

2020 Regular Session

HOUSE BILL NO. 785

BY REPRESENTATIVE HILFERTY

CRIMINAL/SENTENCING: Provides relative to the mandatory imposition of criminal fines upon conviction of certain offenses

1 AN ACT

2 To amend and reenact R.S. 14:32.1(B), 32.8(B), 34.4(B)(1) and (2), 34.9(C)(introductory
3 paragraph), (D)(introductory paragraph), (E), and (F)(1), 35.3(C)(introductory
4 paragraph), (D)(introductory paragraph), (E), and (F)(1), 54.5(C), 62.5(B), 67.15(C),
5 68.2(C), 82(C), 82.2(C), 87(E)(1), 91.6(C), 93.2.2, 95.1(B), 95.10(B),
6 98.1(A)(1)(introductory paragraph) and (3)(a), 98.2(A)(1)(introductory paragraph),
7 (3)(a), and (4) and (D), 98.3(A)(1) and (B)(1), 98.4(A)(1), (B)(1), and (C),
8 98.6(C)(1)(introductory paragraph) and (2)(introductory paragraph), 98.7(B)(1),
9 99(B), 102.9(B), 103.1(C), 110.1(B), 119.1(B), and 122.1(B), relative to criminal
10 fines; to provide relative to certain offenses that require imposition of criminal fines
11 upon conviction; to authorize, instead of require, the court to impose a criminal fine
12 for certain offenses; and to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 14:32.1(B), 32.8(B), 34.4(B)(1) and (2), 34.9(C)(introductory
15 paragraph), (D)(introductory paragraph), (E), and (F)(1), 35.3(C)(introductory paragraph),
16 (D)(introductory paragraph), (E), and (F)(1), 54.5(C), 62.5(B), 67.15(C), 68.2(C), 82(C),
17 82.2(C), 87(E)(1), 91.6(C), 93.2.2, 95.1(B), 95.10(B), 98.1(A)(1)(introductory paragraph)
18 and (3)(a), 98.2(A)(1)(introductory paragraph), (3)(a), and (4) and (D), 98.3(A)(1) and
19 (B)(1), 98.4(A)(1), (B)(1), and (C), 98.6(C)(1)(introductory paragraph) and (2)(introductory

1 paragraph), 98.7(B)(1), 99(B), 102.9(B), 103.1(C), 110.1(B), 119.1(B), and 122.1(B) are
2 hereby amended and reenacted to read as follows:

3 §32.1. Vehicular homicide

4 * * *

5 B. Whoever commits the crime of vehicular homicide ~~shall~~ may be fined not
6 less than two thousand dollars nor more than fifteen thousand dollars and shall be
7 imprisoned with or without hard labor for not less than five years nor more than
8 thirty years. At least three years of the sentence of imprisonment shall be imposed
9 without benefit of probation, parole, or suspension of sentence. If the operator's
10 blood alcohol concentration is 0.15 percent or more by weight based upon grams of
11 alcohol per one hundred cubic centimeters of blood, then at least five years of the
12 sentence of imprisonment shall be imposed without benefit of probation, parole, or
13 suspension of sentence. If the offender was previously convicted of a violation of
14 R.S. 14:98, then at least five years of the sentence of imprisonment shall be imposed
15 without benefit of probation, parole, or suspension of sentence. The court shall
16 require the offender to participate in a court-approved substance abuse program and
17 may require the offender to participate in a court-approved driver improvement
18 program. All driver improvement courses required under this Section shall include
19 instruction on railroad grade crossing safety.

20 * * *

21 §32.8. Third degree feticide

22 * * *

23 B. Whoever commits the crime of third degree feticide ~~shall~~ may be fined
24 not less than two thousand dollars and shall be imprisoned with or without hard labor
25 for not more than five years.

26 * * *

27 §34.4. Battery of a school or recreation athletic contest official

28 * * *

1 B.(1) Whoever commits the crime of battery of a school or recreation athletic
2 contest official ~~shall~~ may be fined not less than one thousand dollars and not more
3 than five thousand dollars and shall be imprisoned not less than five days nor more
4 than six months without benefit of suspension of sentence.

5 (2) Whoever commits the crime of battery of a school or recreation athletic
6 contest official which results in serious bodily injury to the victim ~~shall~~ may be fined
7 not less than one thousand dollars and not more than five thousand dollars and shall
8 be imprisoned for not less than ten days nor more than six months.

