

(Source: R.S. 14:40)

Sec. 40.1-45 Reserved

Sec. 45.1. Interference with the custody of a child

A. Interference with the custody of a child is the intentional taking, enticing, or decoying away of a minor child by a parent not having a right of custody, with intent to detain or conceal such child from a parent having a right of custody pursuant to a court order or from a person entrusted with the care of the child by a parent having custody pursuant to a court order.

It shall be an affirmative defense that the offender reasonably believed his actions were necessary to protect the welfare of the child.

B. Whoever commits the crime of interference with the custody of a child shall be fined not more than five hundred dollars. Costs of returning a child to the jurisdiction of the court shall be assessed against any defendant convicted of a violation of this Section, as court costs as provided by the Louisiana Code of Criminal Procedure.

(Source: R.S. 14:45.1)

Sec. 46. False imprisonment

False imprisonment is the intentional confinement or detention of another, without his consent and without proper legal authority.

Whoever commits the crime of false imprisonment shall be fined not more than two hundred dollars.

(Source: R.S. 14:46)

Sec. 46. 1. Reserved

Sec. 47. Defamation

Defamation is the malicious publication or expression in any manner, to anyone other than the party defamed, of anything which tends:

(1) To expose any person to hatred, contempt, or ridicule, or to deprive him of the benefit of public confidence or social intercourse; or

(2) To expose the memory of one deceased to hatred, contempt, or ridicule; or

(3) To injure any person, corporation, or association of persons in his or their business or occupation.

Whoever commits the crime of defamation shall be fined not more than five hundred dollars.

(Source: R.S. 14:47)

(3) To injure any person, corporation, or association of persons in his or their business or occupation.

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Whoever commits the crime of defamation shall be fined not more than five hundred dollars.

(Source: R.S. 14:47)

Sec. 48. Presumption of malice

Where a non-privileged defamatory publication or expression is false it is presumed to be malicious unless a justifiable motive for making it is shown.

Where such a publication or expression is true, actual malice must be proved in order to convict the offender.

(Source: R.S. 14:48)

Sec. 49. Qualified privilege

A qualified privilege exists and actual malice must be proved, regardless of whether the publication is true or false, in the following situations:

(1) Where the publication or expression is a fair and true report of any judicial, legislative, or other public or official proceeding, or of any statement, speech, argument, or debate in the course of the same.

(2) Where the publication or expression is a comment made in the reasonable belief of its truth, upon,

- (a) The conduct of a person in respect to public affairs; or
- (b) A thing which the proprietor thereof offers or explains to the public.

(3) Where the publication or expression is made to a person interested in the communication, by one who is also interested or who stands in such a relation to the former as to afford a reasonable ground for supposing his motive innocent.

(4) Where the publication or expression is made by an attorney or party in a judicial proceeding.

(Source: R.S. 14:49)

Sec. 50. Absolute privilege

There shall be no prosecution for defamation in the following situations:

(1) When a statement is made by a legislator or judge in the course of his official duties.

(2) When a statement is made by a witness in a judicial proceeding, or in any other legal proceeding where testimony may be required by law, and such statement is reasonably believed by the witness to be relevant to the matter in controversy.

(3) Against the owner, licensee or operator of a visual or sound broadcasting station or network of stations or the agents or employees thereof, when a statement is made or uttered over such station or network of stations by one other than such owner, licensee, operator, agents or employees.

(Source: R.S. 14:50)

PART III. OFFENSES AGAINST PROPERTY

Sec. 50.1-55. Reserved

Sec. 56. Simple criminal damage to property

A. It shall be unlawful for any person to commit simple criminal damage to property. Simple criminal damage to property is the intentional damaging of any property of another,

Sec. 56. Simple criminal damage to property

A. It shall be unlawful for any person to commit simple criminal damage to property. Simple criminal damage to property is the intentional damaging of any property of another, without the consent of the owner, by any means other than fire or explosion where the damage is less than five hundred dollars.

