

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 319

2022 Regular Session

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KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

MILITARY AFFAIRS. Provides for certain punitive articles of the Louisiana Code of Military Justice. (8/1/22)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

- 1. Clarifies that accessing a government computer with an unauthorized purpose which could be used to the injury of the U.S. includes injury which could be used to the injury of the state of Louisiana.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

DIGEST

SB 319 Reengrossed

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Present law provides relative to the La. Code of Military Justice (LCMJ) which is substantially similar to the federal Uniform Code of Military Justice (UCMJ).

Proposed law redesignates certain provisions of law contained in the LCMJ to conform with the corresponding Articles in the UCMJ with no change to present law.

Proposed law adds the offense of unauthorized insignia, decoration, badge, ribbon, device, or lapel button to the LCMJ, and provides that any person subject to the LCMJ who is not authorized to wear an insignia, decoration, badge, ribbon, device, or lapel button and who wrongfully wears such insignia, decoration, badge, ribbon, device, or lapel button upon the person's uniform or civilian clothing shall be punished as a court-martial may direct.

Proposed law adds endangerment offenses to the LCMJ, which includes reckless endangerment, dueling, firearm discharge, endangering human life, and carrying a concealed weapon.

Proposed law adds communicating threats to the LCMJ, which includes communicating threats generally, communicating threats to use explosive, and communicating false threats concerning use of explosive.

Proposed law defines a "false threat" as a threat that at the time the threat is communicated is known to be false by the person communicating the threat.

Proposed law adds wrongful broadcast or distribution of intimate visual images to the LCMJ.

Proposed law defines an "intimate visual image" as a visual image that depicts the naked or underwear-clad genitalia, anus, buttocks, or female areola or nipple.

Present law provides for the offense of sexual assault as a sexual act upon another person by any of the following:

- (1) Threatening or placing another person in fear.
- (2) Causing bodily harm to another person.
- (3) Making a fraudulent representation that the sexual act serves a professional purpose.

- (4) Inducing a belief by any artifice, pretense, or concealment that the person is another person.

Proposed law removes the element of causing bodily harm to another person.

Proposed law adds the offense of depositing obscene matters in the mail to the LCMJ.

Proposed law adds the offense of fraudulent use of credit cards, debit cards, and other access devices to the LCMJ.

Proposed law adds the offense of using false pretenses to obtain services to the LCMJ.

Proposed law adds the offense of receiving stolen property to the LCMJ.

Proposed law adds offenses concerning government computers to the LCMJ. These offense include any of the following:

- (1) Knowingly accessing a government computer, with an unauthorized purpose, and by doing so obtaining classified information, with reason to believe such information could be used to the injury of the U. S. or the state of Louisiana, or to the advantage of any foreign nation, and intentionally communicating, delivering, transmitting, or causing to be communicated, delivered, or transmitted such information to any person not entitled to receive it.
- (2) Intentionally accessing a government computer, with an unauthorized purpose, and thereby obtaining classified or other protected information from any such government computer.
- (3) Knowingly causing the transmission of a program, information, code, or command, and as a result of such conduct, intentionally causing damage without authorization to a government computer.

Proposed law adds the offense of making, drawing, or uttering a check, draft, or order without sufficient funds to the LCMJ.

Proposed law adds the offenses of subornation of perjury, obstructing justice and misprision of serious offense, and wrongful refusal to testify to the LCMJ.

Proposed law adds the offense of prevention of authorized seizure of property to the LCMJ which includes any person subject to this code who, knowing that one or more persons authorized to make searches and seizures are seizing, are about to seize, or are endeavoring to seize property, destroys, removes, or otherwise disposes of the property with intent to prevent the seizure thereof shall be punished as a court-martial may direct.

Proposed law adds the offense of retaliation to the LCMJ.

Effective August 1, 2022.

(Amends and redesignates R.S. 29:183, 198, 205, 215, 220, 220a, 223 and 232; adds R.S. 29:204a, 206a, 214, 217a, 221a, 221b, 222a, 223a, 224, 230, 231a, 231b, 231c, 231d, 231e, and 231f)

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