

Regular Session, 2010

HOUSE BILL NO. 562

BY REPRESENTATIVE BALDONE

LAW ENFORCE/OFFICERS: Expands the crime of disarming a peace officer to include the taking of all forms of law enforcement equipment

1 AN ACT

2 To amend and reenact R.S. 14:34.6, relative to the crime of disarming a peace officer; to
3 provide for the elements of the crime of disarming a peace officer; to provide for
4 definitions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:34.6 is hereby amended and reenacted and to read as follows:

7 §34.6. Disarming of a peace officer

8 A.~~(†)~~ Disarming of a peace officer is committed when an offender, through
9 use of force or threat of force, and without the consent of the peace officer, takes
10 possession of a ~~firearm~~ any law enforcement equipment from the person of a peace
11 officer or from an area within the peace officer's immediate control, when the
12 offender has reasonable grounds to believe that the victim is a peace officer acting
13 in the performance of his duty.

14 ~~(‡)~~ B. For purposes of this Section:

15 (1) "Law enforcement equipment" shall include any firearms, weapons,
16 restraints, ballistics shields, forced entry tools, defense technology equipment, self
17 defense batons, self defense sprays, chemical weapons, or electro shock weapons
18 issued to a peace officer and used in the course and scope of his law enforcement
19 duties.

1 (2) "~~peace~~Peace officer" shall include commissioned police officers, sheriffs,
2 deputy sheriffs, marshals, deputy marshals, correctional officers, constables, wildlife
3 enforcement agents, park wardens, and probation and parole officers.

4 B. C. Whoever commits the crime of disarming of a peace officer shall be
5 imprisoned at hard labor for not more than five years.

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)]

Baldone

HB No. 562

Abstract: Expands the crime of disarming a peace officer to include the taking of all forms of law enforcement equipment.

Present law provides that the crime of disarming a peace officer is committed when an offender, through use of force or threat of force, and without the consent of the peace officer, takes possession of a firearm from the person of a peace officer or from an area within the peace officer's immediate control, when the offender has reasonable grounds to believe that the victim is a peace officer acting in the performance of his duty.

Proposed law retains the elements of the crime but expands the definition to include all law enforcement equipment.

Proposed law defines "law enforcement equipment" as any firearms, weapons, restraints, ballistics shields, forced entry tools, defense technology equipment, self defense batons, self defense sprays, chemical weapons, or electro shock weapons issued to a peace officer and used in the course and scope of his law enforcement duties.

(Amends R.S. 14:34.6)