



**NORTHWESTERN STATE**  
UNIVERSITY OF LOUISIANA

# **ANNUAL SECURITY REPORT 2023**

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**Northwestern State University**

**NURSING EDUCATION CENTER**

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*1800 Line Avenue*

**Shreveport Campus**



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# Report

## 1. Clery (Campus Security) Act

(A federal statute codified at 20 U.S.C. § 1092(f), with implementing regulations in the U.S. Code of Federal Regulations at 34 C.F.R. 668.46)

Northwestern State University is dedicated to providing a safe, secure and crime-free environment for students, faculty, staff and visitors to the Shreveport Campus. Realizing the diversity of the campus and the variety of activities occurring, it is essential that all individuals and departments are involved in campus safety and security. This information can help keep you and others safe at Northwestern. University Police provides protection for the Shreveport Campus. Their desk contact number is 318-677-3031.

### Enforcement Authority

Commissioned by the Department of Public Safety, University Police officers are empowered by Louisiana Revised Statute 17:1805. As such, officers have the right to carry a concealed weapon and to exercise the power of arrest when discharging their duties while in or out of uniform; to discharge their duties off campus if engaging in intelligence gathering activity, investigating a crime committed on campus, or if specifically requested by the chief law enforcement officer of the city or parish.

In addition to commissioned Law Enforcement Officers, the campus also has Security Guards for the property as well. They also make rounds of campus buildings and campus parking lots, and issue parking citations. However, reports made are done by the commissioned officers located on campus.

### Officer Training

Each officer must successfully complete the Louisiana Commission on Law Enforcement Peace Officer Standards and Training Course, an intensive twelve-week course, taught by an accredited basic training academy. Officers receive additional in-service and

specialized training in a variety of subjects to ensure competency in law enforcement, security, and safety areas.

## Enforcement Responsibilities

University Police Officers are responsible for the full range of law enforcement services. These include, but are not limited to, responding to an investigation of incidents and offenses, medical emergencies, fires, bomb threats, auto accidents, violations of state liquor, controlled substances, and weapons laws and other on campus emergencies. The vehicle identification number and serial number of other items reported stolen from the campus are reported through the National Crime Information Center.

## Working Relationship with Local Law Enforcement Agencies

The University Police Department enjoys an excellent working relationship with the Natchitoches Police Department, Natchitoches Parish Sheriff's Office, Shreveport Police Department, Caddo Parish Sheriff's Department, as well as Troop G, Louisiana State Police. Whenever an incident occurs that exceeds the capabilities of the University Police Department to investigate, personnel and other resources are provided by these law enforcement agencies.

## Local Police Liaison

The University Police Department maintains liaison with the Shreveport Police Department to ensure the monitoring and recording of criminal activity which may involve students on and off campus functions. The Shreveport Campus has a close working relationship with the Shreveport Police Department and the Caddo Sheriff's Office.

## Reporting Crimes on Campus

Students, faculty, staff members, and visitors are strongly encouraged to report criminal activity or potential criminal action and any other emergency by calling University Police at 318-677-3006 or by dialing 911. The University Police Department of the Shreveport Campus will write incident reports of crimes, incidents, accidents, and thefts. A daily crime/incident log will be maintained on each campus and communicated to the

NSU Police Department. In the event an individual prefers to report a criminal offense to someone other than the University Police, he/she has the option of reporting the situation to the Director of Accountability & Student Conduct at 318-357-5286, or the Vice President for the Student Experience at telephone 318-357-8285. An employee also has the option of reporting a criminal act to his/her supervisor or the appropriate division Vice President.

## Responding to Calls for Police Service

All calls received by UPD is checked by an officer. Reported criminal acts or emergencies on campus result in an officer being immediately dispatched to the location of the occurrence. The dispatcher, if needed will also notify other emergency services, such as fire or ambulance, and other law enforcement agencies. The officer may also notify appropriate personnel in University offices including but not limited to the Counseling center, the Physical Plant, Vice President for University Affairs, and/or Environmental Health and Safety who may need to respond and assist.

The assigned officer will investigate, make an arrest if necessary and prepare a detailed report of the incident. When appropriate, an assigned uniform officer or an investigator will perform an investigative follow-up. All reports are forwarded to the Police Department's records section for review and processing. These are confidential criminal investigation reports and as such are not required to be disclosed to the public or to university administrators while the investigation is on-going, however in the interest of public safety UPD will provide limited information to University officials to protect the public. The department maintains statistical data from these reports for appropriate use to support the production of this document and to publish the daily Crime Log that is available to the public.

For non-criminal calls of service officers are dispatched to the location and a follow up on the call of service made. Officers will take the appropriate steps to resolve the call of service and if necessary complete the appropriate documentation needed for the call of service.

## **Policy/Procedure Regarding Victims or Witnesses Reporting Crimes on a Voluntary, Confidential Basis**

Anyone may anonymously report a crime to the NSU University Police Department by calling 318-357-5431. All requests for confidentiality are honored by the University Police Department.

## **Policy/Procedure for Encouraging Pastoral and Professional Counselors to Inform the Person They are Counseling of Voluntary, Confidential Procedures to Report Crimes**

The Director of University Counseling Center, and the Directors of Faith based student organizations can inform anyone they may be counseling as a result of a crime may on a voluntary, confidential basis report the crime to the University Police Department and how they may do so.

## **2. Timely Warnings And Emergency Notifications**

As required under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 USC 1092 (f), this policy is to clarify Northwestern State University's policy related to the requirement for timely warning of crimes that represent a continuing threat to the campus.

### **Campus Safety/Crime Warnings**

In a manner that is timely and will aid in the prevention of similar crimes, NSU University Police or the Vice President for University Affairs will compose and disperse warnings to the campus community on violent crimes against a person, a substantial crime against property or an emergency situation on campus that represents a serious or ongoing threat to the campus community. These warnings will be distributed to the entire campus community primarily through the campus email system, however additional media forms may be used to provide a continuous state of awareness. Campus

warnings can heighten safety awareness and may also seek information that may lead to the arrest and conviction of the offender when violent crimes against persons or substantial crimes against property have been reported.

## Emergency Notification

Federal Law requires universities to “immediately notify the campus community without delay upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on the campus, unless issuing a notification will compromise efforts to contain the emergency”. The Northwestern State University Environmental Health & Safety Officer or Provost is responsible for sending out Notifications on Weather Related Issues. After conferring with University Vice Presidents and the President of the University of the Upcoming Weather Event the Provost will send out an alert based on the findings of the group and information provided by the NOAA, The Weather Channel and Local News Affiliates. If they are unavailable the Northwestern State University Police Department will issue the warning.

The Northwestern State University (NSU) Police Department will be responsible for issuing Criminal Acts timely warnings and emergency notification in compliance with the student Right-to-Know and Campus Security Act, (the Jeanne Clery Act), 20 U.S.C. § 1092(f) et seq. The Chief of University Police or the Director of University Affairs will make the decision of whether to issue a timely campus safety/crime warning or emergency notification on a case-by-case basis considering the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts. Information for timely warnings and emergency notifications may also come from other law enforcement agencies. Criminal Acts for which a timely warning may be appropriate include, but are not limited to:

- Criminal Homicide (including murder, non-negligent manslaughter and negligent



manslaughter);

- Sex Offenses
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Hate Crimes and
- Any other crime or situation which warrants such notification

Depending on the particular circumstance of the incident, timely warnings and emergency notifications may be distributed by any one or more of the following methods:

1. The NSU PURPLE ALERT text messaging system or recorded messages to other phones or devices
2. E-mail
3. News Releases
4. Posting an alert on the NSU home page and/or other sites where information will likely reach the campus community
5. NSU Social Media Outlets
6. NSU Student Social Media Outlets

Anyone with information warranting a timely campus safety/crime warning or emergency notification should report the circumstances to the NSU Police Department, by calling 318-357-5431, or in person at the University Police Department, located in the Infirmary building at 315 Caspari Street. The confidentiality of a victim or a witness involved in a crime will be kept confidential, unless it would interfere or infringe on public safety. At that point information will be disseminated in a way that best serves the public while maintaining the victims or witnesses confidentiality. Names will never be released on any alert from the University Police Department. For emergency notifications follow up information will be provided to the community until the situation has been given the all clear by the Vice President for University Affairs.

## All Hazard Emergency Operation Plan

The Northwestern State University Emergency Plan (EOP) establishes University policies methodology, responsibilities and operations designed to effectively and efficiently leverage University personnel and resources. The primary objectives of the EOP are:

- Protect health and safety of people in the threatened or impacted area
- Contain and Control emergency incidents
- Minimize damage to University property, facilities, research and the environment
- Minimize disruption of University activities and operations
- Resume normal University activities and operation in a timely manner

The Northwestern EOP provides the framework for the coordination and delivery of preparedness, response, recovery and mitigation assistance to students, visitors and employees threatened or impacted by a large scale emergency or disaster situation affecting the University community.

The EOP takes an all hazard approach to natural and human caused incidents that include a wide variety of threats and occurrences. It is scalable by design to afford maximum flexibility to University officials, decision-makers and local and state partners.

In that the EOP addresses preparedness, response, recovery and mitigation activities, it is at all times activated and relevant. Activities and tasks, including those assigned in the functional annexes that are part of the EOP, necessary to the response to an incident will be activated and directed by the University President and the Emergency Manager, or the appropriate teams of individuals as directed by the University President. The EOP is applicable to all departments, agencies, or organizations that provide assistance or conduct operations in the context of actual or potential incidents that may impact Northwestern State University.

## Campus Evacuation Procedure

Building Evacuation: Follow the instructions of University Police, and/or University Incident Commander, and/or all other Emergency Response Personnel. Test of the notification systems and response is tested annually.

1. Close the door as you leave, if you are the last one out of an area.
2. Use the CLOSEST ACCESSIBLE stairwell for evacuation.
  - Be alert for and careful of other people when using the stairwells.
  - Report to University Police the location of any disabled person you noticed that was unable to descend the stairs.
  - When you reach the ground floor, exit the building and stand at least 200 feet from the building. Meet in a place designated by your Supervisor or Instructor.
  - All stairwells and lighted exit signs at NSU are equipped with emergency lighting systems and will remain lit for several hours in the event of a power failure. A delay of several seconds may occur before the emergency lights come on.
  - Once you have exited the building---DO NOT RE-ENTER THE BUILDING. This is the most dangerous aspect of the evacuation—people going back into the building.
3. Keep moving down the stairs at an even pace.
4. Use the handrails, to prevent falling down the stairs.
5. Once outside, wait at least 200 feet from the building.
6. Keep all entrances/exits clear to facilitate access by emergency personnel.

When the “All Clear” is given, you will be allowed back into the building.

### DO NOT:

- Smoke.
- Use elevators. – If the emergency is such that an elevator may be used, the disabled will have first and only priority.
- Return to the building for coats, purses, book bags, etc.
- Run or create panic.
- Return to the building until given an “All Clear” by the primary agency conducting the evacuation.



## Evacuation of Persons with Disabilities

(Always consult with the disabled person regarding how to best assist them.)

If you have students, faculty, or staff in your area who are disabled, pre-assign and train emergency help for disabled co-workers before an emergency occurs. Be aware that faculty, staff and students with "hidden" disabilities (arthritis, cardiac conditions, and back problems, learning disabilities) may also need individual assistance. Use the following list to train both helpers and disabled persons. Consider adopting a "buddy system" naming who is responsible for whom.

### To Assist Visually Impaired Persons:

- Announce the type of emergency.
- Offer your arm for guidance.
- Tell the person where you are going, obstacles you encounter.
- When you reach safety, ask if further help is needed.

### To Alert People with Hearing Problems:

- Turn lights on/off to gain the person's attention, or
- Indicate directions with gestures, or
- Write a note with evacuation directions

### To Evacuate People Using Crutches, Canes, or Walkers:

- Evacuate these individuals as injured persons.
- Assist and accompany to evacuation site if possible, or
- Use a sturdy chair (or one with wheels) to move the person, or
- Help carry individual.