B. Whoever commits the crime of simple criminal damage to property, shall be fined not more than five hundred dollars.

(Source: R.S. 14:56)

Sec. 56.1. Criminal damage to coin-operated devices

It shall be unlawful for any person to commit criminal damage to a coin-operated device. Criminal damage to a coin-operated device is the intentional damaging of any coin-operated device belonging to another when the damage done amounts to a value of less than one hundred dollars.

Coin-operated device means any parking meter, pay telephone, vending machine, money-changing machine, or any other coin activated device designed to accept money for a privilege, service, or product.

For purposes of this Section, the value of damages shall be determined by the actual cost of repair, or replacement if necessary.

Whoever commits the crime of criminal damage to a coin-operated device, when the damage amounts to a value of less than one hundred dollars shall be fined not more than five hundred dollars.

This section shall not apply when the damage amounts to a value one hundred dollars or greater.

(Source: R.S. 14:56.1)

Sec. 56.2. Reserved**Sec. 56. 3. Defacing buildings**

It shall be unlawful to deface any building or property within the municipality of Dubach, by making signs or figures thereon without the consent of the owner, or draw obscene signs or figures or write any indecent or obscene words, words or sentences on any building, room, hall closet, wall or fence where exposed to public view.

Sec. 56.4-58. Reserved**Sec. 59. Criminal mischief**

A. It shall be unlawful for any person to commit criminal mischief. Criminal mischief is the intentional performance of any of the following acts:

(1) Tampering with any property of another, without the consent of the owner, with the intent to interfere with the free enjoyment of any rights of anyone thereto, or with the intent to deprive anyone entitled thereto of the full use of the property.

(2) Giving of any false alarm of fire or notice which would reasonably result in emergency response.

(3) Driving of any tack, nail, spike or metal over one and one-half inch in length into any tree located on lands belonging to another, without the consent of the owner, or without the later removal of the object from the tree.

(2) Giving of any false alarm of fire or notice which would reasonably result in emergency response.

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(3) Driving of any tack, nail, spike or metal over one and one-half inch in length into any tree located on lands belonging to another, without the consent of the owner, or without the later removal of the object from the tree.

(4) The felling, topping or pruning of trees or shrubs within the right of way of a state highway, without prior written approval of the assistant secretary of the Department of Transportation and Development who supervises the office of highways of that department or his representative, provided prior written approval is not required for agents or employees of public utility companies in situations of emergency where the person or property of others is endangered.

(5) Giving of any false report or complaint to a sheriff, or his deputies, or to any officer of the law relative to the commission of, or an attempt to commit, a crime.

(6) Throwing any stone or any other missile in any street, avenue, alley, road, highway, open space, public square, or enclosure, or throwing any stone, missile, or other object from any place into any street, avenue, road, highway, alley, open space, public square, enclosure, or at any train, railway car, or locomotive.

(7) Taking temporary possession of any part or parts of a place of business, or remaining in a place of business after the person in charge of such business or portion of such business has directed such person to leave the premises and to desist from the temporary possession of any part or parts of such business.

(8) The communication to any person for the purpose of disrupting any public utility water service, when the communication causes any officer, employee, or agent of the service reasonably to be placed in sustained fear for his or another person's safety, or causes the evacuation of a water service building, or causes any discontinuance of any water services.

(9) The discharging of any firearm at a train, locomotive, or railway car.

(10) Placing graffiti upon immovable or movable property, whether publicly or privately owned, without the consent of the owner, by means of the use of spray paint, ink, marking pens containing a nonwater soluble fluid, brushes, applicators, or other materials for marking, scratching, or etching. "Graffiti" includes but is not limited to any sign, inscription, design, drawing, diagram, etching, sketch, symbol, lettering, name, or marking placed upon immovable or movable property in such a manner and in such a location as to deface the property and be visible to the general public.

B. Whoever commits the crime of criminal mischief shall be fined not more than five hundred dollars.

(Source: R.S. 14:59)

Sec. 60-62. Reserved

Sec. 63. Criminal trespass

A. No person shall without authorization intentionally enter any structure, watercraft, or movable.

B. No person shall intentionally enter immovable property owned by another:

(1) When he knows his entry is unauthorized, or

(2) Under circumstances where he reasonably should know his entry is unauthorized.

