

Office of the Governor
State of Louisiana

JOHN BEL EDWARDS
GOVERNOR



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VIA HAND DELIVERY

Honorable Clay J. Schexnayder
Speaker of the House
Louisiana House of Representatives
Post Office Box 94062
Baton Rouge, Louisiana 70804-9062

RECEIVED
JUN 28 2023
PKL 10:57 am
House of Representatives
Clerk's Office

RE: Veto of House Bill 85 of the 2023 Regular Session

Dear Speaker Schexnayder:

Please be advised that I have vetoed House Bill 85 of the 2023 Regular Session.


House Bill 85 would have created the misdemeanor crime of approaching a law enforcement officer lawfully engaged in law enforcement duties. The penalty for violating the crime is a fine up to \$500, imprisonment up to 60 days in jail, or both.

First, House Bill 85 is unnecessary since La. R.S. 14:329, which provides for the crime of interfering with a law enforcement investigation. Enacted in August 2010, it carries a penalty of 6 months in jail, a \$500 fine, or both, when the offender intentionally interferes with a police officer investigating the scene of a crime or the scene of an accident by refusing to move or leave the immediate location of the crime or the accident when ordered to do so by the law enforcement officer when the offender has reasonable grounds to believe the officer is acting in the performance of his official duties.

Further, and perhaps unintentional, the effect of this bill were it to become law would be to chill exercise of First Amendment rights and prevent bystanders from observing and recording police action. Each of us has a constitutional right to freely observe public servants as they function in public and within the course and scope of their official duties. Observations of law enforcement, whether by witnesses to an incident with officers, individuals interacting with officers, or members of the press, are invaluable in promoting transparency.

Therefore, House Bill 85 is not needed and it will not become law.

For these reasons, I have vetoed the bill.

Sincerely,

John Bel Edwards
Governor

enclosure

cc: Honorable Patrick Page Cortez
Louisiana Senate President

ENROLLED

2023 Regular Session

HOUSE BILL NO. 85

BY REPRESENTATIVE MIKE JOHNSON

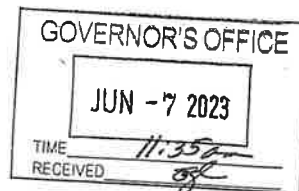
AN ACT


To enact R.S. 14:109, relative to offenses affecting law enforcement; to create the crime of approaching a law enforcement officer lawfully engaged in law enforcement duties; to provide for a definition; to provide for penalties; and to provide for related matters.

=====**ORIGINATED**=====

===== IN THE =====

House of Representatives




Clerk of the House of Representatives

2023 Regular Session

HOUSE BILL NO. 85

BY REPRESENTATIVE MIKE JOHNSON

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AN ACT

To enact R.S. 14:109, relative to offenses affecting law enforcement; to create the crime of approaching a law enforcement officer lawfully engaged in law enforcement duties; to provide for a definition; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:109 is hereby enacted to read as follows:

§109. Approaching a law enforcement officer lawfully engaged in law enforcement duties

A. No person shall knowingly or intentionally approach within twenty-five feet of a law enforcement officer who is lawfully engaged in the execution of his official duties after the law enforcement officer has ordered the person to stop approaching or to retreat.

B. For the purposes of this Section, "law enforcement officer" means any commissioned police officer, sheriff, deputy sheriff, marshal, deputy marshal, correctional officer, probation and parole officer, constable, wildlife enforcement agent, livestock brand inspector, forestry officer, or state park warden.

C. Whoever violates the provisions of this Section shall be fined not more than five hundred dollars, imprisoned for not more than sixty days, or both.

Handwritten signatures and initials on the left side of the page, including a large signature and the date 6/14/23.

CS Sch...
SPEAKER OF THE HOUSE OF REPRESENTATIVES

Patrick Page Cortez
PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED _____

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.