

2024 Regular Session

HOUSE BILL NO. 173

BY REPRESENTATIVES FONTENOT AND MIKE JOHNSON

CRIME/MISDEMEANOR: Creates the crime of approaching a law enforcement officer lawfully engaged in law enforcement duties

1 AN ACT

2 To enact R.S. 14:109, relative to offenses affecting law enforcement; to create the crime of
3 approaching a law enforcement officer lawfully engaged in law enforcement duties;
4 to provide for a definition; to provide for an affirmative defense; to provide for
5 penalties; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:109 is hereby enacted to read as follows:

8 §109. Approaching a law enforcement officer lawfully engaged in law enforcement
9 duties

10 A. No person shall knowingly or intentionally approach within twenty-five
11 feet of a law enforcement officer who is lawfully engaged in the execution of his
12 official duties after the law enforcement officer has ordered the person to stop
13 approaching or to retreat.

14 B. For the purposes of this Section, "law enforcement officer" means any
15 commissioned police officer, sheriff, deputy sheriff, marshal, deputy marshal,
16 correctional officer, probation and parole officer, constable, wildlife enforcement
17 agent, livestock brand inspector, forestry officer, or state park warden who is
18 reasonably identified as such by a uniform of their offices, displayed credentials, or
19 otherwise should be reasonably known to be a "law enforcement officer" by the
20 persons receiving the order or command.

1 C. It shall be an affirmative defense to this crime if the defendant can
2 establish that the lawful order or command was neither received nor understood by
3 the defendant nor capable of being received or understood under the conditions and
4 circumstances that existed at the time of the issuance of the order.

5 D. Whoever violates the provisions of this Section shall be fined not more
6 than five hundred dollars, imprisoned for not more than sixty 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 173 Original

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Fontenot

Abstract: Creates the crime of approaching a law enforcement officer who is lawfully engaged in his law enforcement duties and provides for penalties.

Proposed law provides that no person shall knowingly or intentionally approach within 25 feet of a law enforcement officer who is lawfully engaged in the execution of his official duties after the law enforcement officer has ordered a person to stop approaching or to retreat.

Proposed law defines "law enforcement officer" as any commissioned police officer, sheriff, deputy sheriff, marshal, deputy marshal, correctional officer, probation and parole officer, constable, wildlife enforcement agent, livestock brand inspector, forestry officer, or state park warden.

Proposed law provides that it shall be an affirmative defense to this crime if the defendant can establish that the lawful order or command was neither received nor understood by the defendant nor capable of being received or understood under the conditions and circumstances that existed at the time of the issuance of the order.

Proposed law provides for a fine of not more than \$500, imprisonment for not more than 60 days, or both.

(Adds R.S. 14:109)