9 * * *

10 §34.9. Battery of a dating partner

11 * * *

12 C. On a first conviction, notwithstanding any other provision of law to the
13 contrary, the offender ~~shall~~ may be fined not less than three hundred dollars nor more
14 than one thousand dollars and shall be imprisoned for not less than thirty days nor
15 more than six months. At least forty-eight hours of the sentence imposed shall be
16 served without benefit of parole, probation, or suspension of sentence. Imposition
17 or execution of the remainder of the sentence shall not be suspended unless either of
18 the following occurs:

19 * * *

20 D. On a conviction of a second offense, notwithstanding any other provision
21 of law to the contrary and regardless of whether the second offense occurred before
22 or after the first conviction, the offender ~~shall~~ may be fined not less than seven
23 hundred fifty dollars nor more than one thousand dollars and shall be imprisoned
24 with or without hard labor for not less than sixty days nor more than one year. At
25 least fourteen days of the sentence imposed shall be served without benefit of parole,
26 probation, or suspension of sentence, and the offender shall be required to complete
27 a court-monitored domestic abuse intervention program. Imposition or execution of

1 the remainder of the sentence shall not be suspended unless either of the following
2 occurs:

3 * * *

4 E. On a conviction of a third offense, notwithstanding any other provision
5 of law to the contrary and regardless of whether the offense occurred before or after
6 an earlier conviction, the offender shall be imprisoned with or without hard labor for
7 not less than one year nor more than five years and ~~shall~~ may be fined two thousand
8 dollars. The first year of the sentence of imprisonment shall be imposed without
9 benefit of probation, parole, or suspension of sentence.

10 F.(1) Except as otherwise provided in Paragraph (2) of this Subsection, on
11 a conviction of a fourth or subsequent offense, notwithstanding any other provision
12 of law to the contrary and regardless of whether the fourth offense occurred before
13 or after an earlier conviction, the offender shall be imprisoned with hard labor for not
14 less than ten years nor more than thirty years and ~~shall~~ may be fined five thousand
15 dollars. The first three years of the sentence of imprisonment shall be imposed
16 without benefit of probation, parole, or suspension of sentence.

17 * * *

18 §35.3. Domestic abuse battery

19 * * *

20 C. On a first conviction, notwithstanding any other provision of law to the
21 contrary, the offender ~~shall~~ may be fined not less than three hundred dollars nor more
22 than one thousand dollars and shall be imprisoned for not less than thirty days nor
23 more than six months. At least forty-eight hours of the sentence imposed shall be
24 served without benefit of parole, probation, or suspension of sentence. Imposition
25 or execution of the remainder of the sentence shall not be suspended unless either of
26 the following occurs:

27 * * *

28 D. On a conviction of a second offense, notwithstanding any other provision
29 of law to the contrary, regardless of whether the second offense occurred before or

1 after the first conviction, the offender ~~shall~~ may be fined not less than seven hundred
 2 fifty dollars nor more than one thousand dollars and shall be imprisoned with or
 3 without hard labor for not less than sixty days nor more than one year. At least
 4 fourteen days of the sentence imposed shall be served without benefit of parole,
 5 probation, or suspension of sentence, and the offender shall be required to complete
 6 a court-monitored domestic abuse intervention program. Imposition or execution of
 7 the remainder of the sentence shall not be suspended unless either of the following
 8 occurs:

9 * * *

10 E. On a conviction of a third offense, notwithstanding any other provision
 11 of law to the contrary and regardless of whether the offense occurred before or after
 12 an earlier conviction, the offender shall be imprisoned with or without hard labor for
 13 not less than one year nor more than five years and ~~shall~~ may be fined two thousand
 14 dollars. The first year of the sentence of imprisonment shall be imposed without
 15 benefit of probation, parole, or suspension of sentence.

16 F.(1) Except as otherwise provided in Paragraph (2) of this Subsection, on
 17 a conviction of a fourth or subsequent offense, notwithstanding any other provision
 18 of law to the contrary and regardless of whether the fourth offense occurred before
 19 or after an earlier conviction, the offender shall be imprisoned with hard labor for not
 20 less than ten years nor more than thirty years and ~~shall~~ may be fined five thousand
 21 dollars. The first three years of the sentence of imprisonment shall be imposed
 22 without benefit of probation, parole, or suspension of sentence.

