

2023 Regular Session

HOUSE BILL NO. 207

BY REPRESENTATIVE SCHAMERHORN

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 for minors; to provide for
4 penalties; and to 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; minors

8 A. It shall be unlawful for any person who has not attained the age of
9 eighteen to swim in any river that generates hydroelectric power without wearing a
10 Type I, Type II, Type III, or Type V personal flotation device approved by the
11 United States Coast Guard.

12 B.(1) On a first conviction, the offender shall be fined not more than fifty
13 dollars or the offender's parent or legal guardian may be imprisoned for not more
14 than seven days, or both.

15 (2) On a second conviction, the offender shall be fined not less than
16 seventy-five dollars nor more than two hundred fifty dollars or the offender's parent
17 or legal guardian may be imprisoned for not more than thirty days, or both.

18 (3) On a third or subsequent conviction, the offender shall be fined not less
19 than two hundred dollars nor more than five hundred fifty dollars or the offender's
20 parent or legal guardian may be imprisoned for not more than ninety 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 Original

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Schamerhorn

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

Proposed law provides that it shall be unlawful for any person who has not attained the age of 18 to swim in any river that generates hydroelectric power without wearing a Type I, Type II, Type III, or Type V personal flotation device approved by the U.S. Coast Guard.

Proposed law provides for the following penalties:

- (1) On a first conviction, the offender shall be fined not more than \$50 or the offender's parent or legal guardian may be imprisoned for not more than seven days, or both.
- (2) On a second conviction, the offender shall be fined not less than \$75 nor more than \$250 or the offender's parent or legal guardian may be imprisoned for not more than 30 days, or both.
- (3) On a third or subsequent conviction, the offender shall be fined not less than \$200 nor more \$550 or the offender's parent or legal guardian may be imprisoned for not more than 90 days, or both.

(Adds R.S. 14:93.2.4)