

# ACT No. 845

HOUSE BILL NO. 816

BY REPRESENTATIVES GALLE, AMEDEE, BAYHAM, CARRIER, CREWS, DICKERSON, ECHOLS, EGAN, FIRMENT, HORTON, KNOX, LAFLEUR, MELERINE, OWEN, SAWYER, SCHAMERHORN, STAGNI, WILDER, AND WYBLE AND SENATORS ALLAIN, BASS, BOUDREAUX, CATHEY, CONNICK, FESI, FOIL, HENRY, HENSGENS, HODGES, MIGUEZ, MIZELL, PRESSLY, AND TALBOT

1 AN ACT

2 To amend and reenact R.S. 9:2717.1(F)(introductory paragraph) and (G) and to enact Part  
3 I of Chapter 1-B of Title 9 of Code Title II of the Louisiana Revised Statutes of  
4 1950, to be comprised of R.S. 9:2717.1.2 through 2717.1.8, relative to immovable  
5 property; to provide relative to foreign adversaries or persons connected with foreign  
6 adversaries; to prohibit the acquisition of certain immovable property; to provide for  
7 definitions; to provide with respect to agents of foreign adversaries or mandataries  
8 of foreign adversaries; to provide for exceptions; to provide for civil actions; to  
9 provide for civil penalties; to provide relative to the protection of ownership  
10 interests; to provide for the duties of the attorney general; to provide for a limitation  
11 of liability; to provide for applicability; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 9:2717.1(F)(introductory paragraph) and (G) are hereby amended  
14 and reenacted and Part I of Chapter 1-B of Title 9 of Code Title II of the Louisiana Revised  
15 Statutes of 1950, comprised of R.S. 9:2717.1.2 through 2717.1.8, is hereby enacted to read  
16 as follows:

17 §2717.1. Prohibition of acquisition of immovable property by a foreign adversary or  
18 a person connected with a foreign adversary

19 \* \* \*

20 F. ~~The~~ Unless the person is an agent of a foreign adversary or a mandatary  
21 of a foreign adversary, the provisions of this Section shall not apply to any of the  
22 following:

23 \* \* \*

1 G. For the purposes of this Section:

2 (1) "Agent of a foreign adversary" or "mandatary of a foreign adversary"  
 3 means a juridical person or a natural person that serves as a mandatary, as provided  
 4 in Louisiana Civil Code Article 2989, for a principal that is a foreign adversary and  
 5 meets one or more of the following criteria:

6 (a) Is under direction of a foreign adversary that has the power to direct or  
 7 cause the direction of the management or policies of the juridical person whether  
 8 through ownership of securities, by contract, or otherwise.

9 (b) Directly or indirectly has the right to vote fifty percent or more of the  
 10 voting interests of an entity that is owned or controlled by a foreign adversary or is  
 11 entitled to fifty percent or more of its profits and is, therefore, presumed to have the  
 12 power to direct or cause the direction of the management or policies of the juridical  
 13 person.

14 (c) Is a juridical person that meets any of the following:

15 (i) Is headquartered in a country identified as a foreign adversary.

16 (ii) Is held or controlled, either directly or indirectly, by a government of a  
 17 foreign adversary.

18 (iii) Is owned by, or the majority of stock or other ownership interest is held  
 19 or controlled by, any person who is a citizen of a foreign adversary, unless that  
 20 person is a legal permanent resident of the United States.

21 (d) Is a juridical person or a subsidiary that is owned by, or the majority of  
 22 stock or other ownership interest of which is held or controlled by, a corporation or  
 23 entity described in Subparagraph (c) of this Paragraph.

24 (e) Any individual person who is a citizen of a foreign adversary, unless that  
 25 person is a legal permanent resident of the United States and does not otherwise meet  
 26 any of the criteria provided in Subparagraphs (a) through (d) of this Paragraph.

27 ~~(1)~~(2) "Foreign adversary" means an individual or a government identified  
 28 as a foreign adversary in 15 CFR 7.4(a) and identified in the database maintained by  
 29 the United States Department of the Treasury, Office of Foreign Assets Control.