23 * * *

24 §54.5. Fake explosive device

25 * * *

26 C. Whoever violates the provisions of this Section shall be imprisoned at
 27 hard labor for not more than five years and ~~shall~~ may be fined an amount equal to the

1 costs of any law enforcement investigation or emergency response which results
2 from the commission of the offense.

3 * * *

4 §62.5. Looting

5 * * *

6 B. Whoever commits the crime of looting shall either be fined not more than
7 ten thousand dollars ~~or~~, imprisoned at hard labor for not more than fifteen years, or
8 both.

9 * * *

10 §67.15. Theft of a firearm

11 * * *

12 C.(1) For a first offense, the penalty for theft of a firearm shall be
13 imprisonment with or without hard labor for not less than two years nor more than
14 ten years, without the benefit of probation, parole, or suspension of sentence ~~and a~~
15 ~~fine of~~. In addition, the offender may be fined one thousand dollars.

16 (2) For a second offense, the penalty for theft of a firearm shall be
17 imprisonment with or without hard labor for not less than five years nor more than
18 fifteen years, without the benefit of probation, parole, or suspension of sentence ~~and~~
19 ~~a fine of~~. In addition, the offender may be fined two thousand dollars.

20 (3) For a third and subsequent offense, the penalty for theft of a firearm shall
21 be imprisonment at hard labor for not less than fifteen years nor more than thirty
22 years, without the benefit of probation, parole, or suspension of sentence ~~and a fine~~
23 ~~of~~. In addition, the offender may be fined five thousand dollars.

24 * * *

25 §68.2. Unauthorized use of supplemental nutrition assistance program benefits or
26 supplemental nutrition assistance program benefit access devices

27 * * *

28 C. Whoever commits the crime of unauthorized use of SNAP benefits or a
29 SNAP benefit access device shall either be fined not less than five thousand dollars

1 nor more than one million dollars ~~or~~, imprisoned; with or without hard labor; for not
2 less than six months nor more than ten years, or both.

3 * * *

4 §82. Prostitution; definition; penalties; enhancement

5 * * *

6 C.(1) Whoever commits the crime of prostitution shall either be fined not
7 more than five hundred dollars ~~or be~~, imprisoned for not more than six months, or
8 both.

9 (2) On a second conviction, the offender shall either be fined not less than
10 two hundred fifty dollars nor more than two thousand dollars ~~or be~~, imprisoned; with
11 or without hard labor; for not more than two years, or both.

12 (3) On a third and subsequent conviction, the offender shall be imprisoned;
13 with or without hard labor; for not more than four years and ~~shall~~ may be fined not
14 less than five hundred dollars nor more than four thousand dollars.

15 (4) Whoever commits the crime of prostitution with a person under the age
16 of eighteen years shall either be fined not more than fifty thousand dollars,
17 imprisoned at hard labor for not less than fifteen years nor more than fifty years, or
18 both.

19 (5) Whoever commits the crime of prostitution with a person under the age
20 of fourteen years shall either be fined not more than seventy-five thousand dollars,
21 imprisoned at hard labor for not less than twenty-five years nor more than fifty years,
22 or both.

23 * * *

24 §82.2. Purchase of commercial sexual activity; penalties

25 * * *

26 C.(1) Whoever violates the provisions of this Section shall either be fined not
27 more than seven hundred fifty dollars ~~or be~~, imprisoned for not more than six
28 months, or both, and one-half of the fines collected shall be distributed in accordance
29 with R.S. 15:539.4.

1 (2) On a second conviction, the offender shall either be fined not less than
2 one thousand five hundred dollars nor more than two thousand dollars ~~or be~~,
3 imprisoned; with or without hard labor; for not more than two years, or both, and
4 one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4.

5 (3) On a third and subsequent conviction, the offender shall be imprisoned;
6 with or without hard labor; for not less than two nor more than four years and ~~shall~~
7 may be fined not less than two thousand five hundred dollars nor more than four
8 thousand dollars, and one-half of the fines collected shall be distributed in
9 accordance with R.S. 15:539.4.

