

2024 Regular Session

HOUSE BILL NO. 639

BY REPRESENTATIVE FONTENOT

CRIME: Provide relative to the refusal of an operator of a motor vehicle to provide identification to an officer

1AN ACT

2To enact R.S. 14:108(B)(1)(f), relative to the crime of resisting an officer; to provide relative

3to the definition of "obstruction of" an officer; and to provide for related matters.

4Be it enacted by the Legislature of Louisiana:

5Section 1. R.S. 14:108(B)(1)(f) is hereby enacted to read as follows:

6§108. Resisting an officer

7* * *

8B.(1) The phrase "obstruction of" as used herein shall, in addition to its

9common meaning, signification, and connotation mean the following:

10* * *

11(f) Fails to provide or display the person's state issued driver's license or

12identification on the officer's request when the person is an operator of a motor

13vehicle and has been lawfully detained for an alleged violation of a law.

14* * *

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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Abstract: Provides relative to the refusal of an operator of a motor vehicle to provide identification to an officer.

Present law provides relative to the crime of resisting an officer.

Present law defines "resisting an officer" as the intentional interference with, opposition or resistance to, or obstruction of an individual acting in his official capacity and authorized by law to make a lawful arrest, lawful detention, or seizure of property or to serve any lawful process or court order when the offender knows or has reason to know that the person arresting, detaining, seizing property, or serving process is acting in his official capacity.

Proposed law retains present law.

Present law defines "obstruction of" as used in present law, in addition to its common meaning, signification, and connotation, as the following:

- (1) Flight by one sought to be arrested before the arresting officer can restrain him and after notice is given that he is under arrest.
- (2) Any violence toward or any resistance or opposition to the arresting officer after the arrested party is actually placed under arrest and before he is incarcerated in jail.
- (3) Refusal by the arrested or detained party to give his name and make his identity known to the arresting or detaining officer or providing false information regarding the identity of such party to the officer.
- (4) Congregation with others on a public street and refusal to move on when ordered by the officer.
- (5) Knowing interference with a police cordon resulting from the intentional crossing or traversing of a police cordon by an unauthorized person or an unmanned aircraft system (UAS). The cordoned area includes the airspace above the cordoned area.

Proposed law retains present law, and adds that "obstruction of" also means the failure to provide or display the person's state issued driver's license or identification on the officer's request when the person is an operator of a motor vehicle and has been lawfully detained for an alleged violation of a law.

(Adds R.S. 14:108(B)(1)(f))