1 ownership of securities, by contract or otherwise. A person or entity that directly or  
2 indirectly has the right to vote fifty percent or more of the voting interests of an  
3 entity or is entitled to fifty percent or more of its profits is presumed to possess a  
4 controlling interest.

5 (2) "Foreign adversary" means a foreign nongovernmental person or foreign  
6 government identified as a foreign adversary pursuant to 15 CFR 791.4 and  
7 identified in the database maintained by the United States Department of the  
8 Treasury, Office of Foreign Assets Control. This term does not include a person who  
9 is a legal permanent resident with lawful presence in the United States.

10 (3) "Military installation" means any site that meets any of the following  
11 descriptions:

12 (a) Active Air Force ballistic missile fields.

13 (b) Air Force bases administering active Air Force ballistic missile fields.

14 (c) Air Force bases and major annexes of those bases containing a unit from  
15 the Air Force Air Combat Command.

16 (d) Air Force bases and major annexes of those bases containing an Air  
17 Force research laboratory or test unit and associated sites.

18 (e) Air Force bases and major annexes of those bases, and Space Force bases  
19 and major annexes of those bases containing a unit of the North American Aerospace  
20 Defense Command and its regions.

21 (f) Air Force bases, Air Force stations, Space Force bases, Space Force  
22 stations, and major annexes of those stations and bases that contain satellite,  
23 telemetry, tracking, or commanding systems.

24 (g) Army bases, ammunition plants, centers of excellence, major depots and  
25 arsenals, military terminals, research laboratories, and any related major annexes.

26 (h) Army combat training centers located in the continental United States.

27 (i) Headquarters of the Office of the Secretary of Defense, the Defense  
28 Advanced Research Projects Agency, and major offices and any related annexes.

29 (j) Long range radar sites and major annexes of sites described in this  
30 Paragraph.

1                    (k) Major range and test facility base activities as defined in 10 U.S.C. 196.

2                    (l) Marine Corps bases, air stations, and major annexes of these bases and  
3                    stations, excluding detachments and recruit depots.

4                    (m) Military ranges as defined in 10 U.S.C. 101(f)(1) or joint forces training  
5                    centers.

6                    (n) Naval bases and air stations including major support activities and  
7                    annexes.

8                    (o) Naval surface, air, and undersea warfare centers and research laboratories  
9                    and major annexes of these centers and laboratories.

10                   (p) Navy off-shore range complexes and off-shore operating areas.

11                   (q) Any structure or enclosure that the presentation of a military  
12                   identification issued by the Department of Defense to active duty service members  
13                   is required to enter or access.

14                   (4) "Military-installation-adjacent land" means immovable property within  
15                   twenty-five miles of a military installation.

16                   (5) "Prohibited foreign actor" means any of following:

17                   (a) An agent of a foreign adversary or mandatary of a foreign adversary.

18                   (b) A corporation, limited liability company, pension or investment fund,  
19                   trust, or limited partnership where a foreign adversary or an agent or mandatary of  
20                   a foreign adversary has a controlling interest.

21                   (6) "Agent of a foreign adversary" or "mandatary of a foreign adversary"  
22                   means a juridical person or a natural person that serves as a mandatary, as provided  
23                   in Louisiana Civil Code Article 2989, for a principal that is a foreign adversary and  
24                   meets one or more of the following criteria:

25                   (a) Is under direction of a foreign adversary that has the power to direct or  
26                   cause the direction of the management or policies of the juridical person whether  
27                   through ownership of securities, by contract, or otherwise.

28                   (b) Directly or indirectly has the right to vote fifty percent or more of the  
29                   voting interests of an entity that is owned or controlled by a foreign adversary or is  
30                   entitled to fifty percent or more of its profits and is, therefore, presumed to have the

1           power to direct or cause the direction of the management or policies of the juridical  
 2           person.

3           (c) Is a juridical person that meets any of the following:

4           (i) Is headquartered in a country identified as a foreign adversary.