10 (4) Whoever violates the provisions of this Section with a person the
11 offender knows to be under the age of eighteen years, or with a person the offender
12 knows to be a victim of human trafficking as defined by R.S. 14:46.2 or trafficking
13 of children for sexual purposes as defined by R.S. 14:46.3, shall either be fined not
14 less than three thousand nor more than fifty thousand dollars, imprisoned at hard
15 labor for not less than fifteen years nor more than fifty years, or both, and one-half
16 of the fines collected shall be distributed in accordance with R.S. 15:539.4.

17 (5) Whoever violates the provisions of this Section with a person the
18 offender knows to be under the age of fourteen years shall either be fined not less
19 than five thousand and not more than seventy-five thousand dollars, imprisoned at
20 hard labor for not less than twenty-five years nor more than fifty years, or both, and
21 one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4.

22 * * *

23 §87. Abortion

24 * * *

25 E.(1) Whoever commits the crime of abortion shall be imprisoned at hard
26 labor for not less than one nor more than ten years and ~~shall~~ may be fined not less
27 than ten thousand dollars nor more than one hundred thousand dollars.

28 * * *

1 §91.6. Unlawful distribution of sample tobacco products, alternative nicotine
2 products, or vapor products to persons under age eighteen; penalty

3 * * *

4 C. Whoever violates a provision of this Section ~~shall~~ may be fined not less
5 than one hundred dollars nor more than five hundred dollars upon conviction.

6 * * *

7 §93.2.2. Unlawful placement of gold fillings, caps, and crowns; minors

8 It is unlawful for any person to replace a tooth or part of a tooth or associated
9 tissue by means of a filling, cap, or crown made of any gold substance on any person
10 under the age of eighteen without the consent of the parents or guardian of such
11 person. Whoever violates the provisions of this Section ~~shall~~ may be fined not less
12 than five hundred dollars nor more than five thousand dollars.

13 * * *

14 §95.1. Possession of firearm or carrying concealed weapon by a person convicted
15 of certain felonies

16 * * *

17 B. Whoever is found guilty of violating the provisions of this Section shall
18 be imprisoned at hard labor for not less than five nor more than twenty years without
19 the benefit of probation, parole, or suspension of sentence and may be fined not less
20 than one thousand dollars nor more than five thousand dollars. Notwithstanding the
21 provisions of R.S. 14:27, whoever is found guilty of attempting to violate the
22 provisions of this Section shall be imprisoned at hard labor for not more than seven
23 and one-half years and may be fined not less than five hundred dollars nor more than
24 two thousand five hundred dollars.

25 * * *

26 §95.10. Possession of a firearm or carrying of a concealed weapon by a person
27 convicted of domestic abuse battery and certain offenses of battery of a
28 dating partner

29 * * *

1 of a second offense violation of R.S. 14:98, regardless of whether the second offense
 2 occurred before or after the first conviction, the offender ~~shall~~ may be fined not less
 3 than seven hundred fifty dollars nor more than one thousand dollars, and shall be
 4 imprisoned for not less than thirty days nor more than six months. At least forty-
 5 eight hours of the sentence imposed shall be served without benefit of parole,
 6 probation, or suspension of sentence. Imposition or execution of the remainder of
 7 sentence shall not be suspended unless the offender is placed on probation with the
 8 minimum conditions that he complete all of the following:

9 * * *

10 (3)(a) If the offender had a blood alcohol concentration of 0.20 percent or
 11 more by weight based on grams of alcohol per one hundred cubic centimeters of
 12 blood, the offender ~~shall~~ may be fined one thousand dollars and at least ninety-six
 13 hours of the sentence imposed pursuant to Paragraph (1) of this Subsection shall be
 14 served without the benefit of parole, probation, or suspension of sentence.

15 * * *

16 (4) If the arrest for the second offense occurs within one year of the
 17 commission of the first offense, at least thirty days of the sentence imposed pursuant
 18 to Paragraph (1) of this Subsection shall be served without benefit of parole,
 19 probation, or suspension of sentence. In addition, if the offender had a blood alcohol
 20 concentration of 0.20 percent or more by weight based on grams of alcohol per one
 21 hundred cubic centimeters of blood, he ~~shall~~ may be fined one thousand dollars and
 22 shall also be subject to the provisions of Subparagraphs (3)(b) and (c) of this
 23 Subsection.

