

2024 Regular Session

SENATE BILL NO. 271

BY SENATOR FOIL

MILITARY AFFAIRS. Provides for relative concurrent jurisdiction of federal military installations within the state. (8/1/24)

1 AN ACT

2 To enact R.S. 52:6, relative to jurisdiction over lands under the administration of the United
3 States Department of Defense in this state; to provide for concurrent jurisdiction; to
4 provide for terms, conditions, requirements, and procedures; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 52:6 is hereby enacted to read as follows:

8 **§6. Jurisdiction over lands under the administration of the United States**
9 **Department of Defense.**

10 **A. The legislature declares that the purpose of this Act is to ensure that**
11 **law enforcement services are available on United States military installation**
12 **property located in this state especially for juvenile matters including but not**
13 **limited to delinquency, children in need of care, families in need of services, and**
14 **any other matters affecting the safety and welfare of juveniles within the state.**
15 **The legislature further finds, determines, and declares that this Act is necessary**
16 **for the immediate preservation of the public peace, health, or safety or for**
17 **appropriations for the support and maintenance of the departments of the state**

1 and state institutions.

2 B.(1) The state of Louisiana hereby accepts the relinquishment of
3 exclusive jurisdiction from the United States pursuant to this Section. The state
4 of Louisiana shall have concurrent jurisdiction with the United States over the
5 United States military installation property indicated pursuant to this Section
6 for as long as the United States controls the property.

7 (2) The concurrent jurisdiction over the United States military
8 installation property pursuant to this Section is effective upon the governor's
9 written acceptance of a request pursuant to R.S. 52:3 filed by the principal
10 officer, or an authorized representative of the United States who has supervision
11 or control over the property pursuant to 10 U.S.C. 2683, of the property where
12 concurrent jurisdiction is sought, relinquishing exclusive jurisdiction and
13 retaining concurrent jurisdiction over the property.

14 (3) The governor shall not accept a request filed pursuant to this Section
15 unless the request contains all of the following requirements:

16 (a) States the name, position, and legal authority of the person requesting
17 the cession.

18 (b) Unambiguously states the matter for which concurrent jurisdiction
19 is requested.

20 (c) Describes by metes and bounds the United States military installation
21 property subject to the concurrent jurisdiction request.

22 (d) Indicates whether the request includes future contiguous expansions
23 of land acquired for military purposes.

24 (4) If the governor accepts a request pursuant to this Section, the
25 governor's written acceptance shall state the elements of the request that are
26 accepted.

27 (5) If the governor accepts a request pursuant to this Section, the
28 governor shall submit the following documents to the appropriate recording
29 offices in the state for indexing and submit copies of all of the following

documents to the person who requested concurrent jurisdiction:(a) The United States' request for concurrent jurisdiction.(b) The governor's written acceptance of concurrent jurisdiction.(c) A description by metes and bounds of the United States military installation property subject to the concurrent jurisdiction.C. Upon request by the United States through an authorized representative, the governor may execute appropriate documents to accomplish the cession granted by this Section.D. The state shall not incur or assume any liability as a result of accepting concurrent jurisdiction pursuant to this Section.E. Upon the establishment of the concurrent jurisdiction pursuant to this Section, a state agency, local government, or district may, at the sole discretion of the state agency, local government, or district, enter into a reciprocal agreement with a United States agency to designate duties related to the concurrent jurisdiction between the parties. Nothing in this Section shall be construed to create any affirmative obligation on the part of a state agency, local government, or district or to require a state agency, local government, or district to enter into any reciprocal agreement related to the investigation or prosecution of any case, incident, or allegation.

The original instrument was prepared by Alan Miller. The following digest, which does not constitute a part of the legislative instrument, was prepared by Dawn Romero Watson.

DIGEST

SB 271 Reengrossed

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Proposed law provides that concurrent jurisdiction applies especially for juvenile matters including but not limited to delinquency, children in need of care, families in need of services, and any other matters affecting the safety and welfare of juveniles within the state.

Proposed law provides that the state accepts the relinquishment of exclusive jurisdiction from the United States and that the state has concurrent jurisdiction with the United States over the United States military installation property in the state for as long as the United States controls the property.

Proposed law provides that this concurrent jurisdiction be effective upon the governor's written acceptance of a request filed pursuant to proposed law by the principal officer, or an authorized representative of the United States who has supervision or control over the

property pursuant to federal law, of the property where concurrent jurisdiction is sought, relinquishing exclusive jurisdiction and retaining concurrent jurisdiction over the property.

Proposed law authorizes the governor to execute appropriate documents to accomplish the cession granted by proposed law.

Proposed law provides that the state not incur or assume any liability as a result of accepting concurrent jurisdiction pursuant to proposed law.

Proposed law authorizes state agencies, local governments, or districts, at the sole discretion of the state agency, local government, or district, to enter into reciprocal agreements with a United States agency to designate duties related to the concurrent jurisdiction between the parties.

Proposed law provides that concurrent jurisdiction applies in those instances wherein in granting to the United States authority which would otherwise amount to exclusive jurisdiction over an area, the state has reserved to itself the right to exercise, concurrently with the United States, all of the same authority.

Proposed law requires that nothing in proposed law be construed to create any affirmative obligation on the part of a state agency, local government, or district or to require a state agency, local government, or district to enter into any reciprocal agreement related to the investigation or prosecution of any case, incident, or allegation.

Effective August 1, 2024.

(Adds R.S. 52:6)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Changes term "concurrent legislative jurisdiction" to "concurrent jurisdiction".
2. Adds provision describing that concurrent jurisdiction apply especially to juvenile matters.
3. Adds provision that concurrent jurisdiction agreements be at the sole discretion of state agency, local government, or district.
4. Adds provision that proposed law shall not be construed to create any affirmative obligation on the part of a state agency, local government, or district or to require a state agency, local government, or district to enter into any reciprocal agreement related to the investigation or prosecution of any case, incident, or allegation.
5. Removes applicability of term "concurrent legislative jurisdiction".

Senate Floor Amendments to engrossed bill

1. Make technical corrections.