



Everything New Orleans

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229 new state laws go into effect today

Crawfish, cold tablet crimes now codified

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BATON ROUGE -- As of today, underage drinkers can lose their driver's license for six months for possessing booze, limits are lifted on jail terms for third- and fourth-time convicted drunken drivers, and abandoning a child in a vehicle can land a parent in jail for up to six months.

Also, possessing hallucinogenic plants such as "angel's trumpet" for preparing food, and videotaping a movie in a theater became illegal today at 12:01 a.m.

And for scofflaws who might want to take advantage of hurricane and storm victims, two tougher laws dealing with looting and price-gouging also are enforceable as of today.

These are a handful of the 229 new laws that went into effect today. Lawmakers passed 513 measures during the legislative session that ended June 23, including five constitutional amendments that will be on the ballot in the 2006 congressional election. The rest of the laws go into effect Jan. 1, became effective when Gov. Kathleen Blanco signed them or had separate effective dates.

"Most people won't even notice these laws went into effect," said Jim Brandt, president of the Public Affairs Research Council, a government watchdog agency. "More are tinkering (with existing law) rather than vast changes. Some are terribly obscure. . . . People are not going to wake up Monday morning and say, 'Oh, my God! These new laws are in effect.'"

Barry Erwin, president of the Council for a Better Louisiana, another government watchdog agency, said the laws that become effective today include a few of Blanco's tax breaks for businesses and an initiative to have school vending machines sell healthier food and drink. "But they really don't change the course of the state," he said of the new laws.

"Many these bills affect individuals but do it in a pretty limited way," Erwin said. "A lot do things that increase penalties or criminalize more activity."

Drugs and alcohol

Some of the bills deal with suspending driver's licenses for a range of offenses, from blaring a car radio too loudly to having alcohol under the age of 21.

Two of the more controversial bills that go into effect today are Senate bills dealing with alcohol and drugs.

Senate Bill 24 by Sen. James David Cain, R-Dry Creek, prohibits an individual from buying more than three packs of cold or sinus medicine containing ephedrine in non-gelcap and non-liquid

form. The powdered tablets can be used to make the highly addictive and illegal drug crystal methamphetamine.

The other measure is Senate Bill 157 by Sen. Joel Chaisson II, D-Destrehan, giving judges more discretion in sending drivers convicted of a third DWI to more than 30 days in jail and a fourth-time offender to more than 60 days.

The old law required a judge to send the offender to substance abuse counseling and treatment and limited the jail time to 30 days for a third DWI or 60 days for a fourth if they participated in the treatment. Chaisson's bill gives judges the discretion to send the repeat offenders to jail for the same period of time as the old law, but it does not limit the jail sentences for those who participate in the treatment. Chaisson said the bill also allows judges to send repeat offenders to rehabilitation programs in conjunction with jail sentences.

A third-offender can get one to five years in jail, while a fourth offender can get 10 to 30 years in jail.

Some of the other new crimes or punishments on the books as of today include:

-- House Bill 159 by Rep. Mike Strain, R-Covington, creating the crime of illegal possession, production or sale of substances containing hallucinogenic plants. Violators could go to jail for two to 10 years.

-- House Bill 9 by Rep. William Daniel IV, D-Baton Rouge, making it a crime to bootleg movies by taping them in theaters. The new law calls for a jail sentence of up to six months, a \$500 fine or both for a first offender.

-- House Bill 5 by Rep. Clara Baudoin, D-Carencro, increasing the penalty for leaving a child unattended in a vehicle from \$25 to a maximum fine up to \$500, up to six months in jail or both.

-- House Bill 127 by Rep. Mickey Frith, D-Kaplan, creating the crime of theft of crawfish, which has penalties ranging from up to six months in jail and a maximum fine of \$500 to up to 10 years in jail, a fine of up to \$3,000 or both, depending on the amount of crawfish stolen. Other laws against thievery already cover crawfish, but Frith said a new one was needed because theft of crawfish from ponds in southwest Louisiana has gotten so prevalent that greater enforcement was needed.

Lawmakers also said if anyone under the legal drinking age of 21 possesses an alcoholic beverage or someone buys it for the young drinker, each can be made to surrender a driver's license for six months. House Bill 110 by Rep. Henry "Tank" Powell, R-Ponchatoula, allows a judge to let a first-time offender keep the license but stipulates the driver can only use it to go to and from work, school, doctors or church.

The law created in House Bill 767 by Rep. Cedric Glover, D-Shreveport, says driver's licenses can be suspended for 30 days for anyone convicted of blaring a radio or car sound system at more than 85 decibels heard at a distance of more than 25 feet.

Looting law

A new law covering anyone convicted of looting when a state of emergency has been declared also goes into effect. House Bill 272 by Rep. Damon Baldone, D-Houma, requires a judge to sentence someone convicted of looting during a state of emergency to a minimum \$5,000 fine and at least three years in prison.

Sen. Francis Heitmeier, D-Algiers, followed that up with Senate Bill 162, prohibiting price-gouging by merchants once a named hurricane or tropical storm enters or threatens the Gulf of

Mexico.

Also becoming law today is House Bill 675 by Rep. Gary Beard, R-Baton Rouge, which started out as a law to prevent the removal of feeding tubes and water from terminally ill patients but was amended to give individuals a chance to specify in a living will if they want to be kept alive indefinitely with feeding tubes and water.

In its final form, the new law says the wishes of an ailing patient with a living will must be carried out. If there is no living will, the spouse of the gravely ill patient must make the decision. However, the spouse forfeits the decision-making if he or she is divorced or legally separated from the patient, is living with someone else as man or wife without being divorced, or has been convicted of a crime of violence that led to the patient's irreversible condition.

The decision must then be made by the patient's child, parents or siblings.

Another measure taking effect today is House Bill 242 by Rep. A.G. Crowe, R-Slidell, requiring a woman who becomes pregnant by rape or incest to request spiritual counseling before having an abortion. It also requires the abortion provider to advise her of alternatives to abortion, such as adoption, but waives the 24-hour waiting period before having the abortion performed. It still requires the waiting period for other pregnant women.

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