Session Wrap
2019 Regular Session
Louisiana Legislature

House Legislative Services
Louisiana House of Representatives
June 10, 2019

All included legislation completed the legislative process.
Regular Session, the numbers

2019 Regular Session

- Odd years are limited, "fiscal" sessions
- Legislators could file:
  - Unlimited fiscal bills
  - Unlimited local bills
  - Only 5 general bills
- Session convened April 8
- Session adjourned June 6

Instruments filed

- 863 bills:
  - 620 House Bills
  - 243 Senate Bills
  - 32 constitutional amendments
  - 872 resolutions and study requests

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## Protecting Children

- **Background checks (HB 99)**
  Youth athletic programs that aren’t affiliated with organizations like religious or educational institutions currently lack oversight of the people who work with children. Criminal background checks will now be required for head coaches that aren’t related to the athletes they coach.

- **Reporting (SB 238)**
  Employees at abortion clinics will now be mandatory reporters for human trafficking & sex offenses.

## New Crimes

- **Harassment of a school or recreation athletic contest official (HB 184)**
  Prohibits harassment of officials at, or in proximity to, athletic events, as well as entering or remaining at an athletic contest after being forbidden.

- **Interfering with emergency communication (HB 180)**
  Prohibits acts intended to block another’s access to a communication device, for the purpose of preventing the person from calling 911, obtaining medical assistance, or making a police report.
Criminal Justice - Cybersecurity

**Trespass Against State Computers (HB 74)**
Updates existing law to allow prosecution of more modern forms of "hacking," where the purpose is to obtain or transmit protected information, or cause harm to the computers themselves through measures such as denial of service attacks and malicious software.

**Communication Interference (HB 7)**
Prohibits willful or malicious interference with any communication: 1) of the state, 2) for military or civil defense, or 3) controlled by a public utility. This new crime will allow the state and law enforcement to more easily respond to intentional disruptions in communication during a natural disaster, before a state of emergency is declared.

**Louisiana Cybersecurity Information Sharing Act (SB 46)**
Framework for the A.G., DPS&C, and GOHSEP to share cyber threat indicators and defensive measures with each other.

**Cyber Incident & Response (SCR 123)**
Task force to run exercises that test the state's infrastructure in response to cyber attack in order to identify vulnerabilities and recommend measures to strengthen that infrastructure.

**Study of Cybersecurity Issues in Private Business (HCR 67)**
In order to better protect state information systems and networks from indirect attack via private vendors with which the state contracts, this resolution requests that LED study the ability of private businesses to adhere to NIST Cybersecurity Framework Standards in terms of cost, time, and resource.

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Habitual offender sentencing (HB 518)

A conviction for a nonviolent felony that has been set aside and dismissed after defendant has completed the conditions of a deferred sentence, shall not be considered a prior offense for subsequent prosecution of the person as a habitual offender for a non-violent felony offense.

DUI & Driver's License Suspension (HB 278)

Grants credit, under certain situations, towards suspension time to an individual that installs an approved ignition interlock device as a requirement of bail, a part of a pre-trial diversion program, or a term of a suspended or deferred sentence.

Fines & Driver's License Suspension

HB 397 and HB 611 prohibit the suspension of a driver's license because the defendant is financially unable to pay a criminal fine. The latter provides for extensions to pay and community service in lieu of paying the fine, and also delays the effective date of 2017 legislation regarding criminal financial obligations to 2021.
Criminal Justice - Corrections

Parish Jails

HB 551 increases the per diem paid by DPS&C to parishes for housing state inmates in local jails and institutions.

Juvenile Detention

HB 267 authorizes the use of arts-based programming at juvenile detention facilities.

Solan's Law (HB 158)

- A child shall not be detained prior to adjudication for reasons such as punishment, for further investigation, or because a more appropriate facility isn’t available, unless the child is accused of committing a serious offense, or has a history of serious offenses.
- Detention screening will be used to determine if secured detention is appropriate for a child, based on factors such as risk to public safety and risk of flight. The screening process is modeled after programs already operating with success in select jurisdictions.
- Courts are also authorized to establish programs for detention alternatives.

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**Victim Rights & Protections**

**Heather’s Law (HB 36)**
- In cases of domestic abuse protective orders, the petitioner will now be informed that:
  - The TRO or protective order does not automatically create criminal charges against the defendant, &
  - Petitioner has a right to initiate criminal proceedings.
- Currently, a copy of a protective order must be provided, to be kept on file with, the local law enforcement agency in the parish where the petitioner lives. The law will also now require every agency to have someone review each protective order they receive.

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**Material Witness Arrest Warrants**

**SB 146** prohibits the use of material witness arrest warrants in certain cases where victims of a sex offense or intimate partner violence are unwilling to testify.

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**Reparations**

**HB 85** Reparations shall not be denied or reduced because a victim has a juvenile record, is on probation or parole, or has been incarcerated, for a crime unrelated to one giving rise to the reparations.

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Evidence

- **HB 226** authorizes the use of expert testimony on eyewitness identification and memory in *criminal* cases under these conditions:
  - There cannot be physical or scientific evidence corroborating an eyewitness identification of the defendant;
  - The witness must be qualified by the court to give an expert opinion under current law requirements; and
  - No opinion can be offered on the accuracy of an eyewitness identification.

- **HB 489** adds an exception to the hearsay rule for statements made to healthcare providers by victims of a sex offense during a forensic medical examination, where the statement is documented in writing by the healthcare provider at the time of the examination.

- **SB 156** allows victims of domestic abuse, dating violence, human trafficking, and sexual assault to access criminal history records of witnesses or parties in *civil* action.
  - The use of such records is limited for the purpose of showing evidence of similar crimes, wrongs, or acts under Art. 412.5.

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