

ACT No. 91

Regular Session, 2011

HOUSE BILL NO. 264

BY REPRESENTATIVE WOOTON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To enact R.S. 14:112.4, relative to offenses affecting law enforcement; to create the crime  
3 of unlawful production, manufacturing, distribution, or possession of unauthorized  
4 peace officer badges; to provide for definitions; to provide for criminal penalties; to  
5 provide for exceptions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:112.4 is hereby enacted to read as follows:

8 §112.4. Unlawful production, manufacturing, distribution, or possession of  
9 unauthorized peace officer badges

10 A. It shall be unlawful for any person to knowingly or intentionally produce,  
11 manufacture, distribute, or possess unauthorized peace officer badges.

12 B. For purposes of this Section:

13 (1) "Distribute" means to sell, give, transport, issue, provide, lend, deliver,  
14 transfer, transmit, distribute, or disseminate.

15 (2) "Peace officer" shall include commissioned police officers, sheriffs,  
16 deputy sheriffs, marshals, deputy marshals, correctional officers, constables, wildlife  
17 enforcement agents, park wardens, livestock brand inspectors, forestry officers,  
18 attorney general investigators, district attorney investigators, inspector general  
19 investigators, and probation and parole officers.

20 (3) "Produce or manufacture" means to develop, prepare, design, create, or  
21 otherwise process.

22 (4) "Unauthorized peace officer badge" means any device or emblem,  
23 regardless of the material of which it is made, worn as an insignia of rank, office, or

1 membership of a peace officer in a law enforcement agency which has not been  
2 expressly authorized by the law enforcement agency.

3 C.(1) Whoever violates the provisions of this Section by possessing an  
4 unauthorized peace officer badge shall be fined not more than fifty dollars,  
5 imprisoned for not more than ten days, or both.

6 (2) Whoever violates the provisions of this Section by distributing,  
7 manufacturing, or producing an unauthorized peace officer badge upon a first  
8 conviction shall be fined not more than two hundred dollars, imprisoned for not more  
9 than ninety days, or both. Upon a second or subsequent conviction, the offender  
10 shall be fined not more than one thousand dollars, imprisoned for not more than six  
11 months, or both.

12 D. The provisions of this Section shall not be construed to limit the  
13 production, manufacturing, distribution, or possession of a peace officer badge with  
14 the designation "police", "marshal", "sheriff", "law enforcement", "warden", or any  
15 other designation which does not designate a specific law enforcement agency by  
16 name or jurisdiction and which is intended for novelty purposes.

17 E. The definition of a "peace officer" as provided for in Paragraph (B)(2) of  
18 this Section, shall be strictly construed solely for the purposes of this Section and  
19 shall not be construed as granting the authority to any agency not defined as a "peace  
20 officer" pursuant to the provisions of R.S. 40:2402 to make arrests, perform search  
21 and seizures, execute criminal warrants, prevent and detect crime, and enforce the  
22 laws of this state.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_