### To Evacuate Wheelchair Users:

- Non-ambulatory persons' needs and preferences vary. Individuals at ground floor locations may exit without help. Others have minimal ability to move. Remember, lifting may be dangerous to you or them.
- Some non-ambulatory persons have respiratory complications. Remove them from smoke and vapors immediately. Wheelchair users with electrical respirators should get priority assistance.
- Most wheelchairs are too heavy to take down stairs. Consult with the person to

determine best carry options and reunite the person with the chair as soon as it is safe to do so.

#### To Evacuate Impaired Persons using the EvacuTrac Unit:

- Remove the unit from the storage cabinet.
- Unfold the unit by pulling the handle.
- Transfer or seat the person in the unit.
- Fasten the 3 Velcro straps securely around the passenger's chest, waist, and legs.
- To make the unit go, you simply hold the handle down.
- To use the brake at any time, even halfway down the stairs, the user simply releases the handle.

Note: Do not put yourself or others in danger. If you cannot safely evacuate an individual, get them to a stairwell or other easily identified "protected" location and notify the emergency responders as soon as possible of the individual's situation and location.

### 3. Investigations/Crime Prevention

Two full-time investigators with specialized training in several crime areas staff the Investigations Section. The Investigations Section will investigate crimes that occur on campus and will investigate crimes that occur off campus at any University facilities, or student organization houses. The investigations that take place off campus are worked in partnership with Natchitoches City Police Department. The investigations sections has the experience and capability to investigate all crimes that occur on campus.

## 4. UPD Sponsored Programs

The University Police Department presents seminars and workshops for all students, faculty, and staff throughout the academic year. Programs include Crime Prevention and Awareness; Rape, Date Rape, and Sexual Assault; Rape Aggression Defense (for women only), Identify Your Property; and Abuse of Controlled/Illegal Substances and Alcohol, and Active Shooter Situations. The Director of Community Relations, or his designated representative, provides crime awareness, safety, and security presentation at all parent orientations, incoming freshman and transfer student orientations, and residence hall orientations. These presentations center on crime prevention, security of personal property, bicycle security, sexual assault, personal security, controlled/illegal substances and alcohol. Information concerning crime prevention and awareness is also made available through public awareness bulletins, crime prevention posters and brochures, the University radio station, KNWD, and the Current Sauce. An escort service is available for the safety of anyone walking alone on campus at any time of the day or night.

## 5. Maintenance of Campus Facilities

The Physical Plant and Services Department helps keep University buildings and grounds safe and secure. The Director, or his designated representative, inspects campus facilities regularly, promptly makes repairs affecting safety and security; and responds to reports of potential safety and security hazards such as broken windows and locks. The University Police Department assists Physical Plant personnel by reporting potential safety and security hazards. Students, faculty, staff, and visitors may also report any safety or security hazards by calling 318-357-5886 (Power Plant) or 318-357-4424 (Environmental Health & Safety Officer). Emergencies are reported directly to Maintenance at 357-4519 for all campuses.

## 6. Access to Campus

The University is an open campus with numerous city streets offering access onto the campus. Most University facilities are open to the public during the day and evening hours when classes are in session. The hours are from 7am to 8pm Monday thru Thursday and on Fridays the University Closes at 5:30pm unless a class is scheduled for later. Saturday's hours are "as needed" for classes. On Sundays the University is closed unless there is a scheduled event. University Police Department employees conduct building checks as soon as possible after scheduled activities have been concluded for the day. In addition, they also open each complex for the days of classes. Only faculty, staff, and graduate assistants are allowed to enter locked buildings when the University is closed.



## 7. Tobacco Policy

### Tobacco Prohibited

In accordance with ACT No. 211, of the 2013 State of Louisiana Legislative Session, and in accordance with Louisiana Revised Statute 40:1300.263, all public post-secondary institutions shall be smoke free, and nothing shall prohibit a public post-secondary institution from developing a tobacco-free policy for its campus, the University has established a Tobacco-Free Policy. “Smoke-Free” means the prohibition of smoking as defined in R.S. 40:1300.253(14). “Tobacco-Free” means the prohibition of the use of tobacco derived or containing products, as defined in R.S. 40:1300.263(B)(2).

All facilities, property (whether owned or leased), and all vehicles of Northwestern State University regardless of campus or location are Tobacco Free.

To clarify the above statements, the use of tobacco products is prohibited at all times, on all Northwestern State University property and as follows:

- In all interior space on Northwestern State’s main campus and all satellite locations
- In all property leased or operated by Northwestern State
- In all housing located on the Northwestern State campus
- In all indoor and outdoor athletic facilities, the entire facility
- In any vehicle owned or leased by Northwestern State,

## 8. Drug and Alcohol Policy

Northwestern State University is committed to the health, safety and well-being of each member of the Northwestern State University community. In order to further student learning, development and success and to promote the University’s academic mission, Northwestern State University fosters an environment of personal and collective responsibility and respectful citizenship. This means that all members of the university community – students, faculty, and staff – have a role in safeguarding a healthy learning environment free of the consequences of alcohol and other drug misuse. The University also strives to create a culture that supports students who do not use alcohol or illegal drugs and students who use alcohol in a safe, legal and responsible fashion in accordance with state and local laws and ordinances and the Drug Free Schools and Communities Act

## Applicability

This policy applies to all students, faculty, staff, and visitors of Northwestern State University.

## Definitions

- **Alcoholic Beverage:** Any fluid or any solid capable of being converted into liquid suitable for human consumption and containing more than one-half of one percent alcohol by volume including malt, vinous, spirituous, alcoholic or intoxicating liquors, beer, porter, ale, stout fruit juices, cider, or wine. (pursuant to R.S. 26:241.1)
- **Approved Vendor or Server:** A licensed and insured alcohol provider that has been contracted by the University to engage in the sale and service of alcoholic beverages on the Northwestern State University Campus in accordance with this policy-i.e. the University Food Service Provider or other contractor with an ATC Responsible Vendor Card granted authority to serve or distribute alcohol by the University Food Service Provider.
- **B.Y.O.B. Event:** (Bring Your Own Beverage) An event where guests are responsible for providing their own alcoholic beverages in accordance with this policy.
- **Open Bar:** A bar or dispensary at an event with alcohol at which the drinks have been paid for by the host or are prepaid through the admission fee.
- **Event Management System:** The official system used to reserve buildings, facilities, and other sites on the Northwestern State University campus-i.e. EMS.
- **Approved Security Personnel:** Individuals or entities authorized by University Police to serve as security for events with alcohol on campus.
- **Illegal Controlled Substance:** Means cocaine, phencyclidine, heroin, methamphetamine, or marijuana and any other illegal controlled dangerous substance, the possession or distribution of which is a violation of the Uniform Controlled Dangerous Substances Law, R.S. 40:961 et seq.-(pursuant to R.S. 9:2800.62.2)
- **Possession:** Any situation in which an individual is or reasonably can be assumed to be holding, drinking, or transporting an alcoholic beverage or illegal controlled substance.
- **Event Host:** The individual, organization, department, etc. responsible for hosting an event with alcohol.
- **Request to Serve Alcoholic Beverages Form:** The official form used when requesting to serve alcoholic beverages or host an event with alcoholic beverages on campus.
- **Event with Alcohol Notification Form:** The official form that student organizations must submit if hosting an event with alcohol whether on or off campus or on

organization premises.

- **University Approved Sites:** Buildings, facilities, and locations on campus that are approved to host an event with alcohol.
- **University Event:** An event that is sponsored or hosted by the university, a university department, a recognized student organization, or any other entity of the University.
- **Non-University Event:** An event that is sponsored or hosted by an individual, organization, or entity that is not officially affiliated with the University.
- **University Approved Risk Management Training:** Any education or training provided by or authorized by the University on hosting events with alcohol in accordance with this policy.
- **Organization Premises:** Buildings or facilities located on or off the University campus which are privately owned, leased, or rented and operated by a student organization or that a reasonable, objective observer would associate with the student organization for hosting events or activities on a regular basis.
- **University President Designee:** A University employee given specific authorization by the University President to approve events with alcohol and/or authorize sites to be used for events with alcohol.

## General Alcohol Provisions

- The serving, possession, and consumption of alcoholic beverages on the Northwestern State University campus or at university functions may be done only in accordance with the provisions of the state and local laws and ordinances and university regulations.
- No one under the age of 21 may use, consume, possess, or purchase alcoholic beverages.
- The University does not allow the possession of any alcoholic beverages on any part of campus except for approved events and in approved areas.
- All events with alcohol on campus must take place in approved areas, utilize a University approved alcohol vendor or server, and be registered through the University's event management system and approved by the University President or his/her designee using the Request to Serve Alcoholic Beverages Form unless otherwise specified in this policy. The Request to Serve Alcoholic Beverages Form must be submitted at least 7 days before the event is to take place.
- B.Y.O.B. (Bring Your Own Beverage) events are prohibited on campus except for approved athletic tailgating, events approved by the University President or his/her designee, and events hosted in organization owned facilities.
- Open Bar access for event guests is permitted for non-university events. Events and activities sponsored by the university but funded with foundation or other such



unrestricted funds (i.e. Alumni Association tailgate, donor events, fundraisers, athletic VIP box seating, golf tournaments, etc.) may also utilize an open bar unless otherwise specified in this policy.

- Individual beverages may not be served or consumed in glass containers unless otherwise approved by the University President or his/her designee. Beverages such as wine served in glassware at approved events are permitted.
- Events with alcohol on campus may not last beyond 11 PM unless otherwise specified in this policy.
- University funds may not be used to purchase alcohol. This excludes foundation or other such unrestricted or donated funds.
- Additional guidelines for alcohol at specific events, facilities, sites, etc. may be developed so long as they do not conflict with this policy.

## Security

All non-University events where alcohol is to be served, requires one off-duty University Police Officer or University approved security personnel for each 50 guests, at the expense of the event host.

Security needs for university events with alcohol shall be determined by University Police.

## Approved Sites

The possession, consumption, sale, or furnishing of alcoholic beverages is prohibited except in those areas where and when such activities are specifically allowed by the facility manager and University President or his/her designee.

Approved facilities and areas:

- Buildings and Facilities
  - Friedman Student Union
  - Alumni Center
  - Orville J. Hanchey Gallery
  - A.A. Fredericks Auditorium
  - Natchitoches Room, Russell Hall
  - Family and Consumer Science Building

- Arnold R. Kilpatrick President's Residence
- Robert W. Wilson Recreation Complex
- Outdoor Facilities & Sites
  - Collins Family Pavilion
  - Iberville Green
  - Alumni Plaza
- Athletic Facilities
  - Turpin Stadium
  - Prather Coliseum
  - Brown-Stroud Field
  - Jack Fisher Tennis Complex
  - Walter P. Ledet Track Complex
  - Lady Demon Diamond
  - Lady Demon Soccer Complex
  - Athletic Field House
  - Donald's Demon Alley Tailgating Field
- Other areas as specifically approved by the University President or his/her designee.

## President's Residence

Events with alcohol may be hosted at the President's Residence at his/her discretion without the use of a Request to Serve Alcoholic Beverages Form.

## Organization Premises

Events with alcohol that are hosted in organization premises within the provisions of this policy, do not have to submit a Request to Serve Alcoholic Beverages Form. Organizations must notify the University of all events with alcohol as outlined in this policy. B.Y.O.B. events, within the provisions of this policy, are allowed in organization owned facilities.