5           (ii) Is held or controlled, either directly or indirectly, by a government of a  
 6           foreign adversary.

7           (iii) Is owned by, or the majority of stock or other ownership interest is held  
 8           or controlled by, any person who is a citizen of a foreign adversary, unless that  
 9           person is a legal permanent resident of the United States.

10          (d) Is a juridical person or a subsidiary that is owned by, or the majority of  
 11          stock or other ownership interest of which is held or controlled by, a corporation or  
 12          entity described in Subparagraph (c) of this Paragraph.

13          (e) Any individual person who is a citizen of a foreign adversary, unless that  
 14          person is a legal permanent resident of the United States and does not otherwise meet  
 15          any of the criteria provided in Subparagraphs (a) through (d) of this Paragraph.

16          §2717.1.4. Exceptions

17          The provisions of this Part do not apply to a person who might otherwise  
 18          qualify as a prohibited foreign actor owning military-installation-adjacent lands  
 19          under any of the following circumstances:

20          (1) The person is a natural person who is a United States citizen, regardless  
 21          of whether the United States citizenship was acquired by birth or the United States  
 22          citizenship was granted to a person after meeting the requirements established by the  
 23          United States Congress in the Immigration and Nationality Act, 8 U.S.C. 1101 et seq.

24          (2) The person is a natural person who is not a United States citizen but is  
 25          a permanent legal resident or is lawfully present in the United States by virtue of  
 26          authorization by the United States Department of Homeland Security.

27          (3) The person is a juridical person, as defined in Civil Code Article 24, that  
 28          is wholly owned by persons who qualify under Paragraphs (1) or (2) of this  
 29          Subsection.

1                   (4) The military-installation-adjacent land is immovable property purchased,  
2                   leased, or otherwise acquired by a natural person that is used as a one-to-four family  
3                   residential property.

4                   §2717.1.5. Civil penalties; actions

5                   A.(1) A prohibited foreign actor that violates the provisions of this Part is  
6                   subject to a civil penalty of fifty thousand dollars and forfeiture if such entity does  
7                   not divest itself of military-installation-adjacent land that is acquired in violation of  
8                   this Part within one year after a judgment is entered in a civil action.

9                   (2) Any civil penalty collected pursuant to this Section shall be paid to the  
10                  attorney general to offset costs associated with enforcement of provisions contained  
11                  in this Section.

12                  B. A party to the contract to purchase, lease, or otherwise acquire immovable  
13                  property may rescind the contract prior to the transfer of the immovable property if  
14                  the party determines that a foreign adversary has an ownership interest that violates  
15                  the provisions of this Part.

16                  C. The attorney general may bring an action for injunctive relief in the name  
17                  of the state against the foreign adversary or prohibited foreign actor to restrain and  
18                  enjoin the sale or lease prior to the transfer of the immovable property or to restrain  
19                  or enjoin the lease. The attorney general shall serve the petition for injunctive relief  
20                  upon the parties to the transaction. Upon receipt of the petition, a party may rescind  
21                  the contract to purchase, lease, or otherwise acquire immovable property pursuant  
22                  to Subsection B of this Section. The attorney general shall file a notice of lis  
23                  pendens in the mortgage records of the parish where the property is located no later  
24                  than three business days after instituting the proceeding. The institution of the action  
25                  and the filing of the notice of lis pendens shall have no effect on persons obtaining  
26                  rights in the immovable property prior to the filing of the notice of the pending  
27                  action.

28                  D.(1) The attorney general may serve an investigative demand or subpoena  
29                  for deposition testimony to any person who is believed to have information,  
30                  documentary material, or physical evidence relevant to the alleged or suspected

1 attempt to enter into, conspiracy to enter into, or entering into a contract to purchase,  
2 lease, or otherwise acquire immovable property in this state if all of the following  
3 circumstances exist:

4 (a) The attorney general has evidence that a foreign adversary or a prohibited  
5 foreign actor is attempting to enter into, conspiring to enter into, or has entered into  
6 a contract to purchase, lease, or otherwise acquire immovable property in this state.

