.S. 47:1561.

§1576. Remittance of tax under protest; suit to recover such tax. When the tax is not paid, the secretary may authorize the release of any real immovable property belonging to the tax debtor and upon which said lien, privilege, mortgage, or other encumbrance, has been placed by virtue of this Subtitle Subtitle, provided that the secretary is satisfied that the remaining real immovable property belonging to the tax debtor is insufficient to discharge the tax debt.

§1577. Cancellation of lien, privilege, and mortgage; compromises

(1) In any case when the penalty exceeds twenty-five thousand dollars, it can be waived by the secretary only after approval by the Board of Tax Appeals.

§1603. Waiver of penalty for delinquent filing or delinquent payment

(1) If the failure to make any return at the time such return becomes due or the filing of a return without remittance of the full amount due, is attributable, not to the negligence of the taxpayer, but to other cause set forth in writing and considered reasonable by the secretary of the Department of Revenue, the secretary may remit or waive payment of the whole or any part of the specific penalty provided for such failure; but in

(a) In order to promote the effective administration of the tax laws of this state, the secretary may also promulgate rules and regulations pursuant to procedure set forth in this Subtitle Subtitle, affecting the waiving of penalties, including but not limited to the establishment of a voluntary disclosure program.

(b) The secretary may, pursuant to the rules and regulations referenced in Subparagraph (a) of this Paragraph, remit or waive the payment of the whole or any part of the penalties provided for in this Subtitle Subtitle.

(2) In any case when the penalty exceeds twenty-five thousand dollars, it can be waived by the secretary only after approval by the Board of Tax Appeals.

§1688. Suspension of dealer's permit

Whenever the collector of revenue secretary determines that a dealer holding a permit under R.S. 47:1563 has violated any of the provisions of this Act, he shall suspend the permit of such dealer for a period of not less than six months nor more than one year; provided that any dealer aggrieved by such action on the part of the collector secretary may appeal suspensively to the Board of Tax Appeals.

Section 2. Section 2 of the Board of Tax Appeals and the secretary of the Department of Revenue may enter into an agreement for a fixed annual interagency transfer to the board as payment in lieu of filing fees owed by the secretary.

Section 3. The Louisiana State Law Institute is authorized and directed to revise the Louisiana Revised Statutes of 1950, as amended, by amending all references to the “board of tax appeals” to “Board of Tax Appeals.”

Section 4. This Act shall become effective on July 1, 2014; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2014, or on the day following such approval by the legal vote of the legislature.

Approved by the Governor, May 22, 2014.

A true copy

Tom Schleder
Secretary of State

* As it appears in the enrolled bill
ACT No. 199

HOUSE BILL NO. 800
BY REPRESENTATIVE SMITH
AN ACT

To enact R.S. 47:463.163, relative to motor vehicle special prestige license plates; to provide for a HIV/AIDS awareness special prestige license plate; to provide for the creation, issuance, and design of such license plates; to provide relative to the fee and distribution of such plates; to authorize the promulgation of rules and regulations relative to the creation and implementation of a special prestige license plate; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:463.163 is hereby enacted to read as follows: §463.163. Special prestige license plate; Louisiana AIDS Advocacy Network

A. The secretary shall work in conjunction with the Louisiana AIDS Advocacy Network to select the color and design of the plate provided that it is in compliance with R.S. 47:463(A)(3).

B. The secretary of the Department of Public Safety and Corrections shall establish a special prestige motor vehicle license plate for the Louisiana AIDS Advocacy Network provided there is a minimum of one thousand applicants for such plate. These license plates shall be restricted to use on passenger cars, pickup trucks, recreational vehicles, and vans.

C. The prestige plate shall be issued upon application, to any citizen of Louisiana in the same manner as any other motor vehicle license plate.

D. The department shall collect an annual royalty fee of twenty-five dollars for this special prestige license plate that shall be disbursed in Louisiana in the same manner as any other motor vehicle license plate.