## Student Organizations

In any situation sponsored or endorsed by the organization or at any event that a reasonable, objective observer would associate with the organization, including those that occur on or off-campus or on organizational premises:

- The organization and its members must comply with all federal, state, and local laws as well as all University and inter/national organization policies.
- Organizations may not host an event with alcohol on or off campus or on organizational premises until receiving university approved risk management training for events with alcohol for the academic year.
- Organizations must submit the Event with Alcohol Notification Form to the University at least 14 days prior to an event with alcohol being hosted whether on or off campus or on organizational premises.
- Events with alcohol may not last beyond 1 AM.
- No person under the legal drinking age may possess or consume alcoholic beverages.
- No person may provide alcoholic beverages to a person under the legal drinking age.
- Alcoholic beverages must either be provided and sold by a licensed and insured third-party vendor on a per drink basis or be brought by individual members and guests (i.e. BYOB).
- The presence of alcohol products above 15% alcohol by volume (ABV) is prohibited in any organizational facility or at any event, except when served by a licensed and insured third-party vendor.
- No alcoholic beverages may be purchased with organization funds or student dues. Additionally, no members may coordinate the purchase of alcoholic beverages for the organization or its members or guests. Donations of alcohol to organizations or members may not be accepted.
- Bulk quantities of alcohol (i.e. amounts of alcohol greater than what a reasonable person should consume over the duration of an event) and common sources of alcohol are prohibited.
- Attendance by non-members at any event where alcohol is present must be by invitation only, and the organization shall utilize a guest list to restrict access to the event. Guest lists shall not be required for approved tailgating activities.
- Any promotion of any event with alcohol must prominently include how alcohol will be present at the event and how a guest will be placed on the guest list (e.g.



invitations, RSVP, wristbands, tickets, etc.)

- No organization may co-sponsor an event with an alcohol distributor, bar or promoter. An organization may rent or use a room at a third-party vendor held within the provisions of this policy for the purposes of fundraising. Fundraising events must be in compliance with fire code capacity. Tickets cannot be sold at the door.
- Co-sponsorship, co-financing, attendance at, or participation in an event where alcohol is purchased or provided by a host organization, group, or organization is prohibited.
- Alcohol may not be present if the event or activity is related to the new member joining process (i.e. recruitment, intake, rush, etc.). No recruitment events may be held at or in conjunction with a bar or alcohol distributor.
- No person shall permit, encourage, or participate in drinking games, including any activity that involves the consumption of alcohol under duress or encouragement related to the consumption of alcohol.
- Alcohol may not be present if the event or activity is related to new member activities or initiation into an organization, including but not limited to “bid night,” “Big Brother or Sister/Little Brother or Sister” events or activities, “family” events or activities, and the Ritual of Initiation.

## Athletic Events

The Athletic Department shall develop specific policies and procedures addressing the sale, possession, and consumption of alcoholic beverages at athletic facilities and events. General provisions of this policy concerning alcohol at athletic facilities and events are:

- Alcohol may be sold and distributed by the approved vendor/server at athletic facilities and athletic sporting events approved by the University President or his/her designee.
- No alcoholic beverages greater than 15% ABV may be sold, possessed, or consumed in any athletic facility or at any athletic sporting event unless approved by the University President or his/her designee.
- Cups, containers, ice chests, outside alcoholic beverages of any kind, etc. may not be brought into athletic facilities unless specifically approved by the Athletic

Department.

- Glass containers of any kind are prohibited at athletic events.
- Tailgating will be limited to home game days unless otherwise approved by the Athletic Department and must take place in designated tailgating areas for each athletic facility.
- Football tailgating activities will be allowed to begin at 5:00 PM the day before a scheduled game and must end by 11 PM of a gameday. Tailgating times for other sports will be set by the Athletic Department.
- No oversized or common source containers including but not limited to kegs or large, unmarked containers, such as punchbowls, troughs or even lined trash barrels, etc. are permitted at athletic sporting events.
- Drinking games with alcohol, funneling, any activity that encourages binge drinking, or any other activity deemed high risk or inappropriate by the University are prohibited at athletic sporting events.

Please see the Athletic Department Policies & Procedures for the Sale/Service of Alcoholic Beverages at Athletic Events for more information

## Drugs

Students and employees of Northwestern State University are hereby informed that the unlawful manufacture, distribution, dispensing, possession or use of controlled substances is prohibited on university property. Students and employees of the University found to be illegally manufacturing, distributing, dispensing, possessing or using controlled dangerous substances on university property shall be subject to disciplinary action in accordance with applicable policies of the University of Louisiana System Board of Supervisors and Northwestern State University as well as Federal, State of Louisiana and local laws. In addition to university disciplinary action, students and employees found to be illegally manufacturing, distributing, dispensing, possessing or using controlled substances shall also be subject to criminal prosecution.

## Legal Sanctions

Students, employees, and guests are reminded that local, state, and federal laws provide for various legal sanctions and penalties for unlawful possession or distribution of alcohol and controlled substances. These sanctions include, but are not limited to, incarceration and monetary fines.

## UNIVERSITY SANCTIONS

Students found to be in violation of this policy will be afforded due process as prescribed in the University Code of Student Conduct. Sanctions for policy violations include a disciplinary warning, up to and including expulsion from the University. Students may also be referred for counseling and/or referral for individual assessment; referral may be included as a condition of any sanction.

Employees found to be in violation of this policy may face disciplinary action, up to and including termination of employment with the University. Employees may also be referred for counseling and/or referral for individual assessment; referral may be included as a condition of any disciplinary action.

Guests found to be in violation of this policy may be subject to penalties up to and including removal and/or banishment from the University.

Northwestern State University conforms to all local, state and federal laws regarding the use of alcohol and other drugs on campus. Northwestern is a member of the Drug-Free schools and campuses and abides by their standards regarding policies, athletic programs, educational programs, enforcement and assessment.

Students and employees of Northwestern State University are hereby informed that the unlawful manufacture, distribution, dispensing, possession or use of controlled substances is prohibited on university property. Students and employees of the University found to be illegally manufacturing, distributing, dispensing, possessing or using controlled dangerous substances on university property shall be subject to disciplinary action in accordance with applicable policies of the University of Louisiana System Board of Supervisors and Northwestern State University. In addition to university disciplinary action, students and employees found to be illegally

manufacturing, distributing, dispensing, possessing or using controlled substances shall also be subject to criminal prosecution.

## 9. Drug & Alcohol Abuse Education Programs

The University has a variety of educational programs that deal with substance abuse. (See the Student Handbook, page 37) Although nationally, binge drinking is a major problem on university campuses, a very limited number of Northwestern students are known to be engaged in this type of destructive behavior. Educational programs about alcohol abuse are provided in multiple formats including online and in person. Informational campaigns include Vector Solutions trainings and recognized student organization and student athlete training seminars.

## 10. University Counseling Center

Counseling Services (318-677-3063) is located on the first floor of Building C in office 133 and provides a comprehensive and wide variety of counseling services to members of the campus community. The center is staffed by licensed and professional mental health counselors. The center is well adapted to working with victims of sexual assault and trauma. In addition to the Crisis Intervention Service that the Center's staff provides on a daily basis, the following services are also provided:

- Individual therapy
- Group therapy
- Couple counseling
- Career counseling

Counseling services provided at the Center remain confidential.



# 11. Sexual Assaults

## Reporting a Rape, Sexual Assault/Battery and Sexual Misconduct to the University

### Disclosure to Student Title IX Office

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) prohibits discrimination based on the sex of students and employees of educational institutions which receive federal financial assistance. To ensure compliance with Title IX and other federal, state, and local civil rights laws, Northwestern State University prohibits discrimination based on sex, orientation, gender identity, and gender expression; Northwestern State University prohibits sexual misconduct including sexual harassment, sexual assault, sexual exploitation, interpersonal violence, coercion dating and domestic violence, and stalking; furthermore, Northwestern State University prohibits retaliation of any kind against individuals who have made good faith reports or complaints regarding violations of policies, procedures, and the Code of Conduct. It is the intention of NSU to take whatever action necessary to prevent or correct sex discrimination, sexual misconduct, and retaliation. If necessary, sanctions will be given to those who act in violation of this policy.

The University is committed to:

- Taking immediate action in the investigations of alleged incidents
- Being prompt in taking the necessary steps to end sex-based discrimination, sexual violence and harassment, prevent recurrence, and to address the effects
- Protecting the complainant and all others involved and implementing interim measures throughout the duration of the investigation. Interim measures include, but are not limited to, assisting students in moving residence halls, changing the students' schedule, changing transportation options (if applicable), issuing no contact directives, and any other reasonable accommodations.
- Basing investigations on a preponderance of evidence standard to resolve complaints of sex discrimination, sexual violence, and harassment.
- Notifying the complainant and respondent of the outcome of all complaints and investigations.

**Scope of Policy:** The policy covers Northwestern State University students, faculty, staff, visitors to the campus, third parties, and contractors. If an incident of sexual misconduct occurs off campus but is related to an NSU event or affiliated individual, NSU will investigate and take proper action if notified and/or reported.

Members of the NSU community—students, faculty, staff, and the administration—are entitled to a professional environment free from harassment or interference for reasons unrelated to the performance of their duties. Some members of the community hold position of authority that may involve the legitimate exercise of power over others. It is the responsibility of the person in authority to be sensitive to the power to avoid actions that are abusive or unprofessional. Faculty and supervisors need to be aware of potential conflicts of interest and the possible compromise of their evaluative capacity in relationships with students and other fellow employees. Because there is an inherent power difference in these relationships, the potential exists for the less powerful person to perceive a coercive element in suggestions regarding activities outside those appropriate to a strictly professional relationship. It is the responsibility of faculty, staff and students to behave in such a manner that their words or actions will not reasonably be perceived as suggestive or coercive.

**Confidentiality:** All reports of sex discrimination and sexual misconduct are treated as confidential to the greatest extent possible; the privacy of all individuals involved is important to the University. In most situations, only individuals involved in the resolution of the situation will have access to the information about the case. If there is a risk of the alleged perpetrator committing additional crimes, if a student is in immediate danger, or if there has been expressed intent to harm others, or other risks such as involvement of a weapon or the age of the students involved, the University may determine that it is necessary to compromise the level of privacy provided.

**Freedom of Speech:** Northwestern will not implement this policy or procedures in a manner that infringes on the First Amendment Rights of any individual. NSU does not restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment, when complying with Title IX.

**Free Speech Violations:** Should you feel that your rights to free expression have been violated, you may seek relief by contacting the Vice President for the Student Experience or other appropriate university personnel.

**Amnesty:** Northwestern State University provides amnesty for any student who reports, in good faith, a crime that is greater or more heinous to a Confidential Advisor, Responsible Employee, or Campus Security Authority. Students shall not be sanctioned for non-violent student conduct violations, such as underage drinking. Amnesty cannot be granted when:

- The crime committed is a felony
- The crime committed caused harm to another person or placed another in fear of imminent harm
- The crime committed caused substantial property damage or loss
- The crime committed caused severe loss of critical services

**Reporting and Assistance:** At Northwestern State University, we strive to create a community of respect. While we understand the rights of an individual to make the best decision for themselves, we encourage reporting sexual misconduct to protect our community and identify crime trends. It's on us as a community to recognize that non-consensual sex is sexual assault; to identify situations in which sexual assault may occur; to intervene in situations where consent has not or cannot be given; to create an environment in which sexual assault is unacceptable and survivors are supported.

If a student discloses an incident, they will learn options for assistance, such as health and wellbeing counseling, residence and class accommodations, and options for filing complaints or criminal charges. Disclosure to NSU personnel will not obligate the complainant to file a complaint or criminal charge, nor will it subject the complainant to scrutiny or judgmental opinions.

Webpage for more information: <https://www.nsula.edu/notalone/>

### **For immediate assistance:**

- Get to a safe place where you can receive emotional support.
- Obtain necessary medical treatment in a timely manner.
- For a forensic exam, it is ideal for you to not bathe, shower, douche, use the toilet, or change clothing prior; evidence can be collected up to 120 hours after an assault.

The Natchitoches Parish Regional Medical Center and the Natchitoches Parish Coroner's office will provide a Victim Advocate and a Sexual Assault Nurse Examiner (SANE) once

you arrive at the hospital. You may request a Confidential Advisor from the University to attend the hospital visit. Please note, getting a forensic exam for evidence collection is encouraged, but it is completely voluntary and up to the victim/survivor to choose to participate.

