

Regular Session, 1997

SENATE BILL NO. 914

BY SENATORS COX AND JOHNSON

CRIME/PUNISHMENT. Defines hate crimes, provides for training of law enforcement officers, and requires reporting in the Louisiana Uniform Crime Reporting System. (Governor's signature)

1 AN ACT

2 To amend and reenact R.S. 15:1204.2(B)(4) and 1204.4, to enact R.S.
3 14:107.2 and R.S. 40:2403(H), relative to offenses affecting the general
4 peace and order; to provide for hate crimes; to provide for penalties; to
5 provide for the training of law enforcement officers; to provide for
6 record keeping and reporting; to provide for studies by the Louisiana
7 Commission on Human Rights; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:1204.2(B)(4) and 1204.4 are hereby amended and
10 reenacted to read as follows:

11 §1204.2. Creation of system; functions; powers; duties

12 * * *

13 B. The system, by and through the commission, shall have the
14 following functions, powers, and duties:

15 * * *

16 (4) To prepare and distribute, to all such persons and agencies,

1 forms to be used in reporting data to the system. **The forms shall**
 2 **provide for information regarding crimes which are directed**
 3 **against individuals or groups, or their property, by reason of their**
 4 **actual or perceived race, age, gender, religion, color,**
 5 **creed, disability, sexual orientation, national origin, or ancestry.**

6 The forms shall **also** provide for **other** items of information needed by
 7 federal and state bureaus or departments engaged in the development
 8 of national and state statistics.

9 * * *

10 §1204.4. Studies; surveys; **report**

11 **A.** In the accomplishment of the purposes of this ~~Section~~
 12 **Chapter**, the commission may undertake research and studies
 13 independently or in cooperation with any public or private agencies,
 14 including educational, civic, and research organizations, colleges,
 15 universities, institutions, or foundations.

16 **B.** **The commission and the Louisiana Commission on**
 17 **Human Rights shall annually study data collected pursuant to this**
 18 **Chapter, relating to hate crimes, as defined by R.S. 14:107.2,**
 19 **occurring within the state. The results of the study shall be**
 20 **published in the annual report to the governor and the members of**
 21 **the legislature as required by R.S. 15:1204.2(B)(8).**

22 Section 2. R.S. 14:107.2 is hereby enacted to read as follows:

23 §107.2. Hate crimes

24 **R.S. 14:107.2 is all proposed new law.**

25 A. It shall be unlawful for any person to select the victim of the
 26 following offenses against person and property because of actual or
 27 perceived race, age, gender, religion, color, creed, disability, sexual

1 orientation, national origin, or ancestry of that person or the owner or
2 occupant of that property; first or second degree murder, manslaughter,
3 battery, aggravated battery, second degree battery, aggravated assault,
4 terrorizing, mingling harmful substances, simple, forcible, or
5 aggravated rape, sexual battery, aggravated sexual battery, oral sexual
6 battery, aggravated oral sexual battery, carnal knowledge of a juvenile,
7 indecent behavior with juveniles, molestation of a juvenile, simple,
8 second degree, or aggravated kidnapping, simple or aggravated arson,
9 placing combustible materials, communicating of false information of
10 planned arson, simple or aggravated criminal damage to property,
11 contamination of water supplies, simple or aggravated burglary,
12 criminal trespass, simple, first degree, or armed robbery, purse
13 snatching, extortion, theft, desecration of graves, institutional
14 vandalism, or assault by drive-by-shooting.

15 B. If the underlying offense named in Subsection A of this
16 Section is a misdemeanor, and the victim of the offense listed in
17 Subsection A of this Section is selected in the manner proscribed by
18 that Subsection, the offender may be fined not more than five hundred
19 dollars or imprisoned for not more than one year, or both. This
20 sentence shall run consecutively to the sentence for the underlying
21 offense.

22 C. If the underlying offense named in Subsection A of this
23 Section is a felony, and the victim of the offense listed in Subsection A
24 of this Section is selected in the manner proscribed by that Subsection,
25 the offender may be fined not more than five thousand dollars or
26 imprisoned with or without hard labor for not more than five years, or
27 both. This sentence shall run consecutively to the sentence for the

1 underlying offense.

2 Section 3. R.S. 40:2403(H) is hereby enacted to read as follows:

3 §2403. Council on Peace Officer Standards and Training

4 * * *

5 **R.S. 40:2403(H) is all proposed new law.**

6 H. The council may establish and implement curricula and
7 publish training materials to train peace officers to identify, respond to,
8 and report all crimes which are directed against individuals or groups,
9 or their property, by reason of their actual or perceived race, age,
10 gender, religion, color, creed, disability, sexual orientation, national
11 origin, or ancestry.

12 Section 4. This Act shall become effective upon signature by the
13 governor or, if not signed by the governor, upon expiration of the time for bills
14 to become law without signature by the governor, as provided by Article III,
15 Section 18 of the Constitution of Louisiana. If vetoed by he governor and
16 subsequently approved by the legislature, this Act shall become effective on
17 the day following such approval.

The original instrument was prepared by Sue Guidry-Morain.
The following digest, which does not constitute a part of the
legislative instrument, was prepared by Jean Lord.

Cox (SB 914)

DIGEST

Present law requires the Louisiana Commission on Law Enforcement and Administration of Criminal Justice to compile criminal statistics through the Louisiana Uniform Crime Reporting System, and report to the governor and members of the legislature on or before May 1st of each year.

Present law requires all law enforcement agencies, correctional agencies, prosecutors, and criminal courts to report criminal incident and arrest information to the commission.

Proposed law retains present law and requires the commission to also collect information on hate crimes.

Proposed law defines hate crimes as certain enumerated criminal offenses in which the victim is selected because of that person's race, age, gender, color, religion, ancestry, national origin, disability, creed or sexual orientation.

Proposed law is a penalty enhancer.

Proposed law provides that if the underlying offense is a misdemeanor, and the victim is selected in the proscribed manner, the offender may receive an additional consecutive sentence of imprisonment for not more than one year, or fine of not more than five hundred dollars, or both.

Proposed law provides that if the underlying offense is a felony, and the victim is selected in the proscribed manner, the offender may receive an additional consecutive sentence of imprisonment with or without hard labor for not more than five years, or fine of not more than five thousand dollars, or both.

Present law authorizes the Council on Peace Officer Standards and Training to develop minimum curriculum requirements for the training of peace officers, and to establish and implement curricula for advanced, in-service, and specialized training courses.

Proposed law retains present law and authorizes the council to establish and implement curricula, and publish training materials to train peace officers to identify, respond to and report hate crimes.

Proposed law provides that the La. Commission on Human Rights shall annually study data collected relative to hate crimes occurring within the state and publish results in an annual report to the legislature and the governor.

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

(Amends R.S. 15:1204.2(B)(4) and 1204.4; adds R.S. 14:107.2 and R.S. 40:2403(H))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill.

1. Deletes simple assault, defamation, and criminal mischief from the list of hate crimes.
2. Reduces the penalty for a misdemeanor from imprisonment with or without hard labor for not more than 5 years to a maximum of one year. Reduces the fine from \$5,000 to \$500.
3. Reduces imprisonment for felony from 10 years to 5 years, and reduces fine from \$10,000 to \$5,000.