E. The annual royalty fees collected by the department shall be forwarded to the Louisiana AIDS Advocacy Network, or its successor organization. The monies received from the royalty fees shall be used solely for the support of the programs administered by the Louisiana AIDS Advocacy Network.

F. The secretary shall promulgate rules and regulations as are necessary to implement the provisions of this Section.

Approved by the Governor, May 22, 2014.

A true copy.

Tom Schedler
Secretary of State

ACT No. 200

HOUSE BILL NO. 838
BY REPRESENTATIVE HOFFMANN
AN ACT

To amend and reenact R.S. 37:3407(A)(7) and to enact R.S. 37:3407(A)(11), relative to fees charged by the Louisiana Real Estate Appraisers Board; to provide changes to fees charged by the Louisiana Real Estate Appraisers Board; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:3407(A)(7) is hereby amended and reenacted and R.S. 37:3407(A)(11) is hereby enacted to read as follows: §3407. Fees

(7) Temporary registration fee * * * $40.00

(11) Processing fee * * * $25.00

Approved by the Governor, May 22, 2014.

A true copy.

Tom Schedler
Secretary of State

ACT No. 201

HOUSE BILL NO. 844
BY REPRESENTATIVE PONTI
AN ACT

To enact R.S. 9:3571.3, relative to credit reports of protected persons; to provide for the creation, issuance, and design of such license plates; to provide relative to the fee and distribution of such plates; to authorize the promulgation of rules and regulations relative to the creation and implementation of a special prestige license plate; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:3571.3 is hereby enacted to read as follows: §3571.3. Security freezes for protected persons

A. In this Section, the following terms have the meanings indicated:

(1) “Credit report” has the same meaning as in R.S. 9:3571.1(H)(2).

(2) “Credit reporting agency” has the same meaning as in R.S. 9:3571.1(H)(3).

(3) “Protected person” means an individual who is either of the following:

(a) Under the age of sixteen years at the time a request for a security freeze is made.

(b) An interleaved person for whom a curator has been appointed, or an incapacitated person or a protected person for whom a guardian or conservator has been appointed.

(4) “Protected person security freeze” means either of the following:

(a) If a credit reporting agency does not have a credit report pertaining to a protected person, a restriction that meets each of the following criteria:

(i) Is placed on the protected person’s record in accordance with this Section.

(ii) Prohibits the credit reporting agency from releasing the protected person’s record except as provided in this Section.

(b) If a credit reporting agency has a credit report pertaining to the protected person, a restriction that meets each of the following criteria:

(i) Is placed on the protected person’s credit report in accordance with this Section.

(ii) Prohibits the credit reporting agency from releasing the protected person’s credit report or any information derived from the protected person’s credit report, except as provided in this Section.

(5) “Record” means a compilation of information that meets all of the following:

(a) Identifies a protected consumer.

(b) Is created by a credit reporting agency solely for the purpose of complying with this Section.

(c) Is not created or used to consider the protected consumer’s credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living.

(6) “Representative” means a person who provides to a credit reporting agency sufficient proof of authority to act on behalf of a protected person.

(7) “Sufficient proof of authority” means documentation that shows a representative has authority to act on behalf of a protected person. “Sufficient proof of authority” includes any of the following:

(a) An order issued by a court of law.

(b) A lawfully executed and valid power of attorney.

(c) A copy of a driver’s license, an identification card issued by the office of motor vehicles, or any other government-issued identification.

(d) A copy of a bill, including a bill for telephone, sewer, septic tank, water, electric oil, or natural gas services, that shows a name and home address.

B. This Section shall not apply to the use of a protected person’s credit report or record by any of the following:

(1) A person administering a credit report monitoring subscription service to which:

(a) The protected person has subscribed.

(b) The representative of the protected person has subscribed on behalf of the protected person.

(2) A person providing the protected person or the protected person’s representative with a copy of the protected person’s credit report on request of the protected person or the protected person’s representative.

(3) An entity or person listed in R.S. 9:3571.1(L).