Counseling can be beneficial whether you decide to report, or not. Taking steps for self-care provides empowerment.

**Contacts for Reporting and Assistance:**

Title IX Coordinator & Director of Student Advocacy  
 Julie Powell .....(318) 357-5570 [obannonj@nsula.edu](mailto:obannonj@nsula.edu)

Counseling and Career Services  
 (Confidential Disclosure to Campus Counselor and/or Confidential Advisor)  
 Rebecca Boone ..... (318) 357- 5621 • [booner@nsula.edu](mailto:booner@nsula.edu)

**Contacts for Emergencies:**

For emergencies and 24/7 Confidential Advisors  
 NSU Police Department ..... (318) 357-5431

Student Health Services..... (318) 357-5351

Sexual Assault Hotline ..... (800) 656-4673

**Community Resources:**

LSU Ochsner Hospital – (318) 626-0000

Caddo Parish Sheriff Office (318) 675-2170

Shreveport Police Department (318) 673-7300

Local Sexual Assault Advocate (318) 256-6242



Caddo Parish District Attorney (318) 226-6826

**Confidential Advisors:** A confidential advisor may serve as a liaison between the complainant and NSU and/or law enforcement at the request of the complainant who is fully informed of all procedures and confidentiality. A confidential advisor may accompany the complainant to interviews, investigative proceedings, and/or institutional proceedings. Confidential advisors shall inform the complainant of rights, reporting options, consequences of reporting, the investigation and adjudication process for NSU and the criminal justice system, disciplinary proceedings and sanctions, and options for reasonable accommodations. A request for accommodations by a confidential advisor shall not trigger an investigation by NSU unless indicated by the complainant.

**Confidential Advisors Contact Information:**

Counseling and Career Services.....(318) 357-5621 or booner@nsula.edu

Student Health Services.....(318) 357-5351

Other Faculty and Staff Confidential Advisors, including Natchitoches, Shreveport, Alexandria, and Leesville campuses, see NSU: Not Alone <https://www.nsula.edu/notalone/>

NSU: Not Alone ..... <https://www.nsula.edu/notalone/>

**Responsible Employees:** A Responsible Employee is a University employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty.

When an individual tells a Responsible Employee about an incident of sexual violence, the individual has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. A Responsible Employee must report to the Title IX Coordinator all relevant details about the alleged sexual misconduct shared by the individual, including name of the individual who allegedly experienced sexual misconduct and alleged perpetrator(s), any witnesses, and any other

relevant facts, including the date, time and specific location of the alleged incident. To the extent possible, information reported to a Responsible Employee will be shared only with people responsible for handling the University's response to the report.

**Campus Security Authority:** A campus security authority has a significant responsibility for students and campus activities. The function of an NSU Campus Security Authority is to report allegations of Clery Act crimes that he/she receives to the campus police, security department, and/or the Title IX Office. CSAs are responsible for reporting allegations of Clery Act crimes that are reported to them. CSAs are not responsible for investigating or reporting incidents that they overhear students talking about in a hallway conversation; that a classmate or student mentions during an in-class discussion; that a victim mentions during a speech, workshop, or any other form of group presentation; or that the CSA otherwise learns about in an indirect manner. You are considered a CSA at NSU if your official responsibilities or job titles include:

- A dean of students who oversees student housing, a student center, or student extracurricular activities;
- A director of athletics, all athletic coaches (including part-time employees and graduate assistants);
- A faculty advisor to a student group;
- A student resident advisor or assistant;
- A student who monitors access to dormitories or buildings that are owned by recognized student organizations;
- A coordinator of Greek affairs;
- A Title IX Coordinator;
- An ombudsperson (including student ombudspersons);
- A director of a campus health or counseling center;
- Victim advocates or others who are responsible for providing victims with advocacy services, such as assisting with housing relocation, disciplinary action or court cases, etc.;
- Members of a sexual assault response team (SART) or other sexual assault advocates;
- Officers from local law enforcement who are contracted by the institution to provide campus safety-related services; and
- Other individuals the university directs students and employees to report crimes to such as physicians in a campus health center; counselors, including peer counselors (except for professional or pastoral counselors); and health educators, including peer

health educators.

### Sexual Assault Response Team (SART):

- Retha Cox, Vice President of The Student Experience/Dean of Students
- Veronica Biscoe, Executive Director University Institutional Effectiveness & Human Resources, and Employee Title IX Coordinator
- Julie Powell, Title IX Coordinator & Director of Student Advocacy
- Rebecca Boone, Director of Counseling and Career Services
- Craig Vercher, University Police Chief
- Brian Goody, University Police Detective
- Doug Prescott, University Police Detective

### Definitions

No matter how carefully worded a definition of sexual misconduct may be, situations may arise outside of these definitions. Therefore, a sexual offense at Northwestern State University is defined but not limited to the following:

**Sexual Misconduct** is a sexual act or contact of a sexual nature that occurs, regardless of personal relationship, without the consent of the other person(s) or that occurs when the person(s) is unable to give consent or whose consent is coerced or obtained in a fraudulent manner. For the purpose of this policy, sexual misconduct includes, but is not limited to, sexual assault, sexual abuse, violence of a sexual nature, sexual harassment, non-consensual sexual intercourse, sexual exploitation, video voyeurism, contact of a sexual nature with an object, or the obtaining, posting or disclosure of intimate descriptions, photos, or videos without the express consent or the persons depicted therein, as well as dating violence, domestic violence and stalking.

Public universities in the State of Louisiana shall use the federal and state definitions of the following terms when making all decisions regarding sexual misconduct including publication of definitions, disciplinary decisions, Clery reporting decisions, campus climate decisions, and training and prevention decisions. If there are any changes to state and federal law, definitions must be amended to reflect any changes to federal and state laws and regulations.

**Sexual Assault as defined by the Clery Act:** Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. This includes rape, fondling, incest, and statutory rape.

**Rape** is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

**Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.

#### **Sexual Assault as defined by Louisiana State Law:**

**Non-Consensual Sexual Intercourse:** Having or attempting to have sexual intercourse, cunnilingus, or fellatio without consent. Sexual intercourse is defined as anal or vaginal penetration by a penis, tongue, finger, or inanimate object.

**Non-Consensual Sexual Contact:** Any intentional sexual touching, or attempted sexual touching, without consent.

**Sexual Exploitation:** An act attempted or committed by a person for sexual gratification, financial gain, or other advancement through the abuse or exploitation of another person's sexuality. Examples of sexual exploitation include, but are not limited to, non-consensual observation of individuals who are undressed or engaging in sexual acts, non-consensual audio- or videotaping of sexual activity, prostituting another person, allowing others to observe a personal consensual sexual act without the knowledge or consent of all involved parties, and knowingly exposing an individual to a sexually transmitted infection without that individual's knowledge.

**Stalking as defined by Clery Act:** engaging in a course of conduct directed at a specific person that would cause a reasonable person to—fear for the person’s safety or the safety of others; or suffer substantial emotional distress.

**Course of conduct:** two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

**Reasonable person:** a reasonable person under similar circumstances and with similar identities to the victim.

**Substantial emotional distress:** significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

#### **Stalking as defined by Louisiana state law:**

**Stalking** is the intentional and repeated following or harassing of another person that would cause a reasonable person to feel alarmed or to suffer emotional distress. Stalking shall include but not be limited to the intentional and repeated uninvited presence of the perpetrator at another person’s home, workplace, school, or any place which would cause a reasonable person to be alarmed, or to suffer emotional distress as a result of verbal, written or behaviorally implied threats of death, bodily injury, sexual assault, kidnaping, or any other statutory criminal act to themselves or any member of their family or any person with whom they are acquainted. La. RS § 14:40.2(A) “Harassing” means the repeated pattern of verbal communications or nonverbal behavior without invitation which includes but is not limited to making telephone calls, transmitting electronic mail, sending messages via a third party, or sending letters or pictures. “Pattern of conduct” means a series of acts over a period of time, however short, evidencing an intent to inflict a continuity of emotional distress upon the person. Constitutionally protected activity is not included within the meaning of pattern of conduct. La. RS § 14:40.2(C)

#### **Domestic Violence definition in Clery Act:**

Violence, including but not limited to sexual or physical abuse or the threat of such abuse, committed by a current or former spouse or intimate partner or any other person from



whom the alleged victim is protected under federal or Louisiana law. Felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

#### **Domestic abuse definition in Louisiana law:**

Includes but is not limited to physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one family or household member against another. La. RS 46:2132(3)

#### **Family violence definition in Louisiana Law:**

means any assault, battery, or other physical abuse which occurs between family or household members, who reside together or who formerly resided together. La. RS § 46.2121.1(2)

#### **Dating Violence definition in Clery Act:**

Violence, including but not limited to sexual or physical abuse or the threat of such abuse, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. The existence of such a relationship will be determined based on a consideration of the length and type of relationship and the frequency of interaction.

#### **Dating Violence definition in Louisiana law:**

“Dating violence” includes but is not limited to physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury

and defamation, committed by one dating partner against the other. La. RS § 46.2151(C) For purposes of this Section, “dating partner” means any person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors:

1. The length of the relationship.
2. The type of relationship.
3. The frequency of interaction between the persons involved in the relationship.

Although the following definitions are not defined by state and/or federal law, the following definitions shall also be used in institutional policy and in the implementation thereof by all Louisiana public postsecondary education institutions.

**Sexual Harassment:** Unwelcome conduct of a sexual nature when i) submission to such conduct is made either explicitly or implicitly a term or condition of a person’s employment or education; ii) submission to or rejection of such conduct by a person is used as the basis for a decision affecting that person’s employment or education; or iii) such conduct has the purpose or effect of unreasonably interfering with a person’s employment or education, or creating an intimidating, hostile, or offensive employment or educational environment, and has no legitimate relationship to the subject matter of a course or academic research. Sexual Harassment also includes non-sexual harassment or discrimination of a person because of the person’s sex and/or gender identity or gender expression, including harassment based on the person’s nonconformity with gender identity or gender expression. For purposes of this Policy, the various forms of prohibited Sexual Harassment are referred to as “Sexual Misconduct.”

**Retaliation:** Acts or attempted acts for the purpose of interfering with any report, investigation, or proceeding under this policy, or as retribution or revenge against anyone who has reported Sexual misconduct or relationship violence or who has participated (or is expected to participate) in any manner in an investigation, or proceeding under this Policy. Prohibited retaliatory acts include, but are not limited to, intimidation, threats, coercion, or discrimination. Title IX prohibits retaliation. For purposes of this policy, an attempt requires a substantial step towards committing a violation. The School must keep confidential the identity of complainants, respondents, and witnesses, except as may be permitted by FERPA, as required by law, or necessary to carry out a Title IX proceeding. Complaints alleging

retaliation may be filed according to the school's prompt and equitable grievance procedures. The exercise of rights protected under the First Amendment does not constitute retaliation.

**Consent:** Consent to engage in sexual activity must exist from beginning to end of each instance of sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage in a specific sexual activity. Silence alone, without actions evidencing permission, does not demonstrate consent. Consent must be knowing and voluntary. To give Consent, a person must be of legal age. Assent does not constitute Consent if obtained through coercion or from an individual whom the alleged offender knows or reasonably should know is Incapacitated. The responsibility of obtaining consent rests with the person initiating sexual activity. Use of alcohol or drugs does not diminish one's responsibility to obtain consent. Consent to engage in sexual activity may be withdrawn by any person at any time. Once withdrawal of consent has been expressed, the sexual activity must cease. Consent is automatically withdrawn by a person who is no longer capable of giving consent. A current or previous consensual dating or sexual relationship between the parties does not itself imply consent or preclude a finding of responsibility.

