

Regular Session, 2008

HOUSE BILL NO. 25

BY REPRESENTATIVES GEYMANN, HILL, HENRY BURNS, TIM BURNS, DOERGE, GUINN, HARRISON, HINES, HOFFMANN, HOWARD, KATZ, KLECKLEY, LABRUZZO, LOPINTO, LORUSSO, MCVEA, MORRIS, NOWLIN, PERRY, POPE, SMILEY, JANE SMITH, AND WOOTON

CRIMINAL/PROCEDURE: Provides for verification of citizenship or immigration status upon arrest

1 AN ACT

2 To enact Code of Criminal Procedure Article 228(D), relative to booking an arrested person;
3 to require that peace officers determine the citizenship or immigration status of the
4 arrested person at the time of booking; to provide for procedures; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 228(D) is hereby enacted to read as
8 follows:

9 Art. 228. Booking of arrested person, submission of booking information summary;
10 citizenship, immigration status

11 * * *

12 D.(1) At the time of booking, the peace officer causing the arrested person
13 to be booked shall attempt to determine the citizenship or immigration status of the
14 person being booked.

15 (2) If the arrested person is a foreign national, the peace officer shall make
16 a reasonable effort to verify that the person has been lawfully admitted into the
17 United States. If the verification of lawful status cannot be determined from
18 documents in the possession of the arrested person, the peace officer shall attempt

1 to notify the United States Department of Homeland Security as soon as is
2 practicable.

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)]

Geymann

HB No. 25

Abstract: Requires law enforcement to determine citizenship or immigration status of an arrested person at the time of booking.

Present law provides for the booking of an arrested person and the information which must be collected by a peace officer at the time of booking.

Proposed law retains the provisions of present law and further provides that at the time of booking, the peace officer causing the arrested person to be booked shall attempt to determine the citizenship status of the person being booked.

Proposed law further provides that if the arrested person is a foreign national, the peace officer shall make a reasonable effort to verify that the person has been lawfully admitted to the U.S. Provides that if the verification of lawful status cannot be determined from documents in the possession of the arrested person, the peace officer shall attempt to notify the U.S. Department of Homeland Security as soon as is practicable.

(Adds C.Cr.P. Art. 228(D))

Summary of Amendments Adopted by House

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

1. Removes requirement that law enforcement obtain verification of status within 48 hours and contact the U.S. Dept. of Homeland Security.
2. Adds provision that law enforcement attempt to notify the U.S. Dept. of Homeland Security as soon as is practicable.