

ACT No. 4

HOUSE BILL NO. 45

BY REPRESENTATIVES LEGER, ABRAMSON, ARNOLD, BALDONE, BILLIOT, BURFORD, HENRY BURNS, CARMODY, CARTER, CHAMPAGNE, CONNICK, GISCLAIR, HARDY, HARRISON, HAZEL, HENRY, HINES, HONEY, HOWARD, GIROD JACKSON, LEBAS, LIGI, LITTLE, LOPINTO, LORUSSO, MORRELL, NORTON, PEARSON, PETERSON, PONTI, RICHARD, RICHARDSON, RICHMOND, GARY SMITH, JANE SMITH, ST. GERMAIN, TALBOT, TEMPLET, TRAHAN, TUCKER, AND WILLIAMS

1 AN ACT

2 To amend and reenact R.S. 14:129.1, relative to intimidating, impeding, or injuring
3 witnesses or officers of the court; to prohibit the intimidation, impeding, or injuring
4 of an immediate family member of a witness or officer of the court; to provide for
5 definitions; to amend the criminal penalties for such offense; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:129.1 is hereby amended and reenacted to read as follows:

9 §129.1. Intimidating, impeding, or injuring witnesses; injuring officers; penalties

10 A. No person shall intentionally:

11 ~~(a)~~(1) Intimidate or impede, by threat of force or force, or attempt to
12 intimidate or impede, by threat of force or force, a witness or a member of his
13 immediate family with intent to influence his testimony, his reporting of criminal
14 conduct, or his appearance at a judicial proceeding;

15 ~~(b)~~(2) Injure or attempt to injure a witness in his person or property, or a
16 member of his immediate family, with intent to influence his testimony, his reporting
17 of criminal conduct, or his appearance at a judicial proceeding; or

18 ~~(c)~~(3) Injure or attempt to injure an officer of a court of this state in his
19 person or property, or a member of his immediate family, because of the
20 performance of his duties as an officer of a court of this state or with intent to
21 influence the performance of his duties as an officer of a court of this state.

1 B. For purposes of this Section a ~~"witness" is a person~~ the following words
 2 shall have the following meanings:

3 (1) "A member of his immediate family" means a spouse, parent, sibling, and
 4 child, whether related by blood or adoption.

5 (2) "Witness" means any of the following:

6 (a) A person who is a victim of conduct defined as a crime under the laws
 7 of this state, another state, or the United States, or

8 (b) A person whose declaration under oath has been received in evidence in
 9 any court of this state, another state, or the United States, or

10 (c) A person who has reported a crime to a peace officer, prosecutor,
 11 probation or parole officer, correctional officer, or judicial officer of this state,
 12 another state, or the United States, or

13 (d) A person who has been served with a subpoena issued under authority
 14 of any court of this state, another state, or the United States.

15 (e) ~~A witness also shall include~~ a person who reasonably would be believed
 16 by an offender to be a witness as previously defined in this Section.

17 C.(1) Whoever violates the provisions of this Section in a civil proceeding
 18 shall be fined not more than five thousand dollars, imprisoned, with or without hard
 19 labor, for not more than five years, or both.

20 (2) Whoever violates the provisions of this Section in a criminal proceeding
 21 in which a sentence of death or life imprisonment may be imposed, the offender shall
 22 be fined not more than one hundred thousand dollars, imprisoned for not more than
 23 forty years at hard labor, or both.

24 (3) Whoever violates the provisions of this Section in a criminal proceeding
 25 in which a sentence of imprisonment necessarily served at hard labor for any period
 26 less than a life sentence may be imposed, the offender shall be fined not more than
 27 fifty thousand dollars, or imprisoned for not more than twenty years at hard labor,
 28 or both.

29 (4) Whoever violates the provisions of this Section in a criminal proceeding
 30 in which any other sentence may be imposed, the offender shall be fined not more

1 than ten thousand dollars, imprisoned for not more than five years, with or without
2 hard labor, or both.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____