

Regular Session, 2012
HOUSE BILL NO. 616
BY REPRESENTATIVE ANDERS

ACT No. 405

1 AN ACT

2 To enact R.S. 14:133.6, relative to offenses affecting organized government; to create the
3 crime of filing a false lien against a law enforcement or court officer; to provide for
4 criminal penalties; to authorize restitution; to provide for definitions; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:133.6 is hereby enacted to read as follows:

8 §133.6. Filing a false lien against a law enforcement or court officer

9 A. The crime of filing a false lien or encumbrance against a law enforcement
10 officer or court officer is committed when a person knowingly files, attempts to file,
11 or conspires to file, in any public records or in any private record that is generally
12 available to the public, any false lien or encumbrance against the real or personal
13 property of a law enforcement officer or court officer, as retaliation against the
14 officer for the performance of his official duties, knowing or having reason to know
15 that such lien or encumbrance is false or contains any materially false, fictitious, or
16 fraudulent statement or representation.

17 B. For purposes of this Section, the following definitions shall apply:

18 (1) "Court officer" means any active or retired justice of the peace, any
19 active or retired judge of a city, parish, state, or federal court located in this state, any
20 district attorney, assistant district attorney, or investigator within the office of a
21 district attorney, any city prosecutor, assistant city prosecutor, or investigator within
22 the office of a city prosecutor, and the attorney general and any assistant attorney
23 general or investigator within the office of the attorney general.

24 (2) "Law enforcement officer" shall mean any active or retired city, parish,
25 or state law enforcement officer, peace officer, sheriff, deputy sheriff, probation or

1 parole officer, marshal, deputy, wildlife enforcement agent, state correctional officer,
 2 a commissioned agent of the Department of Public Safety and Corrections, and any
 3 federal law enforcement officer or employee whose permanent duties include making
 4 arrests, performing search and seizures, execution of criminal arrest warrants,
 5 execution of civil seizure warrants, any civil functions performed by sheriffs or
 6 deputy sheriffs, enforcement of penal or traffic laws, or the care, custody, control,
 7 or supervision of inmates.

8 C.(1) Whoever commits the crime of filing a false lien against a law
 9 enforcement or court officer shall be fined not less than five hundred dollars nor
 10 more than the amount of the value of the false lien or encumbrance, imprisoned, with
 11 or without hard labor, for not more than two years, or both.

12 (2) The court, in addition to any punishment imposed under the provisions
 13 of this Section, may order the offender to pay restitution to the law enforcement
 14 officer or court officer for any costs incurred as a result of the false lien or
 15 encumbrance.

16 Section 2. This Act shall become effective upon signature by the governor or, if not
 17 signed by the governor, upon expiration of the time for bills to become law without signature
 18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 19 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 20 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____