**Incapacitation:** An individual is considered to be Incapacitated if, by reason of mental or physical condition, the individual is manifestly unable to make a knowing and deliberate choice to engage in sexual activity. Being drunk or intoxicated can lead to Incapacitation; however, someone who is drunk or intoxicated is not necessarily Incapacitated, as Incapacitation is a state beyond drunkenness or intoxication. Individuals who are asleep, unresponsive or unconscious are Incapacitated. Other indicators that an individual may be Incapacitated include, but are not limited to, inability to communicate coherently, inability to dress/ undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, vomiting, or inability to perform other physical or cognitive tasks without assistance.

**Coercion:** is the use of express or implied threats, intimidation, or physical force which places an individual in fear of immediate harm or physical injury or causes a person to engage in unwelcome sexual activity. Coercion also includes administering a drug, intoxicant, or similar substance with the intent to impair that person's ability to consent prior to engaging in sexual activity.

## Prevention And Awareness

One in five women is sexually assaulted while in college. Most often, it happens her freshman or sophomore year. Male students are 78% more likely to be a victim/survivor of sexual offenses. In the great majority of cases, sexual assaults are perpetrated by the victim/survivor knows – and most often what happened is not reported.

Title IX coordinators, University police, residential life staff, campus counselors, health care professionals, confidential advisors, faculty and staff have received training concerning Title IX, Clery, VAWA, and state and local policies and procedures.

Educational programming for students is provided, including ongoing prevention and awareness campaigns, bystander intervention, and risk reduction in the area of sexual assault and harassment. Educational information on sexual violence is available online to all Northwestern State students and is a requirement for all students in UNIV 1000 classes.

The University Police Department also offers free presentations on the subject of personal safety with emphasis on precautions and reporting procedures. Arrangements for these programs can be made by contacting University Police at 357-5431.

## Procedures for Resolution of Sexual Misconduct Complaints:

Any University student who believes that they have been the victim of sexual misconduct may seek to resolve the matter through an Informal or Formal Complaint process. More details about the Formal Complaint process can be found in Article IX and Appendix II (Title IX Grievance against an NSU Employee) of the Code of Conduct.

The Director of Student Advocacy, Kim Liner (Student Union, 308; (318) 357- 5570) is the designated Title IX Coordinator for students at Northwestern State University. Students are encouraged to seek assistance from the Title IX Coordinator for all Title IX related complaints. The Title IX Coordinator may appoint additional advocates for students during proceedings.

Student Title IX Coordinator's Responsibilities Include:

- Notification and Education
- Consultation, Investigation and Disposition
- Assists in institutional compliance and acts as liaison to Vice Presidents and President
- Record Maintenance and Report

Sexual misconduct complaints may involve a student complaint against another student, a member of the University community, or a member of a third party related to the University.

If the complaint is an informal complaint or non-criminal in nature, and complainant and respondent understand and acknowledge the substance of the complaint and the requested resolution, the complaint may be resolved informally if appropriate. An informal resolution may be inappropriate for complaints involving physical contact possibly criminal in nature (i.e., sexual battery, rape, etc). An informal resolution may result in a written agreement, mediation, or other fair and equitable action deemed appropriate by the Title IX Coordinator, or designee, depending on the circumstances. If the Complainant chooses to file an informal complaint, the Complainant has the right to end the informal process at any time and the right to pursue a formal complaint and/or take legal action. If there is an increased risk of an alleged perpetrator committing additional acts of violence, if there is involvement of a weapon, if the age of the students involved, or if other risk factors exist, the University may investigate and possibly pursue action which may compromise confidentiality.

## Informal Complaint Resolution

The Title IX Coordinator:

- Receives and reviews the Complaint. The Title IX Coordinator may ask for written documentation.
- Sends Notification to the Complainant and the Respondent of the receipt of an Informal Complaint.
- Schedules a preliminary meeting with the Complainant to discuss allegations and the desired outcome.
- May advise the student to obtain appropriate assistance such as counseling, assistance from a confidential advisor, or student advocate.
- May interview others (witnesses).
- May issue no contact directives, although this is not a judicial finding.
- Will determine whether the complaint is valid, needs to be heard in another venue, or needs to move to formal resolution.
- Schedules meetings with the Respondent as necessary or requested.
- May schedule a meeting with the Respondent and Complainant if desired and



acceptable by both parties. Such meetings are not appropriate in cases of sexual assault.

- Will suggest remedies for both Complainant and Respondent to come to a fair and equitable resolution.
- Will provide written documentation of the resolution to both parties, copied to the Vice President of the Student Experience.

\*If an informal resolution is not satisfactory, a formal complaint process may begin. The Complainant or the Title IX Coordinator can dismiss the Informal Complaint Resolution and pursue a Formal Complaint Resolution, if necessary.

A Formal Complaint is one where the facts or remedy may be disputed. A formal resolution will result in an investigation, determination of responsibility, and sanctions if applicable. Depending on the seriousness of the offense, disciplinary sanctions may range from educational alternatives to expulsion. There are appeals available to both Complainant and Respondent, and the University will follow due process, respect confidentiality, and respect the rights of the Complainant and Respondent through the process and resolution.

## Formal Complaint Resolution

- The Title IX Coordinator receives and reviews the complaint. The Complaint Form should be completed and signed by either the Complainant or the Title IX Coordinator on behalf of the Complainant.
- A “formal complaint” is defined as a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment.
- At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the school with which the formal complaint is filed.
- A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator.
- The phrase “document filed by a complainant” means a document or electronic submission (such as by e-mail or through an online portal provided for this purpose by the school) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or a party during a grievance process and must comply with requirements for Title IX personnel to be free from conflicts and bias.

- Once the Title IX Coordinator receives a complaint, the Respondent will be called to a meeting with the Title IX Coordinator and informed of the Complaint. The Complainant and Respondent may be issued supportive measures, including but not limited to, a mutual no contact order, classroom accommodations, etc., as an interim measure although this is not a judicial finding.
- The burden of gathering evidence and burden of proof must remain on the school, not on the parties.

## Investigations

- The Title IX Coordinator conducts the Investigation. The Investigation is a review of the incident description, file history, evidence, and patterns. The Title IX Coordinator will interview the complainant, respondent, and witnesses, and ask for supporting written documentation.
- School must provide equal opportunity for the parties to present fact and expert witnesses and other inculpatory and exculpatory evidence.
- School must not restrict the ability of the parties to discuss the allegations or gather evidence (e.g., no “gag orders”).
- Parties must have the same opportunity to select an advisor of the party’s choice who may be, but need not be, an attorney.
- School must send written notice of any investigative interviews, meetings, or hearings.
- School must send the parties, and their advisors, evidence directly related to the allegations, in electronic format or hard copy, with at least 10 days for the parties to inspect, review, and respond to the evidence.
- School must send the parties, and their advisors, an investigative report that fairly summarizes relevant evidence, in electronic format or hard copy, with at least 10 days for the parties to respond.
- School must dismiss allegations of conduct that do not meet the Final Rule’s definition of sexual harassment or did not occur in a school’s education program or activity against a person in the U.S. Such dismissal is only for Title IX purposes and does not preclude the school from addressing the conduct in any manner the school deems appropriate.
- School may, in their discretion, dismiss a formal complaint or allegations therein if the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein, if the respondent is no longer enrolled or employed by the school or if specific circumstances prevent the school from gathering sufficient evidence to reach a determination.
- School must give the parties written notice of a dismissal (mandatory or discretionary) and the reasons for the dismissal.

- School may, in their discretion, consolidate formal complaints where the allegations arise out of the same facts.
- The Final Rule protects the privacy of a party's medical, psychological, and similar treatment records by stating that schools cannot access or use such records unless the school obtains the party's voluntary, written consent to do so.
- Both parties will be instructed not to conduct their own Investigation and to provide any relevant information, such as a list of potential witnesses, to the Title IX Coordinator. Instructions are also provided regarding the confidentiality of information and how to review files.
- A trained and unbiased investigator will conduct all Title IX investigations.

## Hearings

The decision, by the Chief Executive Hearing Officer, will be substantiated using the preponderance of evidence standard. A Determination can also be made that the allegations, while made in good faith, were not true.

The Chief Executive Hearing Officer (who cannot be the same person as the Title IX Coordinator or the Investigator) must issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant.

The written documentation must be sent simultaneously to the parties along with information about how to file an appeal.

## Appeals

School must offer both parties an appeal from a determination regarding responsibility, and from a school's dismissal of a formal complaint or any allegations therein, on the following bases: procedural irregularity that affected the outcome of the matter, newly discovered evidence that could affect the outcome of the matter, and/or Title IX personnel had a conflict of interest or bias, that affected the outcome of the matter or that sanction was disproportionate to the violation.

Either party may Appeal. Appeals shall be in writing and provided to the next appellate within five (5) University business days of receipt of the Letter of Determination.

If either party submits a written Appeal of the Determination Letter, an Intent to Appeal Letter will be sent to both parties by the appropriate appellate within two (2) University business days.

## Supportive Measures

According to the Final Rule, “supportive measures” are defined as individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designated to ensure equal educational access, protect safety, or deter sexual harassment.

The Final Rule evaluates a school’s selection of supportive measures and remedies based on what is not clearly unreasonable in light of the known circumstances, and does not second guess a school’s disciplinary decisions, but requires the school to offer supportive measures, and provide remedies to a complainant whenever a respondent is found responsible.

Examples of supportive measures include, but are not limited to, supportive counseling services, mutual no contact orders, class accommodations, residential accommodations, etc.

## If you are a Victim of Rape

Do not shower, bathe or change clothes. If you do, physical evidence may be lost. If you must change clothes, you must place soiled clothing in a paper bag. **DO NOT USE A PLASTIC BAG.** Do not brush your teeth. If you must urinate, please do not use toilet tissue. Even if you are unsure whether you will sign charges and prosecute the offender, ask that a rape kit be performed. The hospital where the kit is performed can secure it for up to 30 days.

For immediate assistance:

- Get to a safe place where you can receive emotional support.
- Obtain necessary medical treatment in a timely manner.
- For a forensic exam, it is ideal for you to not bathe, shower, douche, use the toilet, or change clothing prior; evidence can be collected up to 120 hours after an assault.

The Natchitoches Parish Regional Medical Center and the Natchitoches Parish Coroner’s office will provide a Victim Advocate and a Sexual Assault Nurse Examiner (SANE) once

you arrive at the hospital. You may request a Confidential Advisor from the University to attend the hospital visit. Please note, getting a forensic exam for evidence collection is encouraged, but it is completely voluntary and up to the victim/survivor to choose to participate.

Counseling can be beneficial whether you decide to report, or not. Taking steps for self-care provides empowerment.

## Victim's Assistance Program

The Victim's Assistance Program is available through the Office of the District Attorney, 10th Judicial District. Any rape or sexual assault victim is encouraged to contact the Rape Crisis Program at 1-877-748-6882. This is a toll-free anonymous call.

## Changing Academic Classes and Other Daily Situations

If you are a victim of a sexual assault or an alleged sexual assault, dating violence, domestic violence, or stalking and have or have not filed charges, you are entitled to changes in academic, living, transportation and working situations if these changes are reasonably available. To request such changes, contact the Vice President of Student Affairs, telephone 318-357-5286. You will be referred to the appropriate individuals to discuss such changes in a confidential manner.

## Sanctions

Following a thorough grievance procedure, a person found in violation of the Student Code of Conduct concerning sexual misconduct shall be subject to sanctions outlined in Article V of the student handbook. These sanctions may include expulsion, suspension, voluntary withdrawal, probation, restriction of privileges, work reparation, fines, restitution, educational alternative, censure, warning, no contact orders, bar against readmission, residence hall suspension, and/or residence hall expulsion.

## Education Programs to Promote Awareness of Sexual Assault, and Other Violent Offenses

Educational programming for students is provided, including ongoing prevention and awareness campaigns, bystander intervention, and risk reduction in the area of sexual assault and harassment.

### Programs & Campaigns for 2022 & 2023 include

#### **Title IX lead programming includes the following:**

Information Station informational.