24 * * *

25 D.(1) Notwithstanding any other provision of law to the contrary, on a
 26 conviction of a second offense violation of R.S. 14:98, and regardless of whether the
 27 second offense occurred before or after the first conviction, when the first offense
 28 was for the crime of vehicular homicide in violation of R.S. 14:32.1, third degree
 29 feticide in violation of R.S. 14:32.8, or first degree vehicular negligent injuring in

1 violation of R.S. 14:39.2, the offender ~~shall~~ may be fined two thousand dollars and
2 shall be imprisoned; with or without hard labor; for not less than one year nor more
3 than five years. At least six months of the sentence of imprisonment imposed shall
4 be without benefit of parole, probation, or suspension of sentence except in
5 compliance with R.S. 14:98.5(B)(1), the mandatory minimum sentence cannot be
6 served on home incarceration.

7 (~~1~~)(2) Imposition or execution of the remainder of the sentence shall not be
8 suspended unless the offender is placed on probation with the minimum conditions
9 that he complete all of the following:

10 (a) Perform two hundred forty hours of court-approved community service
11 activities, at least one-half of which shall consist of participation in a litter abatement
12 or collection program.

13 (b) Participate in a court-approved substance abuse program, which may
14 include an assessment by a licensed clinician to determine if the offender has a
15 diagnosis of substance abuse disorder. Nothing in this Section shall prohibit the
16 court from modifying the portions of the program as may be applicable and
17 appropriate to an individual offender as shown by the assessment.

18 (c) Participate in a court-approved driver improvement program.

19 (~~2~~)(3) In accordance with the provisions of R.S. 14:98.5(B), any offender
20 placed on probation pursuant to the provisions of this Subsection shall be placed in
21 a home incarceration program approved by the division of probation and parole for
22 a period of time not less than six months and not more than the remainder of the
23 sentence of imprisonment.

24 (~~3~~)(4) Except as the period of time may be increased in accordance with
25 Subparagraph (A)(3)(b) and (c) of this Section, in addition to any penalties imposed
26 under this Section, the court shall order that the offender not operate a motor vehicle
27 during the period of probation unless any vehicle, while being operated by the
28 offender, is equipped with a functioning ignition interlock device in compliance with
29 the requirements of R.S. 14:98.5(C), R.S. 15:306, and R.S. 32:378.2, which

1 requirement shall remain in effect for a period of not less than six months from the
2 date of conviction. In addition, the device shall remain installed and operative
3 during any period that the offender's driver's license is suspended under law and for
4 any additional period as determined by the court.

5 * * *

6 §98.3. Operating while intoxicated; third offense; penalties

7 A.(1) Except as provided in Subsection B of this Section, on a conviction of
8 a third offense violation of R.S. 14:98, regardless of whether the third offense
9 occurred before or after a previous conviction, the offender ~~shall~~ may be fined two
10 thousand dollars and shall be imprisoned; with or without hard labor; for not less
11 than one year nor more than five years. Except as provided in Paragraph (2) of this
12 Subsection, at least one year of the sentence imposed shall be served without benefit
13 of parole, probation, or suspension of sentence. Except in compliance with R.S.
14 14:98.5(B)(1), the mandatory minimum sentence cannot be served on home
15 incarceration.

16 * * *

17 B.(1) If the offender has previously received the benefit of parole, probation,
18 or suspension of sentence on a conviction of a third or subsequent offense violation
19 of R.S. 14:98, or if the offender has previously participated in a drug division
20 probation program pursuant to R.S. 13:5301 et seq., pursuant to a sentence imposed
21 on a conviction of a third or subsequent offense violation of R.S. 14:98, or if the
22 offender has previously been required to participate in substance abuse treatment or
23 home incarceration pursuant to a sentence imposed on a conviction of a third or
24 subsequent offense violation of R.S. 14:98, then on a conviction of a subsequent
25 third offense violation of R.S. 14:98, notwithstanding any other provision of law to
26 the contrary and regardless of whether the offense occurred before or after an earlier
27 conviction, the offender ~~shall~~ may be fined two thousand dollars and shall be
28 imprisoned; with or without hard labor; for not less than two nor more than five
29 years. At least two years of the sentence imposed shall be served without benefit of

1 parole, probation, or suspension of sentence. Except in compliance with R.S.
2 14:98.5(B)(1), the mandatory minimum sentence cannot be served on home
3 incarceration.

