

Regular Session, 2006

HOUSE BILL NO. 1304

BY REPRESENTATIVE ROBIDEAUX

CRIME: Creates the crime of unauthorized use of the identity of a deceased soldier

1 AN ACT

2 To enact R.S. 14:102.21, relative to offenses affecting the public sensibility; to create the
3 crime of unauthorized use of the identity of a deceased soldier; to provide for the
4 elements of the crime; to provide for criminal penalties; to provide for definitions;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:102.21 is hereby enacted to read as follows:

8 §102.21. Unauthorized use of the identity of a deceased soldier

9 A. It shall be unlawful for any person to use for the purpose of advertising
10 for the sale of any goods, wares or merchandise, or for the solicitation of patronage
11 by any business the name, portrait, or picture of any deceased soldier, without having
12 obtained prior consent to such use by the soldier, or by the closest living relative, by
13 blood or marriage, of the deceased.

14 B. Whoever violates the provisions of this Section shall be fined not more
15 than one thousand dollars, imprisoned for not more than one year, or both.

16 C. For purposes of this Section, "soldier" means any active duty member or
17 former member of the armed forces of the United States including any member who
18 was killed in the line of duty.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

Robideaux

HB No. 1304

Abstract: Creates the crime of unauthorized use of the identity of a deceased soldier, punishable by a fine up to \$1,000, imprisonment up to one year, or both.

Proposed law creates the crime of unauthorized use of the identity of a deceased soldier. Prohibits the use of the name, picture, or photograph of any deceased soldier for the purpose of advertising for the sale of any goods, wares, or merchandise, or for the solicitation of patronage by any business without prior consent of the soldier or his family. Provides for criminal penalties, including a fine up to \$1,000, imprisonment up to one year, or both.

Proposed law defines "soldier" for purposes of proposed law.

(Adds R.S. 14:102.21)

Summary of Amendments Adopted by House

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

1. Provides that the prohibition applies to the use of name, picture, or photograph of any deceased soldier for monetary gain without prior consent.
2. Makes technical change.