Parent Connection informational.

UNIV 1000-2 days of presentations in the ballroom involving Title IX.

UNIV 1000-Moodle Shell for each student in each class.

UNIV 1000-My NSU training for each class.

Upon invitation, additional information about Title IX has been presented to individual classes.

NSU Freshman Connectors informational/presentation.

First Year Experience Student Leaders informational/presentation.

#### **Title IX has partnered with PLP, UPC, SGA and FYE to provide the following professional speakers/programming events:**

Red Flag Relationships – Spring 2023

Demons Come Out at Night – Spring 2023

R.A.I.N.N, Sexual Assault in College – Spring 2023

In Her Shoes – Spring 2023

Bonny Shade Speaks-Survivor Talk – Spring 2023

Denim Day – Spring 2023

Palentine's Day/Love Doesn't Hurt – Spring 2023

## Drugs Used to Facilitate Sexual Assault -- Personal Safety Tips

- Do not leave beverages unattended.
- Do not take any beverages, including alcohol, from someone you do not know well or trust.
- At a bar or club, accept drinks only from the bartender, waiter, or waitress.
- At parties, do not accept open container drinks from anyone.



- Be alert to the behavior of friends. Anyone appearing more intoxicated than they should, in relation to the amount of alcohol that he or she has consumed may be in danger. Do your best to get that person to a safe place and/or contact emergency personnel for assistance (5431 on campus; 911 off campus)
- Anyone who believes he/she has consumed a sedative-like substance should be driven to a hospital emergency room or should call for an ambulance (5431 on campus; 911 off campus).

## Supportive Measures

According to the Final Rule, “supportive measures” are defined as individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designated to ensure equal educational access, protect safety, or deter sexual harassment.

The Final Rule evaluates a school’s selection of supportive measures and remedies based on what is not clearly unreasonable in light of the known circumstances, and does not second guess a school’s disciplinary decisions, but requires the school to offer supportive measures, and provide remedies to a complainant whenever a respondent is found responsible.

Examples of supportive measures include, but are not limited to, supportive counseling services, mutual no contact orders, class accommodations, residential accommodations, etc.

## 12. Sex Offender Registry

In accordance to the “Campus Sex Crimes Prevention Act” of 2000, which amends the Jacob Wetterling Crimes against children and Sexually Violent Offender Registration Act, the Jean Clery Act and the Family Educational Rights and Privacy Act of 1974, the Northwestern State University Police Department is providing a link to the Louisiana State Police Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already

required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student. Unlawful use of the information for purposes of intimidating or harassing another is prohibited and willful violation shall be punishable as a Class 1 misdemeanor. The Louisiana State Police is responsible for maintaining this registry.

Louisiana State Police Website ..... <http://www.lsp.org/>

## 13. Missing Student Notification Policy Procedure

In compliance with the Missing Student Procedures 20 USC 1092 (j) (Section 488 of the Higher Education Opportunity Act of 2008), it is the policy of Northwestern State University Student Affairs and University Police to investigate any report of a missing student who resides on-campus at Northwestern State University. This policy, with its accompanying procedures, establishes a framework for cooperation among members of the University community aimed at locating and assisting students who are reported missing.

A student shall be deemed missing when he or she is reported absent from the University for more than 24 hours without any known reason. All reports of missing students shall be directed to Northwestern State University Police which shall investigate each report and make a determination whether the student is missing in accordance with this policy.

Each student living in an on-campus student housing facility has the option to identify an individual to be contacted by the university not later than 24 hours after the time that the student is determined missing in accordance with official notification procedures established by Northwestern State University.

Each student living in an on-campus student housing facility has the option to register confidential contact information in the event that the student is determined to be missing for a period of more than 24 hours. Only authorized campus officials and law enforcement officers in furtherance of a missing person investigation may have access to this information.

Each student over the age of 18 has the option of opting out of the Missing Student Policy as per the Missing Student Procedures 20 USC 1092 (j) (Section 488 of the Higher Education Opportunity Act of 2008), through signing a waiver on the Missing Student Policy Form.

If a missing student is under 18 years of age, and not an emancipated individual, the university is required to notify a custodial parent or guardian of the missing student not later than 24 hours after the determination by University Police that the student is missing.

University Police may also notify other law enforcement agencies no later than 24 hours after it determines that the student is missing, even if a student has not registered a contact person.

If Northwestern State University Police has been notified and makes a determination that a student who is the subject of a missing person report has been missing for more than 24 hours and has not returned to the campus, the institution will initiate the emergency contact procedures in accordance with the student's designation.

In keeping with trends across the nation, Northwestern State University Student Housing is configured for apartment style living and therefore may not adhere to regular or prescribed timelines for monitoring students. Student welfare and safety is paramount to the institution; however, the University recognizes and makes known its limitations in obtaining accurate and timely information on the whereabouts of students.

The Dean of Students shall have the responsibility to make the provisions of this policy and the procedures set forth below available to students.

### **Notification of Missing Person**

Any report of a missing student, from whatever source, should immediately be directed to Northwestern State University Police.

When a student is reported missing University Police shall:

- initiate an investigation to determine the validity of the missing person report;
- contact the Dean of Students;
- make a determination as to the status of the missing student; and
- notify Natchitoches City Police or other appropriate law enforcement agencies within 24 hours after determining that the student is missing.

When contacted by University Police, the Dean of Students shall:

- notify the Director of Student Housing, the Vice President of Student Affairs, and the President's Office;
- if, on investigation of the official report, University Police determines that the student is missing, the Dean of Students will notify the individual identified by the missing student as the emergency contact within 24 hours of making the determination that the student is missing;
- if the missing student is under the age of 18, and not an emancipated individual, notify the student's custodial parent or guardian as contained in the records of the University within 24 hours of the determination that the student is missing.

The Dean of Students shall initiate whatever action he or she deems appropriate under the circumstances in the best interest of the missing student.

## Student Contact Information

Students residing on-campus shall be given the opportunity to identify and register a confidential contact person(s) to be notified in the case that the student is determined to be missing. Only authorized campus officials and law enforcement officers in furtherance of a missing person investigation may have access to this information. If a resident is under 18 years of age, and not an emancipated individual, the custodial parent or guardian must be the contact person.

Students will complete the Contact Information Form (Form A) at Freshmen Connection or when they move into campus housing (University Place, University Columns, and Varnado Hall). This form must be completed at the beginning of each lease term. It is the responsibility of the student to update any changes to contact information.

## Student Notification of This Policy

- Included on NSU Housing and Dean of Students Website.
- Discussed during Freshmen Connection, Parent Connection and Student Orientation classes.
- Discussed during beginning semester, mandatory housing meetings.
- Included in the annual Campus Security Report.
- Notices sent out to all residents by Campus Housing.

## Contact Information Form

In compliance with the Missing Student Procedures 20 USC 1092 (j) (Section 488 of the Higher Education Opportunity Act of 2008), it is the policy of Northwestern State University Student Affairs and University Police to investigate any report of a missing student who resides on-campus at Northwestern State University.

Students will receive and must complete the following form Contact Information Form at Freshman Connection or when they move into campus housing. This form must be completed at the beginning of each lease term. It is the responsibility of the student to update any changes to contact information. This form will be collected by your University Housing manager.

Each student living in an on-campus student housing facility has the option to identify an individual to be contacted by the university and register confidential contact information in the event that the student is determined to be missing for a period of more than 24 hours. Only authorized campus officials and law enforcement officers in furtherance of a missing person investigation may have access to this information.

## Form A

If the resident student is under 18 years of age, and not an emancipated individual, you must complete this form and your emergency contact must be a custodial parent or guardian.

Student's Name: \_\_\_\_\_

Student's CWI#: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Campus Housing Assignment: \_\_\_\_\_

(TO BE COMPLETED BY OFFICE STAFF)

### In Case Of Emergency

Contact \_\_\_\_\_ 2nd Contact \_\_\_\_\_

Address \_\_\_\_\_ Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_ City, State, Zip \_\_\_\_\_

Home Phone \_\_\_\_\_ Home Phone \_\_\_\_\_

Work Phone \_\_\_\_\_ Work Phone \_\_\_\_\_

Cell Phone \_\_\_\_\_ Cell Phone \_\_\_\_\_

E-mail Address \_\_\_\_\_ E-mail Address \_\_\_\_\_

\_\_\_\_\_ I do not wish to identify an emergency contact person in accordance with the Missing Student Notification Policy.

I have read the Northwestern State University Missing Student Policy and understand that the individual listed above will be contacted should I be deemed missing for more than 24 hours.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date



## 14. Procedures for On-Campus Disciplinary Action

Any member of the University community may file charges against any student or other member of the campus community for violence or other misconduct. Charges shall be prepared in writing and directed to the Director of Accountability & Student Conduct at 318-357-5286 or the Vice President of Student Experience & Dean of Students at 318-357-5285. Detailed filing and hearing procedures and regulations are listed in the Student Handbook. The complainant and the accused have the right to be assisted by any advisor they choose, at their own expense, and to have that advisor present during the hearing. Advisors may assist in preparation for the hearing and may have any other persons present that they wish; however, he/she is not permitted to speak for parties or otherwise participate directly in the hearing. Following the final decision of the hearing body, the complainant and/or victim and the accused will be informed of the determination and recommended sanctions, if any.

## 15. Campus Security Act and Higher Education Amendments of 1998 (Clery Act)

In compliance with the Campus Security Act, the University collects information on selected crimes: battery (aggravated and simple), burglary, homicide, manslaughter, motor vehicle theft, arson, sexual offenses (rape, fondling, incest, and statutory rape), dating violence, dating violence, stalking, and robbery (aggravated and simple). Also collected is the number of arrests for drug law, liquor law, and weapons law violations. This information is available to the public, to all students, faculty and staff, and to all prospective students and employees who request this information. The Act also requires colleges and universities to provide law enforcement and security information regarding each campus. Copies of NSU crime statistics can be viewed online at the University Police Department website or a hard copy can be picked up at the University Police Station.

In March of 2013 Violence Against Women Act Amendments (VAWA) were signed into law. The negotiated rulemaking process for these new amendments concluded in April of 2014 and is entered into final regulations after the rule making process with the results being made available in November of 2014. The amendments includes but is not limited to the recording statistics of Domestic Violence, Dating Violence, and Stalking. Also there are new policies

that have been implemented into the University community. Officials of Northwestern State University have received training on these new amendments and have enhanced our knowledge of the new amendments. Any significant changes will be made known the University Community and public upon request.

Unfounded Crimes will be added to each crime listed with the number of Unfounded Crimes listed in each group. Only sworn or commissioned law enforcement personnel may “unfound” a crime for purposes of reporting under this section. The recovery of stolen property, the refusal of the victim to cooperate with the prosecution or investigation, and failure to make an arrest do not “unfound” a crime.

Also you will or have seen new terms such as Confidential Advisor. This term is from a new Louisiana State Law that has recently passes called the Campus Accountability and Safety Act. This new state law also makes requirements of institutions in this state to adhere to its standards as well. New climate surveys and training programs are being developed for students of the University in compliance with this law. In addition attempts are being made to secure Memorandums of Understanding with local police jurisdictions of all Northwestern State University Campuses.

## 16. Crime Log

The UPD maintains a crime log on which is recorded each police report--criminal offense, traffic violation, and non-criminal incident; the gender, race, and status (student, non-student, employee, or unknown person) of the perpetrator(s); and the disposition of the report (arrest, misdemeanor summons, or referral to student judicial affairs). The log is updated each working day and is available to the public on request. Each of the University’s satellite campuses maintains crime logs of incidents/accidents on their campus and reports them directly to the University Police.