C. (1) It shall be an affirmative defense to a prosecution pursuant to Subsection B(2) that the person was unarmed and entered immovable property for the sole purpose of retrieving a dog or livestock.

(2) It shall be an affirmative defense to a prosecution pursuant to Subsection B(2) to show that property was not adequately posted in accordance with Subsections D or E, and F of this Section.

D. In order for forest land to be adequately posted the owner, lessee, or person having the

the person was unharmed and checked immediately for
or livestock.

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(2) It shall be an affirmative defense to a prosecution pursuant to Subsection B(2) to show that property was not adequately posted in accordance with Subsections D or E, and F of this Section.

D. In order for forest land to be adequately posted the owner, lessee, or person having the written permission of the owner or lessee shall post the property by any one of the following methods:

(1) Placing identifying paint marks on trees or posts around the area to be posted. Each paint mark shall be a vertical line of at least eight inches in length, and the bottom of the mark shall be no less than three feet nor more than five feet high. Such paint marks shall be placed no more than one hundred feet apart and shall be readily visible to any person approaching the property.

(2) Placing signs around the area to be posted at no more than one hundred feet apart and at normal points of ingress and egress. The signs shall bear the words "Posted", "No Trespassing", or "No" in letters at least three and one-half inches high and shall be so placed as to be readily visible to any person approaching the property.

(3) Constructing a fence around the area to be posted of not less than three strand wire, or its equivalent, and placing signs that bear the words "Posted", "No Trespassing", or "No" in letters at least three and one-half inches high at normal points of ingress and egress.

E. In order for any immovable property other than forest land to be adequately posted, including cultivated land, orchards, pasture lands, impoundments, or other immovable property, the owner, lessee, or person having the written permission of the owner or lessee shall post the property by any one of the following methods:

(1) Placing identifying paint marks on posts around the area to be posted. Each paint mark shall be a vertical line of at least eight inches in length, and the bottom of the mark shall be no less than three feet nor more than five feet high. Such paint marks shall be placed no more than one thousand feet apart and at normal points of ingress and egress and shall be readily visible to any person approaching the property.

(2) Placing signs around the area to be posted at points no more than one thousand feet apart and at each normal point of ingress and egress. The signs shall bear the words "Posted", "No Trespassing", or "No" in letters at least three and one-half inches high and shall be so placed as to be readily visible to any person approaching the property.

(3) Constructing a fence around the area to be posted of not less than three strand wire, or its equivalent, and placing signs that bear the words "Posted", "No Trespassing", or "No" in letters at least three and one-half inches high at normal points of ingress and egress.

F. The type or color of the paint to be used for posting shall be prescribed by regulation by the Louisiana Forestry Commission, which shall not select a color that is presently being used by the timber industry in this state to mark land line or property lines. The color of paint prescribed shall not be used on trees or posts for any other purpose.

G. Affirmative defenses to a prosecution pursuant to Subsection B of this Section shall be:

(1) That the entry was by a registered land surveyor, and his personnel, engaged in the "Practice of Land Surveying", as defined in R.S. 37:682, or a person employed by a public utility acting in the course and scope of his employment relating to operation, repair, or maintenance of a public utility facility, or

(2) That the entry was by an employee or agent of the Louisiana Department of Agriculture and Forestry and was for the purpose of locating and suppressing wildfire in accordance with the rules and regulations of the department.

H. Whoever commits the crime of criminal trespass shall be fined not more than five hundred dollars.

I. Intentionally Omitted

J. The provisions of this Section shall not be applicable to marshland.

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J. The provisions of this Section shall not be applicable to marshland.

K. No person shall knowingly paint such color prescribed by the Louisiana Forestry Commission for posting immovable property on any tree or post for any purpose other than posting immovable property pursuant to Paragraph (1) of Subsection D or Paragraph (1) of Subsection E of this Section. Any person who violates the provisions of this Subsection shall be fined not more than five hundred dollars.

(Source: R.S. 14:63)