

Louisiana's lawbook just got longer

Pages added on dogs, guns, roosters, etc., etc.

Sunday, August 15, 2010

By Ed Anderson

Capital bureau

BATON ROUGE -- Starting today, you can carry your gun to church if you have your pastor's approval, but texting while driving could get you a ticket and improperly restraining your dog or attending a cockfight could get you arrested.

At the stroke of midnight, about 660 new state laws went into effect, about two-thirds of the 1,063 adopted by the Legislature at the session that ended in June. The others became or will become law on specified dates or when the governor signed them.

Two laws from the session are facing court challenges from abortion rights advocates. One is House Bill Senate Bill 528 by Sen. Sharon Weston Broome, D-Baton Rouge, that requires a woman seeking an abortion to have an ultrasound and be given a copy of the image, although she does not have to look at it or accept it. U.S. District Court Judge Ralph Tyson of Baton Rouge last week signed a temporary restraining order that says women will not have to view the ultrasound or be given a copy while the temporary order is in effect.

The other abortion law facing challenge is House Bill 1453 by Rep. Robert Johnson, D-Marksville, which excludes doctors who perform elective abortions from participating in the state's medical malpractice coverage. A lawsuit against the measures was filed Aug. 6 and is awaiting action in federal court in Baton Rouge.

The rest of the laws seem to be on track, including one of the more controversial ones of the session, House Bill 1272 by Rep. Henry Burns, R-Haughton. Burns' bill authorizes a church, synagogue or mosque to allow some of its members to carry a concealed weapon as part of a security force during services.

The houses of worship that sanction the practice -- the Roman Catholic bishops of Louisiana have said they are not going to allow it -- must tell their flocks in advance. Those who carry the weapons must not only be qualified to tote a gun under the state's "concealed carry" law, they must receive a minimum of eight hours of "tactical training."

Burns said the bill is popular in north Louisiana where sheriffs are being asked to hold training classes. "More will not use it than use it" in the short term, said Burns, a Catholic.

Meanwhile, Senate Bill 9 by Sen. Butch Gautreaux, D-Morgan City, gives police the authority to stop a car if they see a driver 17 or under talking on a cell phone or any driver using a cell phone, computer or other electronic device to send or receive a text message. Previous law allowed the cell phone and texting citations only if police had stopped the driver for another offense, like speeding.

State Police Lt. Markus Smith said that although troopers can write a ticket for the primary offense, they will probably give drivers a first warning for a few weeks before writing tickets.

House Bill 636 by Rep. Jerry "Truck" Gisclair, D-Larose, makes it possible for full-time residents of Grand Isle to cross the Louisiana 1 bridge without having to pay a toll after drivers buy a one-time \$12 toll tag -- \$15 for more than one vehicle in a household. Documents showing full-time residency are needed to apply for the tag, Gisclair said.

Another law that became effective today is Senate Bill 38 by Sen. Danny Martiny, R-Kenner, designed to close a loophole in the state's ban on gambling, staging or promoting cockfighting. Martiny's bill makes it a crime to attend, bet on or pay admission to a cockfight, punishable by a maximum \$500 fine, up to six months in jail or both.

And the front port pooch also gets a level of protection in House Bill 219 by Rep. Karen St. Germain, D-Pierre Part. The new law makes it a crime punishable by up to a \$300 fine for those who restrain a dog in a way that is "detrimental to its welfare."

Historic buildings and landmarks, and structures in historic, downtown development, arts and cultural districts also get an added level of protection from graffiti-taggers in a new law that started out as House Bill 1264 by Rep. Juan LaFonta, D-New Orleans.

LaFonta's legislation calls for maximum penalties of a \$1,000 fine, two years in jail or both. The jail time can be suspended for 32 to 64 hours of community service, but neither the fine nor the community service can be set aside.

And Rep. Ricky Templet, R-Gretna, has taken care of faux-marijuana users or sellers with his House Bill 173. His new law calls for those who use, have or sell the pot-like substance, which has the same effects as marijuana and has been sold openly at some convenience stores and head shops, to face up to six months in jail, a \$500 fine or both for a first offense and harsher penalties for repeat violations.

"Who knew we needed another 660 laws in Louisiana?" asked Jim Brandt, president of the Public Affairs Research Council of Baton Rouge, a nonpartisan research organization.

Brandt said many of the laws show "a level of micromanaging" in local government issues, like laws that establish parameters for special local districts or authorizing local governments to have laws regulating speed bumps or the backwash from cleaning out swimming pools.

"This is a fairly typical" year, Brandt said, referring to the number of new crimes created or redefined, usually with harsher sentences.

"There are no major laws that are going to be hitting the books all of a sudden," said Barry Erwin, president of the Council for a Better Louisiana, a Baton Rouge-based nonpartisan research organization. "There are a large number of additions of new laws ... but in most cases people won't know too much about them. If you are not a criminal, you won't have an interest in most of them. ... There is a lot of tinkering around the margins."

Erwin said that with the state facing budget problems, lawmakers should home in on "our big problems" like fiscal matters, education and health care delivery issues, "then go back in the future and tinker" with existing laws.

Many of the more significant laws, he said, like legislation to give the colleges more authority to raise tuition based on their level of performance, became law earlier.

Some of the other laws that went into effect today include:

House Bill 1357 by Rep. Damon Baldone, D-Houma, creating the youth-oriented crime of "sexting" or sending suggestive photos or other electronic visual images. Senders under 17 can be referred to counseling; those who keep the images or forward them can be fined \$100 to \$250, face up to 10 days in jail or both. The jail time can be suspended and the youth placed on probation. Repeat offenses draw harsher penalties.

House Bill 1259 by Rep. Roy Burrell, D-Shreveport, creating the crime of cyber-bullying, or sending an electronic message, text or oral communication with the intent to torment or intimidate a person under 18. An offender under 17 will be referred to counseling. Older offenders can be jailed for up to six months, fined a maximum of \$500 or both.