

Regular Session, 2012

SENATE BILL NO. 74

BY SENATOR CROWE

CRIME/PUNISHMENT. Creates the crime of "Failure to report the death or missing of a child". (gov sig)

1 AN ACT

2 To amend and reenact R.S. 14:403.3(D) and to enact R.S. 14:403.3(E) and 403.7, relative
3 to offenses affecting law enforcement; creates the crime of failure to report the death
4 of a child; to provide for certain elements; to provide relative to false reports of
5 missing children; to provide for definitions; to provide for penalties; to provide for
6 an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14: 403.3 is hereby amended and reenacted and R.S. 14:403.7 is here
9 by enacted to read as follows:

10 §403.3. Reports of missing children; procedures; false reports or communications;
11 penalties

12 A.(1) * * *

13 * * *

14 D. Whoever violates the provisions of Subsections B ~~or C~~ herein shall be
15 fined not more than two thousand dollars or be imprisoned for not more than one
16 year, with or without hard labor, or both.

17 **E. Whoever violates the provision of Subsection C herein shall be**

1 **imprisoned at hard labor for not more than five years.**

2 * * *

3 **§403.7. Failure to report the death of a child**

4 **A. It shall be a felony offense for any person who fails to report the death**
5 **of a child, to any state or local law enforcement agency, upon discovering the**
6 **death.**

7 **B. For the purposes of this Section, "child" means a person who has not**
8 **attained eighteen years of age, who has not been judicially emancipated under**
9 **Civil Code Article 385 or emancipated by marriage under Civil Code Articles**
10 **379 through 384.**

11 **C. Whoever commits the crime of failure to report the death of a child**
12 **shall be imprisoned at hard labor for not more than twenty years without**
13 **benefit of parole, probation, or suspension of sentence.**

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

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Angela L. De Jean.

DIGEST

Present law provides that whoever violates the provisions of present law will be fined not more than \$2,000 dollars or be imprisoned for not more than one year, with or without hard labor, or both.

Proposed law retains present law and provides that whoever violates the provision of law relative to intentionally giving false information concerning a missing child to a law enforcement agency when such information is communicated with the specific intent to delay or otherwise hinder an investigation to locate the child, will be imprisoned at hard labor for not more than five years.

Proposed law creates the crime of failure to report the death of a child.

Proposed law defines "child" as a person who has not attained 18 years of age, who has not been judicially emancipated under Civil Code Article 385 or emancipated by marriage under Civil Code Articles 379 through 384.

Proposed law provides that whoever commits the crime of failure to report the death of a child will be imprisoned at hard labor for not more than 20 years without benefit of parole, probation, or suspension of sentence.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:403.3(D); adds R.S. 14:403.3(E) and 403.7)