

2017 Regular Session

HOUSE BILL NO. 161

BY REPRESENTATIVE SEABAUGH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME: Provides an exception for safety helmets relative to the prohibition on wearing hoods, masks, and other facial disguises in public places

1 AN ACT

2 To amend and reenact R.S. 14:313(D) and to enact R.S. 14:313(C)(4), relative to offenses  
3 affecting the public generally; to provide relative to the prohibition on wearing  
4 hoods, masks, and other facial disguises in public places; to provide an exception for  
5 safety helmets; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:313(D) is hereby amended and reenacted and R.S. 14:313(C)(4)  
8 is hereby enacted to read as follows:

9 §313. ~~Masks or hoods, wearing~~ Wearing of masks, hoods, or other facial disguises  
10 in public places prohibited; penalty; exceptions; permit to conduct Mardi  
11 Gras festivities; ~~how obtained~~; wearing of hoods, masks, or disguises ~~or~~  
12 ~~giving of candy or other gifts~~ by sex offenders

13 \* \* \*

14 C. Except as provided in Subsection E of this Section, this Section shall not  
15 apply:

16 \* \* \*

17 (4) To safety helmets worn in compliance with R.S. 32:190.

18 D. All persons having charge or control of any of the festivities set forth in  
19 Paragraph ~~B~~ (B)(2) of this Section; shall, in order to bring the persons participating  
20 therein within the exceptions contained in Paragraph ~~B~~ (B)(2), make written

1 application for and shall obtain in advance of the festivities from the mayor of the  
2 city, town, or village in which the festivities are to be held, or when the festivities are  
3 to be held outside of an incorporated city, town, or village, from the sheriff of the  
4 parish, a written permit to conduct the festivities. A general public proclamation by  
5 the mayor or sheriff authorizing the festivities shall be equivalent to an application  
6 and permit.

7 \* \* \*

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DIGEST

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

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HB 161 Original

2017 Regular Session

Seabaugh

**Abstract:** Provides an exception to the prohibition on wearing hoods, masks, and other facial disguises in public places for safety helmets worn in compliance with the law.

Present law prohibits any person from wearing hoods, masks, and other facial disguises in any public place, and provides that whoever violates present law shall be imprisoned for not less than six months nor more than three years.

Present law further provides that this present law prohibition shall not apply to the following:

- (1) To activities of children on Halloween, to persons participating in any public parade or exhibition of an educational, religious, or historical character given by any school, church, or public governing authority, or to persons in any private residence, club, or lodge room.
- (2) To persons participating in masquerade balls or entertainments, to persons participating in carnival parades or exhibitions during the period of Mardi Gras festivities, to persons participating in the parades or exhibitions of minstrel troupes, circuses, or other dramatic or amusement shows, or to promiscuous masking on Mardi Gras which are duly authorized by the governing authorities of the municipality in which they are held or by the sheriff of the parish if held outside of an incorporated municipality.
- (3) To persons wearing head covering or veils pursuant to religious beliefs or customs.

Proposed law retains present law and adds an exception to this prohibition for safety helmets worn in compliance with the present law (R.S. 32:190) that requires all persons who operate any motorcycle, motor-driven cycle, or motorized bicycle to wear a safety helmet.

(Amends R.S. 14:313(D); Adds R.S. 14:313(C)(4))