7 (b) The attorney general believes it to be in the public interest that an  
8 investigation should be made to ascertain whether a foreign adversary or a prohibited  
9 foreign actor in fact is attempting to enter into, conspiring to enter into, or has  
10 entered into a contract to purchase, lease, or otherwise acquire immovable property  
11 in this state.

12 (2)(a) Such investigative demand or subpoena for deposition testimony shall  
13 contain a description of the attempt to enter into, conspiracy to enter into, or entering  
14 into a contract to purchase, lease, or otherwise acquire immovable property in this  
15 state under investigation and shall require such person to furnish, under oath or  
16 otherwise, a report in writing setting forth the relevant facts and circumstances of  
17 which the person has knowledge, or to produce relevant documentary material or  
18 physical evidence for examination, at such reasonable time and place as may be  
19 stated in the investigative demand that is the subject matter of the investigation.  
20 Nonpublic personal information may be excluded from the report, deposition, or  
21 other testimony.

22 (b) Any subpoena for deposition testimony issued pursuant to this Section  
23 shall include a notice informing the prospective deponent of the deponent's right to  
24 counsel at the deposition with an opportunity for cross examination, and the  
25 deposition shall be conducted at the principal place of business, place of residence,  
26 domicile, or, if agreeable to the deponent, at some other place convenient to the  
27 attorney general and the deponent's attorney.

28 (c) Any deposition conducted pursuant to this Section shall be held at a  
29 reasonable time as may be stated in the investigative subpoena. At any time before  
30 the return date specified in the investigative demand or before the noticed deposition,

1 or within twenty days after the demand or deposition notice has been served,  
2 whichever is shorter, a petition stating good cause for a protective order to extend the  
3 return date or to modify or set aside the demand or deposition notice may be filed in  
4 the district court that has civil jurisdiction in the parish where the person served with  
5 the demand resides, is domiciled, or where his principal place of business is located.

6 (d) If no protective order from the court is secured and the written request  
7 by the attorney general is not complied with by the return date of the written request,  
8 the attorney general may apply to the court for an order compelling compliance with  
9 the investigative demand or deposition notice.

10 (e) If any person fails or refuses to file any statement, report, documentary  
11 material, or physical evidence or obey any investigative subpoena or demand issued  
12 by the attorney general, except as permitted by a protective order issued by an  
13 appropriate court, the attorney general may apply to the district court with civil  
14 jurisdiction in the parish where the person served with the demand or subpoena  
15 resides, is domiciled, or where his principal place of business is located for a rule to  
16 show cause regarding why an order compelling compliance should not be issued.

17 (f) Any disobedience of an order compelling compliance pursuant to this  
18 Section by a court shall be punished as a contempt of court.

19 E. Service of any demand, subpoena, or petition shall be made in the manner  
20 provided by law.

21 F. Any immovable property acquired by a foreign adversary or a prohibited  
22 foreign actor is subject to divestiture or civil forfeiture to the state.

23 G. The attorney general may use all other procedures and authority for  
24 investigation, supervision, and conduct of actions on behalf of the state as provided  
25 by law to enforce the provisions of this Part.

26 H. A court that the attorney general has petitioned may issue any additional  
27 orders or render judgments against the foreign adversary or the prohibited foreign  
28 actor as may be necessary to protect the public. Such orders shall include but not be  
29 limited to any of the following:

1                   (1) Revocation, forfeiture, or suspension of any license, charter, franchise,  
 2                   certificate, or other evidence of authority of any person to do business in the state.

3                   (2) Appointment of a receiver.

4                   (3) Dissolution of domestic corporations or associations.

5                   (4) Suspension or termination of the right of foreign corporations or  
 6                   associations to do business in this state.

7                   (5) Restitution to compensate any person who did not knowingly enter into  
 8                   a transaction with the foreign adversary or a prohibited foreign actor for any loss,  
 9                   expenses, court costs, or attorney fees which may have been incurred because of the  
 10                  sale being void or enjoined.

