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 DIGEST

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SB 73 Engrossed

2016 Regular Session

White

Present law provides relative to the crime of resisting an officer. Present law defines "resisting an officer" as the intentional interference with, opposition or resistance to, or obstruction of an individual acting in his official capacity and authorized by law to make a lawful arrest, lawful detention, or seizure of property or to serve any lawful process or court order when the offender knows or has reason to know that the person arresting, detaining, seizing property, or serving process is acting in his official capacity.

Proposed law retains present law.

Present law defines "obstruction of" as used in present law as the following:

- (1) Flight by one sought to be arrested before the arresting officer can restrain him and after notice is given that he is under arrest.
- (2) Any violence toward or any resistance or opposition to the arresting officer after the arrested party is placed under arrest and before he is incarcerated in jail.
- (3) Refusal by the arrested or detained party to give his name and make his identity known to the arresting or detaining officer or providing false information regarding the identity of such party to the officer.
- (4) Congregation with others on a public street and refusal to move on when ordered by the officer.

Proposed law retains present law, and adds that "obstruction of" also means the knowing interference of a police cordon resulting from the intentional crossing or traversing of a police cordon by an unauthorized person or an unmanned aircraft system (UAS). Proposed law further provides that the cordoned area includes the airspace above the cordoned area.

Proposed law defines "police cordon" as any impediment or structure erected or established by an officer for crowd or traffic control, or to prevent or obstruct the passage of a person at the scene of a crime or investigation.

Proposed law also defines "impediment or structure" and "unmanned aircraft system".

Effective August 1, 2016.

(Adds R.S. 14:108(B)(1)(e))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Change proposed law references from "unmanned ariel vehicle" to "unmanned aircraft system."
2. Provides relative to definition of "unmanned aircraft system" for purposes of proposed law.
3. Delete parade area and demonstration from definition of "police cordon."

Summary of Amendments Adopted by House

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

1. Add that the interference shall be "knowing" to constitute commission of the crime.