4 * * *

5 §98.4. Operating while intoxicated; fourth offense; penalties

6 A.(1) Except as modified by Subparagraphs (a) and (b) of this Paragraph, or
7 as provided by Subsections B and C of this Section, on a conviction of a fourth or
8 subsequent offense violation of R.S. 14:98, regardless of whether the fourth offense
9 occurred before or after an earlier conviction, the offender ~~shall~~ may be fined five
10 thousand dollars and shall be imprisoned; with or without hard labor; for not less
11 than ten years nor more than thirty years. Two years of the sentence of
12 imprisonment shall be imposed without benefit of parole, probation, or suspension
13 of sentence. Except in compliance with R.S. 14:98.5(B)(1), the mandatory minimum
14 sentence cannot be served on home incarceration.

15 * * *

16 B.(1) If the offender has previously been required to participate in substance
17 abuse treatment or home incarceration pursuant to a sentence imposed on a
18 conviction of a third offense violation of R.S. 14:98, then on a conviction of a fourth
19 or subsequent offense, notwithstanding any other provision of law to the contrary
20 and regardless of whether the fourth offense occurred before or after an earlier
21 conviction, the offender ~~shall~~ may be fined five thousand dollars and shall be
22 imprisoned at hard labor for not less than ten nor more than thirty years, at least three
23 years of which shall be imposed without benefit of parole, probation, or suspension
24 of sentence. Notwithstanding any provision of law to the contrary, the offender shall
25 not be eligible to have the mandatory portion of his sentence suspended because of
26 his participation in a drug division program under Item (A)(2)(b)(ii) of this Section,
27 and except in compliance with R.S. 14:98.5(B)(1), the mandatory minimum sentence
28 cannot be served on home incarceration.

29 * * *

1 C. If the offender has previously received the benefit of parole, probation,
 2 or suspension of sentence on a conviction of a fourth or subsequent offense violation
 3 of R.S. 14:98, then on a subsequent conviction of a fourth or subsequent offense,
 4 notwithstanding any other provision of law to the contrary and regardless of whether
 5 the offense occurred before or after an earlier conviction, the offender ~~shall~~ may be
 6 fined five thousand dollars and shall be imprisoned at hard labor for not less than ten
 7 nor more than thirty years. No part of the sentence shall be imposed with benefit of
 8 parole, probation, or suspension of sentence, and no portion of the sentence shall be
 9 imposed concurrently with the remaining balance of any sentence to be served for
 10 a prior conviction for any offense.

11 * * *

12 §98.6. Underage operating while intoxicated

13 * * *

14 C.(1) On a first conviction, the offender ~~shall~~ may be fined not less than one
 15 hundred dollars nor more than two hundred fifty dollars; and shall be imprisoned for
 16 not less than ten days nor more than three months. Imposition or execution of
 17 sentence shall not be suspended unless the offender is placed on probation with the
 18 minimum conditions that ~~he~~ the offender:

19 * * *

20 (2) On a second or subsequent conviction, regardless of whether the second
 21 offense occurred before or after the first conviction, the offender ~~shall~~ may be fined
 22 not less than two hundred fifty dollars nor more than five hundred dollars; and shall
 23 be imprisoned for not less than thirty days nor more than six months. Imposition or
 24 execution of sentence under this Paragraph shall not be suspended unless the
 25 offender is placed on probation with the minimum conditions that ~~he~~ the offender:

26 * * *

27 §98.7. Unlawful refusal to submit to chemical tests; arrests for driving while
 28 intoxicated

29 * * *

1 B.(1) Whoever violates the provisions of this Section ~~shall~~ may be fined not
2 less than three hundred dollars nor more than one thousand dollars; and shall be
3 imprisoned for not less than ten days nor more than six months.

4 * * *

5 §99. Reckless operation of a vehicle

6 * * *

7 B.(1) Whoever commits the crime of reckless operation of a vehicle shall
8 either be fined not more than two hundred dollars, ~~or~~ imprisoned for not more than
9 ninety days, or both.

10 (2) On a second or subsequent conviction the offender shall either be fined
11 not less than twenty-five nor more than five hundred dollars, ~~or~~ imprisoned for not
12 less than ten days nor more than six months, or both.

13 * * *

14 §102.9. Interference with animal research; research laboratory or farm

15 * * *

16 B. Whoever commits the crime of interference with animal research ~~shall~~
17 may, upon conviction, be fined not less than one thousand nor more than five
18 thousand dollars and may be imprisoned; with or without hard labor; for not more
19 than one year.

