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

SB 73 Engrossed

DIGEST
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 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 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 defines "unmanned aircraft system" by reference to the definitions contained in present

law relative to the crime of unlawful use of an unmanned aircraft system, which defines "unmanned aircraft system" as an unmanned, powered aircraft that does not carry a human operator, can be autonomous or remotely piloted or operated, and can be expendable or recoverable. However, "unmanned aircraft system" does not include any of the following:

- (1) A satellite orbiting the earth.
- (2) An unmanned aircraft system used by the federal government or a person who is acting pursuant to contract with the federal government to conduct surveillance of specific activities.
- (3) An unmanned aircraft system used by the state government or a person who is acting pursuant to a contract with the state government to conduct surveillance of specific activities.
- (4) An unmanned aircraft system used by a local government law enforcement agency or fire department.

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

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."