11                  (6) Civil forfeiture of any immovable property acquired by the foreign  
 12                  adversary or the prohibited foreign actor in accordance with this Section.

13                  I.(1) If, after examining the evidence, the attorney general concludes that a  
 14                  violation of this Part has occurred, the attorney general may order the foreign  
 15                  adversary or prohibited foreign actor to divest himself of all interests in the land  
 16                  within ninety days after service of the order upon the foreign adversary or prohibited  
 17                  foreign actor.

18                  (2) The order of divestiture described in Paragraph (1) of this Subsection  
 19                  shall be served personally or by certified mail.

20                  J.(1) If the holder of the interest that is ordered to be divested disputes the  
 21                  determination of the attorney general that a violation of this Part occurred, the holder  
 22                  may submit a written request to the attorney general for a judicial determination.

23                  (2) The written request described in Paragraph (1) of this Subsection shall  
 24                  be delivered to the attorney general within sixty days after service of the order of  
 25                  divestiture. If no written request is received within this time, the determination of  
 26                  the attorney general shall become final.

27                  (3) A foreign adversary, prohibited foreign actor, or any holder of interest  
 28                  may seek judicial review after the final determination of the attorney general.

29                  (4) Any appeal from the final determination of the attorney general shall be  
 30                  in accordance with the Administrative Procedure Act.

1           K.(1) If the foreign adversary or prohibited foreign actor fails to divest  
 2           himself of all interests pursuant to Paragraph (I)(1) of this Section or if a holder of  
 3           the interest submits a written request pursuant to Subsection J of this Section, the  
 4           attorney general may bring an action to divest the interest.

5           (2) The attorney general may initiate a civil action pursuant to this Section  
 6           in either the parish of East Baton Rouge or a parish where a portion of the  
 7           immovable property is located.

8           (3) The attorney general shall record in the public mortgage records of the  
 9           parish clerk of court of each parish where any portion of the immovable property is  
 10          located a notice of pendency of the action pursuant to Chapter 4 of Code Title II of  
 11          Book VII of the Code of Civil Procedure.

12          L. If the holder of the interest in immovable property has submitted a written  
 13          request pursuant to Subsection J of this Section, the court shall conduct an  
 14          evidentiary hearing to determine, by a preponderance of the evidence, if a violation  
 15          of this Part occurred prior to taking any other action. If the court determines that  
 16          there has been no violation, the court shall dismiss the action and expunge the notice  
 17          of pending action.

18          M.(1) If a court of competent jurisdiction determines that a violation of this  
 19          Part has occurred, the court shall order the sheriff in the parish where the immovable  
 20          property is located to sell the immovable property in the same manner as a judicial  
 21          sale in accordance with the requirements of Chapter 3 of Code Title VII of Book III  
 22          of the Code of Civil Procedure.

23          (2) The court shall order that the price of the sale is no less than the sum of  
 24          all of the following:

25                 (a) Ad valorem taxes and other liens payable to a political subdivision of the  
 26                 state that are due or past due and attributable to the property.

27                 (b) Indebtedness, including interests, penalties, attorney fees, court costs, and  
 28                 other expenses, secured by a conventional mortgage on the property or any portion  
 29                 of the property.

1                    (c) Indebtedness, including interest, penalties, attorney fees, and court costs,  
 2                    secured by a judicial or legal mortgage on the property.

3                    (d) Indebtedness, including interest, penalties, attorney fees, and court costs,  
 4                    secured by a lien or privilege on the property.

5                    (e) Commissions due to a real estate broker or real estate agent.

6                    (f) Costs related to the perfection of the sale.

7                    (2) After satisfaction of all mortgages, liens, privileges, and other  
 8                    encumbrances of the property and payment of all persons providing services in  
 9                    connection with the transfer of the property, sheriff's fees, and credits to the  
 10                    purchaser relating to tax and other customary prorations, the remaining proceeds of  
 11                    the sale shall be considered a civil asset forfeiture and the money shall be paid to the  
 12                    Department of Justice.

