

2017 Regular Session

HOUSE BILL NO. 409

BY REPRESENTATIVE JACKSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME: Provides relative to the applicability of the hate crimes provision

## 1 AN ACT

2 To amend and reenact R.S. 14:107.2(A), relative to hate crimes; to provide relative to the  
3 elements of the offense; to prohibit applicability of this offense to a person who  
4 resists an officer; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:107.2(A) is hereby amended and reenacted to read as follows:

7 §107.2. Hate crimes

8 A.(1) It shall be unlawful for any person to select the victim of the following  
9 offenses against person and property because of actual or perceived race, age,  
10 gender, religion, color, creed, disability, sexual orientation, national origin, or  
11 ancestry of that person or the owner or occupant of that property or because of actual  
12 or perceived membership or service in, or employment with, an organization, or  
13 because of actual or perceived employment as a law enforcement officer, firefighter,  
14 or emergency medical services personnel: first or second degree murder;  
15 manslaughter; battery; aggravated battery; second degree battery; aggravated assault  
16 with a firearm; terrorizing; mingling harmful substances; simple or third degree rape,  
17 forcible or second degree rape, or aggravated or first degree rape; sexual battery,  
18 second degree sexual battery; oral sexual battery; carnal knowledge of a juvenile;  
19 indecent behavior with juveniles; molestation of a juvenile or a person with a  
20 physical or mental disability; simple, second degree, or aggravated kidnapping;

1 simple or aggravated arson; communicating of false information of planned arson;  
2 simple or aggravated criminal damage to property; contamination of water supplies;  
3 simple or aggravated burglary; criminal trespass; simple, first degree, or armed  
4 robbery; purse snatching; extortion; theft; desecration of graves; institutional  
5 vandalism; or assault by drive-by shooting.

6 (2) The provisions of Subsection A of this Section do not apply when a  
7 person commits any of the offenses provided in Paragraph (1) of this Subsection  
8 while resisting an officer as prohibited by R.S. 14:108 or 108.2.

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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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HB 409 Original

2017 Regular Session

Jackson

**Abstract:** Provides that the hate crimes offense does not apply to a person who commits any of the enumerated offenses while resisting an officer.

Present law defines hate crimes as certain enumerated offenses in which the victim is selected because of that person's actual or perceived race, age, gender, religion, color, ancestry, national origin, disability, creed, or sexual orientation or because of actual or perceived employment as a law enforcement officer, firefighter, or emergency medical services personnel.

Present 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 six months, a fine of not more than \$500, or both.

Present 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, a fine of not more than \$5,000, or both.

Proposed law retains present law and provides that these provisions of present law do not apply to a person who commits one of the enumerated offenses while resisting an officer.

(Amends R.S. 14:107.2(A))