## 17. Procedures for Preparing the Annual Disclosure of Crime Statistics

An Officer with Northwestern State University Police Department reviews each police report and records those meeting the definitions of the Uniform Crime Report (UCR) mandated to be reported and records each by case numbers as to the UCR crime and the geographical area where the crime occurred. Any police report received from the Shreveport Police Department that involves students at an off-campus location of a student organization officially recognized by the University is managed in the same manner. Information from Campus Security Authorities is also evaluated and situations that meet the UCR definitions are recorded as well. Hate crimes and crimes reported on an anonymous, confidential basis that are mandated to be reported are also recorded in the same manner. Crimes are reported as having occurred in one of four categories: On-Campus, Residential Life Facilities, Public Areas, and Off-Campus. All Residential Life Facilities are located on-campus; however, residential life facilities are used to distinguish between academic and administrative buildings, campus grounds, and parking areas.

**On Campus** is defined as any building or property owned or controlled within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes and property within the same reasonably contiguous geographic area of the institution but controlled by another person, is used by students, and supports institutional purposes (such as food or other retail vendors.)

**Residential Life Facility** is defined as any building that houses students such residential apartment complexes.

**Public Area** is defined as any public property that is within the same reasonable contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to, the institution's educational purposes.

**Off Campus** is defined as any building or property owned or controlled by a student organization recognized by the institution and any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct

support of, or in relation to, the institution's educational purposes, is used by students and is not within the same reasonably contiguous geographic area of the institution. Policy concerning monitoring and recording through local police agencies criminal activity on which students engaged at off-campus locations of student organizations officially recognized by the University: Upon notification by the Natchitoches Police Department of a crime or crimes involving students at off-campus locations of student organizations officially recognized by the University, will contact the chief, Detective Division, Natchitoches Police Department (NPD) and establish protocol for exchange of information. The University Police Department will establish a case number for the incident in question. The crime or crimes will be reflected in the UPD's annual disclosure of crime statistics if it is a crime mandated to be reported.

### **Campus Security Authorities (CSA)**

A campus security authority has a significant responsibility for students and campus activities. The function of an NSU Campus Security Authority is to report allegations of Clery Act crimes that he/she receives to the campus police, security department, and/or the Title IX Office. CSAs are responsible for reporting allegations of Clery Act crimes that are reported to them. CSAs are not responsible for investigating or reporting incidents that they overhear students talking about in a hallway conversation; that a classmate or student mentions during an in-class discussion; that a victim mentions during a speech, workshop, or any other form of group presentation; or that the CSA otherwise learns about in an indirect manner. You are considered a CSA at NSU if your official responsibilities or job titles include:

- A dean of students who oversees student housing, a student center, or student extracurricular activities;
- A director of athletics, all athletic coaches (including part-time employees and graduate assistants);
- A faculty advisor to a student group;
- A student resident advisor or assistant;
- A student who monitors access to dormitories or buildings that are owned by

- recognized student organizations;
- A coordinator of Greek affairs;
  - A Title IX Coordinator;
  - An ombudsperson (including student ombudspersons);
  - A director of a campus health or counseling center;
  - Victim advocates or others who are responsible for providing victims with advocacy services, such as assisting with housing relocation, disciplinary action or court cases, etc.;
  - Members of a sexual assault response team (SART) or other sexual assault advocates;
  - Officers from local law enforcement who are contracted by the institution to provide campus safety-related services; and
  - Other individuals the university directs students and employees to report crimes to such as physicians in a campus health center; counselors, including peer counselors (except for professional or pastoral counselors); and health educators, including peer health educators.

If you suspect a crime has been, or is being committed, call the NSUPD immediately for a police response and so police can make a timely warning report to the University community, if necessary. Northwestern State University students, faculty, staff and visitors are encouraged to notify the NSUPD about any situation or incident in or around a Northwestern facility that involves a significant emergency or dangerous situation or that may involve an immediate or ongoing threat.

Safety is a shared responsibility among students, faculty and staff.

To help keep NSU Safe, the cooperation, involvement and support of all University community members is essential. Safety is a personal challenge as well as a community challenge. In addition to the following advice, individuals should carefully assess and modify their own behaviors and habits to lessen their vulnerability to unsafe conditions.

Prevent theft and protect your personal safety. Report any suspicious activity or person to the police immediately. Walk and jog with a friend. Use the best lit and most traveled walkways at night. Ask visitors to identify themselves before allowing them access to your residence. Keep a log of your property with photographs and serial numbers. Park your car in lighted areas.

Always lock the door where you live, even when leaving for a short period of time. Always lock your car, your bike and other valuables. When you return to your car, have the key ready to open the door. Never prop open the exterior doors to residential areas.

Don't let alcohol or other drugs fog your judgment. Always be fire safety conscious. Most of all be aware of your surroundings and consider making plans for emergencies before they arise.

## Crime Definitions

**Aggravated Assault:** An unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner, or the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness. This also includes assault with disease (as in cases when the offender is aware that he/she is infected with a deadly disease and deliberately attempts to inflict the disease and deliberately attempts to inflict the disease by biting, spitting, etc).

**Arson:** To unlawfully and intentionally damage, or attempt to damage, any real or personal property by fire or incendiary device.

**Burglary:** The unlawful entry into a building or other structure with the intent to commit a felony or a theft.

**Dating Violence:** The term dating violence means violence committed by a person-

1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. where the existence of such a relationship shall be determined based on the reporting party's statement with consideration of:
  - the length of the relationship
  - the type of relationship
  - the frequency of interaction between the persons involved in the relationship

**Domestic Violence:** The term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the



victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with victim as a spouse or intimate partner, by a person who is similarly situated to a spouse of the victim under the domestic violence laws of the jurisdiction in which the crime occurred, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Drug Law Violations:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine)

**Fondling:** The touching of the private area body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

**Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly or against that person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. Beginning in 2014, these reports, if any, are included in the Rape category

**Hate Crime:** A Crime reported to local police agencies or to a campus security authority that manifest evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purpose of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

**Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Larceny:** The unlawful taking, carrying, leading, or riding away of property from the possession of another person

**Liquor Law Violations:** The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition)

**Motor Vehicle Theft:** The theft of a motor vehicle.

Note: A “motor vehicle” is a self-propelled vehicle that runs on the surface of land and not on rails, and which includes automobiles, buses, recreational vehicles, trucks, motorcycles, motor scooters, trail bikes, mopeds, snowmobiles and golf carts.

**Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.

**Negligent Manslaughter:** The killing of another person through negligence.

**Rape (except “Statutory Rape”):** The carnal knowledge of a person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.

**Robbery:** The taking, or attempting to take, anything of value under confrontational circumstances from the control, custody, or care of another person by force or threat of force or violence and/or by putting the victim in fear of immediate harm.

**Sexual Assault With An Object:** To use an object or instrument to unlawfully penetrate, however slight, the genital or anal opening of the body of another person, forcibly and/or against that person’s will; or not forcibly or against that person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. Beginning in 2014, these reports, if any, are included in the Rape category.

**Stalking:** The term “stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to

1. fear for his or her safety or the safety of others
2. suffer substantial emotional distress

**Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent

**Weapon Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the afore mentioned.

Definitions from the Department of Justice of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

## Louisiana State Criminal Law Defines Sexual Assault in the following Ways:

### 14§41. Rape; defined

- A. Rape is the act of anal, oral, or vaginal sexual intercourse with a male or female person committed without the person's lawful consent.
- B. Emission is not necessary, and any sexual penetration, when the rape involves vaginal or anal intercourse, however slight, is sufficient to complete the crime.
- C. For purposes of this Subpart, "oral sexual intercourse" means the intentional engaging in any of the following acts with another person:
  - (1) The touching of the anus or genitals of the victim by the offender using the mouth or tongue of the offender.
  - (2) The touching of the anus or genitals of the offender by the victim using the mouth or tongue of the victim.

### 14§42. First degree rape

- A. First degree rape is a rape committed upon a person sixty-five years of age or older or where the anal, oral, or vaginal sexual intercourse is deemed to be without lawful consent of the victim because it is committed under any one or more of the following circumstances:
  - (1) When the victim resists the act to the utmost, but whose resistance is overcome by force.
  - (2) When the victim is prevented from resisting the act by threats of great and immediate bodily harm, accompanied by apparent power of execution.
  - (3) When the victim is prevented from resisting the act because the offender is armed with a dangerous weapon.
  - (4) When the victim is under the age of thirteen years. Lack of knowledge of the victim's age shall not be a defense.
  - (5) When two or more offenders participated in the act.
  - (6) When the victim is prevented from resisting the act because the victim suffers from a physical or mental infirmity preventing such resistance.
- B. For purposes of **Paragraph (5)**, "participate" shall mean:
  - (1) Commit the act of rape.
  - (2) Physically assist in the commission of such act.
- C. For purposes of this Section, the following words have the following meanings:
  - (1) "Physical infirmity" means a person who is a quadriplegic or paraplegic.

(2) “Mental infirmity” means a person with an intelligence quotient of seventy or lower.

**D.(1)** Whoever commits the crime of first degree rape shall be punished by life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence.

(2) However, if the victim was under the age of thirteen years, as provided by **Paragraph (A)(4)** of this Section:

(a) And if the district attorney seeks a capital verdict, the offender shall be punished by death or life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence, in accordance with the determination of the jury. The provisions of Code of Criminal Procedure Art. 782 relative to cases in which punishment may be capital shall apply.

(b) And if the district attorney does not seek a capital verdict, the offender shall be punished by life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence. The provisions of Code of Criminal Procedure Art. 782 relative to cases in which punishment is necessarily confinement at hard labor shall apply.

**E.** For all purposes, “aggravated rape” and “first degree rape” mean the offense defined by the provisions of this Section and any reference to the crime of aggravated rape is the same as a reference to the crime of first degree rape. Any act in violation of the provisions of this Section committed on or after August 1, 2015, shall be referred to as “first degree rape”.

#### **14§42.1. Second degree rape**

**A.** Second degree rape is rape committed when the anal, oral, or vaginal sexual intercourse is deemed to be without the lawful consent of the victim because it is committed under any one or more of the following circumstances:

(1) When the victim is prevented from resisting the act by force or threats of physical violence under circumstances where the victim reasonably believes that such resistance would not prevent the rape.

(2) When the victim is incapable of resisting or of understanding the nature of the act by reason of stupor or abnormal condition of the mind produced by a narcotic or anesthetic agent or other controlled dangerous substance administered by the offender and without the knowledge of the victim.

**B.** Whoever commits the crime of second degree rape shall be imprisoned at hard labor for not less than five nor more than forty years. At least two years of the sentence imposed shall be without benefit of probation, parole, or suspension of sentence.

**C.** For all purposes, “forcible rape” and “second degree rape” mean the offense defined by the provisions of this Section and any reference to the crime of forcible rape is the same as a

reference to the crime of second degree rape. Any act in violation of the provisions of this Section committed on or after August 1, 2015, shall be referred to as “second degree rape”.

#### **14§43. Third degree rape**

- A.** Third degree rape is a rape committed when the anal, oral, or vaginal sexual intercourse is deemed to be without the lawful consent of a victim because it is committed under any one or more of the following circumstances:
- (1) When the victim is incapable of resisting or of understanding the nature of the act by reason of a stupor or abnormal condition of mind produced by an intoxicating agent or any cause and the offender knew or should have known of the victim’s incapacity.
  - (2) When the victim, through unsoundness of mind, is temporarily or permanently incapable of understanding the nature of the act and the offender knew or should have known of the victim’s incapacity.
  - (3) When the victim submits under the belief that the person committing the act is someone known to the victim, other than the offender, and such belief is intentionally induced by any artifice, pretense, or concealment practiced by the offender.
  - (4) When the offender acts without the consent of the victim.
- B.** Whoever commits the crime of third degree rape shall be imprisoned at hard labor, without benefit of parole, probation, or suspension of sentence, for not more than twenty-five years.
- C.** For all purposes, “simple rape” and “third degree rape” mean the offense defined by the provisions of this Section and any reference to the crime of simple rape is the same as a reference to the crime of third degree rape. Any act in violation of the provisions of this Section committed on or after August 1, 2015, shall be referred to as “third degree rape”.