20 * * *

21 §103.1. Emanation of excessive sound or noise; exceptions; penalties

22 * * *

23 C. Whoever violates a provision of this Section ~~shall~~ may be fined two
24 hundred dollars for a first offense, and not less than three hundred dollars nor more
25 than five hundred dollars for second and subsequent offenses.

26 * * *

27 §110.1. Jumping bail

28 * * *

1 B. Whoever commits the crime of jumping bail when the bail is to assure the
 2 presence of the defendant for those cases defined as misdemeanors in this Title and
 3 in the Uniform Controlled Dangerous Substances Law shall be imprisoned for not
 4 more than six months;~~or~~ and may be fined not more than five hundred dollars;~~or~~
 5 both.

* * *

6 §119.1. Bribery of parents of school children

* * *

7 B. Whoever commits the crime of bribery of parents of school children ~~shall~~
 8 may be fined not less than five hundred dollars; nor more than one thousand dollars;
 9 and shall be imprisoned for not more than one year.

* * *

10 §122.1. Intimidation and interference in the operation of schools

* * *

11 B. Whoever commits the crime of intimidation and interference in the
 12 operation of schools ~~shall~~ may be fined not less than five hundred dollars; nor more
 13 than one thousand dollars; and shall be imprisoned for not more than one year.

* * *

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)]

HB 785 Original

2020 Regular Session

Hilferty

Abstract: Authorizes, instead of requires, the court to impose criminal fines upon a person convicted of certain offenses.

Present law provides for the crimes of vehicular homicide (R.S. 14:32.1), third degree feticide (R.S. 14:32.8), battery of a school or recreation athletic contest official (R.S. 14:34.4), battery of a dating partner (R.S. 14:34.9), domestic abuse battery (R.S. 14:35.3), fake explosive device (R.S. 14:54.4), looting (R.S. 14:62.5), theft of a firearm (R.S. 14:67.15), unauthorized use of supplemental nutrition assistance program benefits or access devices (R.S. 14:68.2), prostitution (R.S. 14:82), purchase of commercial sexual activity (R.S. 14:82.2), abortion (R.S. 14:87), unlawful distribution of sample tobacco products, alternative nicotine products, or vapor products to person sunder age 18 (R.S. 14:91.6), possession of firearm or carrying concealed weapon by a person convicted of certain felonies (R.S. 14:95.1), possession of firearm or carrying of a concealed weapon by a person

convicted of domestic abuse battery and certain offenses of battery of a dating partner (R.S. 14:95.10), first offense operating a vehicle while intoxicated (R.S. 14:98.1), second offense operating a vehicle while intoxicated (R.S. 14:98.2), third offense operating a vehicle while intoxicated (R.S. 14:98.3), fourth offense operating a vehicle while intoxicated (R.S. 14:98.4), underage operating while intoxicated (R.S. 14:98.6), unlawful refusal to submit to chemical tests (R.S. 14:98.7), reckless operation of a vehicle (R.S. 14:99), interference with animal research (R.S. 14:102.9), emanation of excessive sound or noise (R.S. 14:103.1), jumping bail (R.S. 14:110.1), bribery of parents of school children (R.S. 14:119.1), and intimidation and interference in the operation of schools (R.S. 14:122.1).

Present law requires the court to impose a criminal fine upon persons who are convicted of these present law offenses.

Proposed law amends present law to authorize, instead of require, the court to impose a criminal fine upon a person convicted of any of these present law offenses.

(Amends R.S. 14:32.1(B), 32.8(B), 34.4(B)(1) and (2), 34.9(C)(intro. para.), (D)(intro. para.), (E), and (F)(1), 35.3(C)(intro. para.), (D)(intro. para.), (E), and (F)(1), 54.5(C), 62.5(B), 67.15(C), 68.2(C), 82(C), 82.2(C), 87(E)(1), 91.6(C), 93.2.2, 95.1(B), 95.10(B), 98.1(A)(1)(intro. para.) and (3)(a), 98.2(A)(1)(intro. para.), (3)(a), and (4) and (D), 98.3(A)(1) and (B)(1), 98.4(A)(1), (B)(1), and (C), 98.6(C)(1)(intro. para.) and (2)(intro. para.), 98.7(B)(1), 99(B), 102.9(B), 103.1(C), 110.1(B), 119.1(B), and 122.1(B))