Regular Session, 2011

HOUSE BILL NO. 264

BY REPRESENTATIVE WOOTON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME: Creates the crime of unlawful production, manufacturing, distribution, or possession of law enforcement badges

AN ACT

To enact R.S. 14:112.4, relative to offenses affecting law enforcement; to create the crime of unlawful production, manufacturing, distribution, or possession of unauthorized peace officer badges; to provide for definitions; to provide for criminal penalties; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:112.4 is hereby enacted to read as follows:

§112.4. Unlawful production, manufacturing, distribution, or possession of unauthorized peace officer badges

A. It shall be unlawful for any person to knowingly or intentionally produce, manufacture, distribute, or possess unauthorized peace officer badges.

B. For purposes of this Section:

(1) "Distribute" means to sell, give, transport, issue, provide, lend, deliver, transfer, transmit, distribute, or disseminate.

(2) "Peace officer" shall include commissioned police officers, sheriffs, deputy sheriffs, marshals, deputy marshals, correctional officers, constables, wildlife enforcement agents, park wardens, livestock brand inspectors, forestry officers, attorney general investigators, district attorney investigators, inspector general investigators, and probation and parole officers.

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(3) "Produce or manufacture" means to develop, prepare, design, create, or otherwise process.

(4) "Unauthorized peace officer badge" means any device or emblem, regardless of the material of which it is made, worn as an insignia of rank, office, or membership of a peace officer in a law enforcement agency which has not been expressly authorized by the law enforcement agency.

C.(1) Whoever violates the provisions of this Section by possessing an unauthorized peace officer badge shall be fined not more than fifty dollars, imprisoned for not more than ten days, or both.

(2) Whoever violates the provisions of this Section by distributing, manufacturing, or producing an unauthorized peace officer badge upon a first conviction shall be fined not more than two hundred dollars, imprisoned for not more than ninety days, or both. Upon a second or subsequent conviction, the offender shall be fined not more than one thousand dollars, imprisoned for not more than six months, or both.

D. The provisions of this Section shall not be construed to limit the production, manufacturing, distribution, or possession of a peace officer badge with the designation "police", "marshal", "sheriff", "law enforcement", "warden", or any other designation which does not designate a specific law enforcement agency by name or jurisdiction and which is intended for novelty purposes.

E. The definition of a "peace officer" as provided for in Paragraph (B)(2) of this Section, shall be strictly construed solely for the purposes of this Section and shall not be construed as granting the authority to any agency not defined as a "peace officer" pursuant to the provisions of R.S. 40:2402 to make arrests, perform search and seizures, execute criminal warrants, prevent and detect crime, and enforce the laws of this state.

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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)]

Wooton HB No. 264

Abstract: Creates the crime of the unlawful production, manufacturing, distribution, or possession of unauthorized peace officer badges.

Proposed law provides that it shall be unlawful for any person to knowingly or intentionally produce, manufacture, distribute, or possess unauthorized peace officer badges.

Proposed law provides penalties for possession of an unauthorized peace officer badge including a fine of not more than $50, imprisonment for not more than 10 days, or both.

Proposed law provides the following penalties for distributing, manufacturing, or producing an unauthorized peace officer badge:

(1) For a first conviction - a fine of not more than $200, imprisonment for not more than 90 days, or both.

(2) For a second or subsequent conviction - a fine of not more than $1,000, imprisonment for not more than six months, or both.

Provides that proposed law shall not be construed to limit the production, manufacturing, distribution, or possession of a peace officer badge with the designation "police", "marshal", "sheriff", "law enforcement", "warden", or any other designation which does not designate a specific law enforcement agency by name or jurisdiction and which is intended for novelty purposes.

Provides that proposed law shall not be construed as granting the authority to any officer not defined as a "peace officer" pursuant to present law to make arrests, perform search and seizures, execute criminal warrants, prevent and detect crime, and enforce the laws of this state.

(Adds R.S. 14:112.4)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Added exception for novelty badges which do not designate a specific law enforcement agency by name or jurisdiction.

2. Added attorney general investigators, district attorney investigators, and inspector general investigators to the definition of "peace officer".

House Floor Amendments to the engrossed bill.

1. Added provision that proposed law does not grant authority to make arrests, perform search and seizures, execute criminal warrants, prevent and detect crime, and enforce law.

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