13                    §2717.1.6. Protection of ownership interests

14                    A. All forfeitures or dispositions under this Part shall be made with due  
 15                    provisions for the rights of any person who did not knowingly enter into a transaction  
 16                    with the foreign adversary or the prohibited foreign actor.

17                    B. No mortgage, lien, privilege, or other security interest recognized under  
 18                    the laws of this state and no ownership interest in indivision, lease, servitude,  
 19                    usufruct, right of use, bond for deed, or other real right shall be affected by the  
 20                    forfeiture, seizure, or divestiture provisions of this Part.

21                    C. No forfeiture or disposition pursuant to this Part shall affect the rights of  
 22                    any person who did not knowingly enter into a transaction with the foreign adversary  
 23                    or a prohibited foreign actor.

24                    D. The attorney general shall, within three business days of instituting any  
 25                    action pursuant to this Part, file a copy of the petition or other pleading instituting  
 26                    the action in the mortgage records of the parish where any related immovable  
 27                    property is situated.

28                    E. The attorney general shall provide notice of pending forfeiture, seizure,  
 29                    or divestiture to the holder of each mortgage, lien, or security interest in the same  
 30                    manner as provided in R.S. 14:90.1 or R.S. 40:2608.

1           F. The attorney general shall provide notice of pending forfeiture, seizure,  
2           or divestiture to the holder of any interest in the immovable property being seized.

3           G. The attorney general may cause the cancellation of the petition or other  
4           pleading from the mortgage records no later than three business days after judgment  
5           is rendered or after a request for cancellation is made by any interested party seeking  
6           to transfer the property to a person other than a foreign adversary or a prohibited  
7           foreign actor. If the petition or other pleading relates to a property interest vested in  
8           a foreign adversary or a prohibited foreign actor, the attorney general may petition  
9           the court for an order requiring that the proceeds of the sale attributable to the  
10           property interest of the foreign adversary or a prohibited foreign actor be deposited  
11           in the registry of the court where the proceeding is pending after the deduction of  
12           payments to mortgagees, lienholders, person providing services in connection with  
13           the transfer of the property, and credits to the purchaser relating to tax and other  
14           customary prorations.

15           §2717.1.7. Limitation of liability for failure to identify a foreign adversary or  
16           prohibited foreign actor

17           No attorney, title insurer, title insurance producer, title insurance agency  
18           producer, lender, mortgage servicer, notary public, real estate agent, real estate  
19           broker, seller, or lessor, or any of their directors, officers, or employees, are required  
20           to make any investigation as to whether a party to a transaction involving immovable  
21           property is a foreign adversary or prohibited foreign actor, nor is any such person  
22           liable for failing to identify that a party to a transaction involving immovable  
23           property is a foreign adversary or prohibited foreign actor.

24           §2717.1.8. Applicability

25           Except as otherwise provided in this Part, the provisions contained in this  
26           Part apply only to immovable property acquired by a foreign adversary or prohibited  
27           foreign actor on or after August 1, 2026. If a foreign adversary or prohibited foreign  
28           actor acquires immovable property despite the prohibitions contained in this Part, the  
29           property shall be subject to forfeiture only during the period in which the foreign  
30           adversary or prohibited foreign actor owns the property. Rights in immovable

1           property shall not be void or voidable because the property or right in that property  
2           was previously held by a foreign adversary or prohibited foreign actor.

3           Section 2. The Louisiana State Law Institute is hereby directed, pursuant to its  
4           statutory authority, to make the following technical changes:

5           (1) Renumber the definitions in R.S. 9:2717.1.2 in order to place the definitions in  
6           alphabetical order.

7           (2) Change the Section numbers in Part I of Chapter 1-B of Title 9 of Code Title II  
8           of the Louisiana Revised Statutes of 1950, comprised of R.S. 9:2717.1.1 through 2717.1.7,  
9           and renumber the Section numbers in Chapter 1-B of Title 9 of Code Title II of the  
10          Louisiana Revised Statutes of 1950 to be comprised of R.S. 9:2717.1.2 through 2717.1.8.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_