C. A credit reporting agency shall place a protected person security freeze on the credit report of a protected person if the protected person’s representative does all of the following to request a protected person security freeze pursuant to this Section:

(1) Submits the request for a protected person security freeze to the credit reporting agency at the address or other point of contact in the manner specified by the credit reporting agency.

(2) Provides to the credit reporting agency sufficient proof of identification of the protected person and the representative.

(3) Provides to the credit reporting agency sufficient proof of authority to act on behalf of the protected person.

(4) Pays to the credit reporting agency a fee as provided in Subsection I of this Section.

D. If a credit reporting agency does not have a credit report pertaining to a protected person when the credit reporting agency receives a request for a protected person security freeze under Subsection C of this Section, the credit reporting agency shall create a record for the protected person.

E. (1) Within thirty days after receiving a request for a protected person security freeze that meets the requirements of Subsection C of this Section, a credit reporting agency shall provide for a protected person security freeze on the protected person’s credit report.

(2) A protected person security freeze placed pursuant to this Subsection shall remain in effect until either of the following:

(a) The protected person or the protected person’s representative requests the credit reporting agency to remove the protected person security freeze in accordance with Subsection G of this Section.

(b) The protected person security freeze is removed in accordance with Subsection J of this Section.

THE ADVOCATE
* As it appears in the enrolled bill
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CODING: Words in struck through type are deletions from existing law; words underscored (House Bills) and boldfaced (Senate Bills) are additions.
To amend and reenact R.S. 18:602(E)(1), (2)(a), and (4) and to repeal R.S. 13:2583(F) and R.S. 42:373, relative to vacancies in certain local and municipal offices; to provide for the filling of such vacancies; to provide relative to the appointment of a person to fill such a vacancy under certain circumstances; to provide relative to the election of a person to fill such a vacancy under certain circumstances; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:602(E)(1), (2)(a), and (4) are hereby amended and reenacted to read as follows:

§602. Vacancies in certain local and municipal offices; exceptions

E. (1)(a) If the unexpired term of an office covered by Subsection A of this Section is one year or less, the person appointed to the vacancy or designated to assume the duties of the office shall serve for the remainder of the unexpired term.

(b) If the unexpired term of an office covered by Subsection B or C of this Section exceeds one year, the governing authority of the local governmental subdivision in which the vacancy occurs, or the school board when the vacancy occurs in its membership, or the governor when a vacancy occurs in the office of district attorney or in an office for which there is not a single governing authority or as provided in Subsection F of this Section, within twenty days after the vacancy occurs, shall issue a proclamation ordering a special election to fill the vacancy and shall specify in the proclamation, in accordance with R.S. 18:402, the dates on which the primary and general elections shall be held and, in accordance with R.S. 18:467, 467.1, and 468, the dates of the qualifying period for candidates in the special election. However, if the deadline for issuing the proclamation falls on a Saturday, Sunday, or other legal holiday, then the next day which is not a Saturday, Sunday, or legal holiday shall be deemed to be the final day for issuing such proclamation. In selecting the dates for such special elections, the governing authority or school board as the case may be, may choose a gubernatorial or congressional election date, if such date is available within eighteen months of the occurrence of the vacancy for an office covered by Subsection A of this Section or within a year of the occurrence of the vacancy for an office covered by Subsection B or C of this Section or may select an election date in accordance with R.S. 18:402. If the governing authority or school board fails to issue the proclamation within twenty days after the vacancy occurs, the governor shall issue the proclamation. * * *

(4) If the unexpired term of a parish or municipal office covered by Subsection A of this Section is one year eighteen months or more, but the vacancy occurs within one year eighteen months of the regularly scheduled primary election for that office, no special election will be called, and the appointee shall serve for the remainder of the term of office. * * *

Section 2. R.S. 13:2583(F) and R.S. 42:373 are hereby repealed in their entirety.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, May 22, 2014.

A true copy:

Tom Schedler
Secretary of State