

Regular Session, 2012

HOUSE BILL NO. 616

BY REPRESENTATIVE ANDERS

CRIME/FELONIES: Creates the crime of filing a false lien against a court or law enforcement officer

1 AN ACT

2 To enact R.S. 14:133.6, relative to offenses affecting organized government; to create the  
3 crime of filing a false lien against a law enforcement or court officer; to provide for  
4 criminal penalties; to authorize restitution; to provide for definitions; and to provide  
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:133.6 is hereby enacted to read as follows:

8 §133.6. Filing a false lien against a law enforcement or court officer

9 A. The crime of filing a false lien or encumbrance against a law enforcement  
10 officer or court officer is committed when a person knowingly files, attempts to file,  
11 or conspires to file, in any public records or in any private record that is generally  
12 available to the public, any false lien or encumbrance against the real or personal  
13 property of a law enforcement officer or court officer, as retaliation against the  
14 officer for the performance of his official duties, knowing or having reason to know  
15 that such lien or encumbrance is false or contains any materially false, fictitious, or  
16 fraudulent statement or representation.

17 B. For purposes of this Section, the following definitions shall apply:

18 (1) "Court officer" means any active or retired justice of the peace, any  
19 active or retired judge of a city, parish, state, or federal court located in this state, any  
20 district attorney, assistant district attorney, or investigator within the office of a

1 district attorney, any city prosecutor, assistant city prosecutor, or investigator within  
2 the office of a city prosecutor, and the attorney general and any assistant attorney  
3 general or investigator within the office of the attorney general.

4 (2) "Law enforcement officer" shall mean any active or retired city, parish,  
5 or state law enforcement officer, peace officer, sheriff, deputy sheriff, probation or  
6 parole officer, marshal, deputy, wildlife enforcement agent, state correctional officer,  
7 a commissioned agent of the Department of Public Safety and Corrections, and any  
8 federal law enforcement officer or employee whose permanent duties include making  
9 arrests, performing search and seizures, execution of criminal arrest warrants,  
10 execution of civil seizure warrants, any civil functions performed by sheriffs or  
11 deputy sheriffs, enforcement of penal or traffic laws, or the care, custody, control,  
12 or supervision of inmates.

13 C.(1) Whoever commits the crime of filing a false lien against a law  
14 enforcement or court officer shall be fined not less than five hundred dollars nor  
15 more than the amount of the value of the false lien or encumbrance, imprisoned, with  
16 or without hard labor, for not more than two years, or both.

17 (2) The court, in addition to any punishment imposed under the provisions  
18 of this Section, may order the offender to pay restitution to the law enforcement  
19 officer or court officer for any costs incurred as a result of the false lien or  
20 encumbrance.

21 Section 2. This Act shall become effective upon signature by the governor or, if not  
22 signed by the governor, upon expiration of the time for bills to become law without signature  
23 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
24 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
25 effective on the day following such approval.

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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)]

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Anders

HB No. 616

**Abstract:** Creates the crime of filing a false lien against a law enforcement or court officer.

Proposed law creates the crime of filing a false lien against a law enforcement or court officer which occurs when a person files in any public records, or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of a law enforcement officer or court officer, as retaliation against the officer for the performance of his official duties, knowing or having reason to know that such lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation.

Proposed law defines "court officer" and "law enforcement officer".

Proposed law provides for the following penalties for this crime:

- (1) A fine of not less than \$500 nor more than the amount of the value of the lien or encumbrance.
- (2) Imprisonment for not more than two years.
- (3) Both fine and imprisonment.

Proposed law authorizes the court to order the offender to pay restitution to the law enforcement officer or court officer for any costs incurred as a result of the false lien or encumbrance.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 14:133.6)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Added provision which authorizes the court to order the offender to pay restitution to the law enforcement officer or court officer for any costs incurred as a result of the false lien or encumbrance.