

2023 Regular Session

HOUSE BILL NO. 207

BY REPRESENTATIVES SCHAMERHORN, BACALA, CARRIER, EDMONSTON,  
GAINES, GAROFALO, HODGES, HORTON, MIKE JOHNSON, CHARLES  
OWEN, AND SEABAUGH

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

CRIME/MISDEMEANOR: Establishes penalties associated with minors swimming in  
certain waterways without personal flotation devices

1 AN ACT

2 To enact R.S. 14:93.2.4, relative to criminal liability for certain acts of minors; to create the  
3 crime of unlawful swimming in certain waterways; to provide for penalties; and to  
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:93.2.4 is hereby enacted to read as follows:

7 §93.2.4. Unlawful swimming in certain waterways

8 A. It shall be unlawful for any parent or legal guardian who has care and  
9 control of a minor, to permit a minor, either knowingly, wilfully, or through criminal  
10 negligence to swim without wearing a Type I, Type II, Type III, or Type V personal  
11 flotation device approved by the United States Coast Guard in any river that flows  
12 through a water-controlled structure in Louisiana that creates a reservoir used to  
13 generate hydroelectric power.

14 B.(1) On a first conviction, the parent or legal guardian shall be issued a  
15 warning ticket, fined not more than twenty-five dollars, or both.

16 (2) On a second conviction, the parent or legal guardian shall be fined not  
17 more than fifty dollars, imprisoned for not more than seven days, or both.

- 1                   (3) On a third or subsequent conviction, the parent or legal guardian shall be  
 2                   fined not more than seventy-five dollars nor more than two hundred fifty dollars,  
 3                   imprisoned for not more than thirty days, or both.

### 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)]

HB 207 Reengrossed

2023 Regular Session

Schamerhorn

**Abstract:** Creates the crime of unlawful swimming in certain waterways and provides for penalties.

Proposed law provides that it shall be unlawful for any parent or legal guardian who has care and control of a minor, to permit a minor, either knowingly, willfully, or through criminal negligence to swim without wearing a Type I, Type II, Type III, or Type V personal flotation device approved by the U.S. Coast Guard in any river that flows through a water-controlled structure in La. that creates a reservoir used to generate hydroelectric power.

Proposed law provides for the following penalties:

- (1) On a first conviction, the parent or legal guardian shall be issued a warning ticket, fined not more than \$25, or both.
- (2) On a second conviction, the parent or legal guardian shall be fined not more than \$50, imprisoned for not more than seven days, or both.
- (3) On a third or subsequent conviction, the parent or legal guardian shall be fined not more than \$75 nor more than \$250, imprisoned for not more than 30 days, or both.

(Adds R.S. 14:93.2.4)

#### Summary of Amendments Adopted by House

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

1. Make technical changes.
2. Change criminal responsibility from the minor to the parent or legal guardian.
3. Change the elements to provide that a parent or legal guardian has to have care and control of the minor and permits the minor, either knowingly, willfully, or through criminal negligence to swim in any river that generates hydroelectric power without wearing an approved personal flotation device approved by the U.S. Coast Guard.
4. Change the penalties as follows:
  - (a) On a first conviction, the parent or legal guardian shall be issued a warning ticket, fined not more than \$25, or both.

- (b) On a second conviction, the parent or legal guardian shall be fined not more than \$50, imprisoned for not more than seven days, or both.
- (c) On a third or subsequent conviction, the parent or legal guardian shall be fined not more than \$75 nor more than \$250, imprisoned for not more than 30 days, or both.

The House Floor Amendments to the engrossed bill:

1. Clarify the type of water body in which it is unlawful for a minor to swim without a flotation device approved by the U.S. Coast Guard.