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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Hanna Gettys.

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DIGEST

SB 391 Original

2024 Regular Session

Carter

Present law (C.C. Art. 452) provides that public things and common things are subject to public use in accordance with applicable laws and regulations.

Present law provides that everyone has the right to fish in the rivers, ports, roadsteads, and harbors, and the right to land on the seashore, to fish, to shelter himself, to moor ships, to dry nets, and the like, provided that he does not cause injury to the property of adjoining owners.

Proposed law retains present law and adds that everyone has the right to fish in the waters of the state accessible by a naturally navigable water body, and the right to land on banks.

Present law (C.C. Art. 458) provides that works built without lawful permit on public things, including the sea, the seashore, and the bottom of natural navigable waters, or on the banks of navigable rivers, that obstruct the public use may be removed at the expense of the persons who built or own them at the instance of the public authorities, or of any person residing in the state.

Proposed law retains present law and clarifies that natural navigable waters include water bodies comprised of running waters of the state.

Present law (C.C. Art. 3413) provides that wild animals, birds, fish, and shellfish in a state of natural liberty either belong to the state in its capacity as a public person or are things without an owner. The taking of possession of such things is governed by particular laws and regulations.

Present law provides that the owner of a tract of land may forbid entry to anyone for purposes of hunting or fishing, and the like.

Present law provides that despite a prohibition of entry, captured wildlife belongs to the captor.

Proposed law retains present law and adds that the owner of a tract of land may forbid entry to anyone for purposes of hunting or fishing, and the like, subject to the rights of the public to use public things in accordance with present law.

Effective August 1, 2024.

(Amends C.C. Arts. 452, 458, and 3413)