

2016 Regular Session

SENATE BILL NO. 73

BY SENATOR WHITE

CRIME/PUNISHMENT. Provides relative to the crime of resisting an officer. (8/1/16)

1 AN ACT

2 To enact R.S. 14:108(B)(1)(e), relative to the crime of resisting an officer; to add intentional
3 crossing of a police cordon to the definition of "obstruction of" an officer; to provide
4 additional definitions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:108(B)(1)(e) is hereby enacted to read as follows:

7 §108. Resisting an officer

8 * * *

9 B.(1) The phrase "obstruction of" as used herein shall, in addition to its
10 common meaning, signification, and connotation mean the following:

11 * * *

12 **(e) The intentional crossing or traversing of a police cordon by an**
13 **unauthorized person or an unmanned aerial vehicle (UAV). The cordoned area**
14 **includes the airspace above the cordoned area.**

15 **(i) For purposes of this Subparagraph, "police cordon" means any**
16 **impediment or structure erected or established by an officer for crowd or traffic**
17 **control, or to prevent or obstruct the passage of a person at the scene of a crime,**

1 **an investigation, a demonstration, or parade area.**

2 **(ii) "Impediment or structure" includes but is not limited to crime scene**
 3 **tape, rope, cable, wire or metal barricades, or the posting of uniformed officers**
 4 **or other personnel otherwise identifiable as law enforcement officers.**

5 **(iii) If a UAV's flight into the cordoned area endangers the public or an**
 6 **officer's safety, law enforcement personnel or fire department personnel are**
 7 **authorized to disable the UAV.**

8 * * *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

SB 73 Original

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, in addition to its common meaning, signification, and connotation, 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 actually 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 intentional crossing or traversing of a police cordon by an unauthorized person or an unmanned aerial vehicle (UAV). 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, an investigation, a demonstration, or parade area.

Proposed law defines "impediment or structure" to include crime scene tape, rope, cable,

wire or metal barricades, or the posting of uniformed officers or other personnel otherwise identifiable as law enforcement officers.

Proposed law provides that if a UAV's flight into the cordoned area endangers the public or an officer's safety, law enforcement personnel or fire department personnel are authorized to disable the UAV.

Effective August 1, 2016.

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