#### **14§43.1. Sexual battery**

- A.** Sexual battery is the intentional touching of the anus or genitals of the victim by the offender using any instrumentality or any part of the body of the offender, directly or through clothing, or the touching of the anus or genitals of the offender by the victim using any instrumentality or any part of the body of the victim, directly or through clothing, when any of the following occur:
- (1) The offender acts without the consent of the victim.
  - (2) The victim has not yet attained fifteen years of age and is at least three years younger than the offender.
  - (3) The offender is seventeen years of age or older and any of the following exist:



- (a) The act is without consent of the victim, and the victim is prevented from resisting the act because either of the following conditions exist:
    - (i) The victim has paraplegia, quadriplegia, or is otherwise physically incapable of preventing the act due to a physical disability.
    - (ii) The victim is incapable, through unsoundness of mind, of understanding the nature of the act, and the offender knew or should have known of the victim's incapacity.
  - (b) The act is without consent of the victim, and the victim is sixty-five years of age or older.
- B.** Lack of knowledge of the victim's age shall not be a defense. However, normal medical treatment or normal sanitary care shall not be construed as an offense under the provisions of this Section.
- C.(1)** Whoever commits the crime of sexual battery shall be punished by imprisonment, with or without hard labor, without benefit of parole, probation, or suspension of sentence, for not more than ten years.
- (2) Whoever commits the crime of sexual battery on a victim under the age of thirteen years when the offender is seventeen years of age or older shall be punished by imprisonment at hard labor for not less than twenty-five years nor more than ninety-nine years. At least twenty-five years of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.
  - (3) Whoever commits the crime of sexual battery by violating the provisions of **Paragraph (A)(3)** of this Section shall be imprisoned at hard labor for not less than twenty-five years nor more than ninety-nine years. At least twenty-five years of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.
  - (4) Upon completion of the term of imprisonment imposed in accordance with **Paragraphs (2) and (3)** of this Subsection, the offender shall be monitored by the Department of Public Safety and Corrections through the use of electronic monitoring equipment for the remainder of his natural life.
  - (5) Unless it is determined by the Department of Public Safety and Corrections, pursuant to rules adopted in accordance with the provisions of this Subsection, that a sexual offender is unable to pay all or any portion of such costs, each sexual offender to be electronically monitored shall pay the cost of such monitoring.
  - (6) The costs attributable to the electronic monitoring of an offender who has been determined unable to pay shall be borne by the department if, and only to the degree

that, sufficient funds are made available for such purpose whether by appropriation of state funds or from any other source.

- (7) The Department of Public Safety and Corrections shall develop, adopt, and promulgate rules in the manner provided in the Administrative Procedure Act that provide for the payment of such costs. Such rules shall contain specific guidelines which shall be used to determine the ability of the offender to pay the required costs and shall establish the reasonable costs to be charged. Such rules may provide for a sliding scale of payment so that an offender who is able to pay a portion, but not all, of such costs may be required to pay such portion.

#### **14§43.1.1. Misdemeanor sexual battery**

- A. Misdemeanor sexual battery is the intentional touching of the breasts or buttocks of the victim by the offender using any instrumentality or any part of the body of the offender, directly or through clothing, or the intentional touching of the breasts or buttocks of the offender by the victim using any instrumentality or any part of the body of the victim, directly or through clothing, when the offender acts without the consent of the victim.
- B. Whoever commits the crime of misdemeanor sexual battery shall be fined not more than one thousand dollars, or imprisoned for not more than six months, or both.
- C. The offender shall not be eligible to have his conviction set aside and his prosecution dismissed in accordance with Code of Criminal Procedure Article 894.
- D. The offender shall not be subject to any provisions of law that are applicable to sex offenders, including but not limited to any provision that requires the registration of the offender and notice to the public.

#### **14§43.2. Second degree sexual battery**

- A. Second degree sexual battery is the intentional engaging in any of the following acts with another person when the offender intentionally inflicts serious bodily injury on the victim:
- (1) The touching of the anus or genitals of the victim by the offender using any instrumentality or any part of the body of the offender; or
  - (2) The touching of the anus or genitals of the offender by the victim using any instrumentality or any part of the body of the victim.
- B. For the purposes of this Section, serious bodily injury means bodily injury which involves unconsciousness, extreme physical pain or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death.

- C.(1)** Whoever commits the crime of second degree sexual battery shall be punished by imprisonment, with or without hard labor, without benefit of parole, probation, or suspension of sentence, for not more than fifteen years.
- (2)** Whoever commits the crime of second degree sexual battery on a victim under the age of thirteen years when the offender is seventeen years of age or older shall be punished by imprisonment at hard labor for not less than twenty-five years nor more than ninety-nine years. At least twenty-five years of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.
- (3)** Any person who is seventeen years of age or older who commits the crime of second degree sexual battery shall be punished by imprisonment at hard labor for not less than twenty-five nor more than ninety-nine years, at least twenty-five years of the sentence imposed being served without benefit of parole, probation, or suspension of sentence, when any of the following conditions exist:
- (a)** The victim has paraplegia, quadriplegia, or is otherwise physically incapable of preventing the act due to a physical disability.
- (b)** The victim is incapable, through unsoundness of mind, of understanding the nature of the act, and the offender knew or should have known of the victim's incapacity.
- (c)** The victim is sixty-five years of age or older.
- (4) - (6)** Repealed by Acts 2011, No. 67, §2.
- D.(1)** Upon completion of the term of imprisonment imposed in accordance with **Paragraphs (C)(2)** and **(3)** of this Section, the offender shall be monitored by the Department of Public Safety and Corrections through the use of electronic monitoring equipment for the remainder of his natural life.
- (2)** Unless it is determined by the Department of Public Safety and Corrections, pursuant to rules adopted in accordance with the provisions of this Subsection, that a sexual offender is unable to pay all or any portion of such costs, each sexual offender to be electronically monitored shall pay the cost of such monitoring.
- (3)** The costs attributable to the electronic monitoring of an offender who has been determined unable to pay shall be borne by the department if, and only to the degree that, sufficient funds are made available for such purpose whether by appropriation of state funds or from any other source.
- (4)** The Department of Public Safety and Corrections shall develop, adopt, and promulgate rules in the manner provided in the Administrative Procedure Act that provide for the payment of such costs. Such rules shall contain specific guidelines which shall be used to determine the ability of the offender to pay the required costs

and shall establish the reasonable costs to be charged. Such rules may provide for a sliding scale of payment so that an offender who is able to pay a portion, but not all, of such costs may be required to pay such portion.

### 14§43.3. Oral sexual battery

- A.** Oral sexual battery is the intentional touching of the anus or genitals of the victim by the offender using the mouth or tongue of the offender, or the touching of the anus or genitals of the offender by the victim using the mouth or tongue of the victim, when any of the following occur:
- (1) The victim, who is not the spouse of the offender, is under the age of fifteen years and is at least three years younger than the offender.
  - (2) The offender is seventeen years of age or older and any of the following exist:
    - (a) The act is without the consent of the victim, and the victim is prevented from resisting the act because either of the following conditions exist:
      - (i) The victim has paraplegia, quadriplegia, or is otherwise physically incapable of preventing the act due to a physical disability.
      - (ii) The victim is incapable, through unsoundness of mind, of understanding the nature of the act, and the offender knew or should have known of the victim's incapacity.
    - (b) The act is without the consent of the victim, and the victim is sixty-five years of age or older.
- B.** Lack of knowledge of the victim's age shall not be a defense.
- C.(1)** Whoever commits the crime of oral sexual battery shall be punished by imprisonment, with or without hard labor, without benefit of parole, probation, or suspension of sentence, for not more than ten years.
- (2) Whoever commits the crime of oral sexual battery on a victim under the age of thirteen years when the offender is seventeen years of age or older shall be punished by imprisonment at hard labor for not less than twenty-five years nor more than ninety-nine years. At least twenty-five years of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.
  - (3) Whoever commits the crime of oral sexual battery by violating the provisions of **Paragraph (A)(2)** of this Section shall be imprisoned at hard labor for not less than twenty-five years nor more than ninety-nine years. At least twenty-five years of the sentence imposed shall be served without parole, probation, or suspension of sentence.
  - (4) - (6) Repealed by Acts 2011, No. 67, §2.

- D.(1)** Upon completion of the term of imprisonment imposed in accordance with **Paragraphs (C)(2) and (3)** of this Section, the offender shall be monitored by the Department of Public Safety and Corrections through the use of electronic monitoring equipment for the remainder of his natural life.
- (2)** Unless it is determined by the Department of Public Safety and Corrections, pursuant to rules adopted in accordance with the provisions of this Subsection, that a sexual offender is unable to pay all or any portion of such costs, each sexual offender to be electronically monitored shall pay the cost of such monitoring.
- (3)** The costs attributable to the electronic monitoring of an offender who has been determined unable to pay shall be borne by the department if, and only to the degree that, sufficient funds are made available for such purpose whether by appropriation of state funds or from any other source.
- (4)** The Department of Public Safety and Corrections shall develop, adopt, and promulgate rules in the manner provided in the Administrative Procedure Act, that provide for the payment of such costs. Such rules shall contain specific guidelines which shall be used to determine the ability of the offender to pay the required costs and shall establish the reasonable costs to be charged. Such rules may provide for a sliding scale of payment so that an offender who is able to pay a portion, but not all, of such costs may be required to pay such portion.

## Louisiana Laws for Domestic Violence

### 14§35.3. Domestic abuse battery

- A.** Domestic abuse battery is the intentional use of force or violence committed by one household member or family member upon the person of another household member or family member.
- B.** For purposes of this Section:
- (1)** “Burning” means an injury to flesh or skin caused by heat, electricity, friction, radiation, or any other chemical or thermal reaction.
- (2)** “Community service activities” as used in this Section may include duty in any morgue, coroner’s office, or emergency treatment room of a state-operated hospital or other state-operated emergency treatment facility, with the consent of the administrator of the morgue, coroner’s office, hospital, or facility.
- (3)** “Court-monitored domestic abuse intervention program” means a program, comprised of a minimum of twenty-six in-person sessions occurring over a minimum of twenty-six weeks, that follows a model designed specifically for perpetrators of

domestic abuse. The offender's progress in the program shall be monitored by the court. The provider of the program shall have all of the following:

- (a) Experience in working directly with perpetrators and victims of domestic abuse.
  - (b) Experience in facilitating batterer intervention groups.
  - (c) Training in the causes and dynamics of domestic violence, characteristics of batterers, victim safety, and sensitivity to victims.
- (4) "Family member" means spouses, former spouses, parents, children, stepparents, stepchildren, foster parents, and foster children.
  - (5) "Household member" means any person presently or formerly living in the same residence with the offender and who is involved or has been involved in a sexual or intimate relationship with the offender, or any child presently or formerly living in the same residence with the offender, or any child of the offender regardless of where the child resides.
  - (6) "Serious bodily injury" means bodily injury that involves unconsciousness, extreme physical pain, or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death.
  - (7) "Strangulation" means intentionally impeding the normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of the victim.
- C.** On a first conviction, notwithstanding any other provision of law to the contrary, the offender shall be fined not less than three hundred dollars nor more than one thousand dollars and shall be imprisoned for not less than thirty days nor more than six months. At least forty-eight hours of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence. Imposition or execution of the remainder of the sentence shall not be suspended unless either of the following occurs:
- (1) The offender is placed on probation with a minimum condition that he serve four days in jail and complete a court-monitored domestic abuse intervention program, and the offender shall not own or possess a firearm throughout the entirety of the sentence.
  - (2) The offender is placed on probation with a minimum condition that he perform eight, eight-hour days of court-approved community service activities and complete a court-monitored domestic abuse intervention program, and the offender shall not own or possess a firearm throughout the entirety of the sentence.
- D.** On a conviction of a second offense, notwithstanding any other provision of law to the contrary, regardless of whether the second offense occurred before or after the first



conviction, the offender shall be fined not less than seven hundred fifty dollars nor more than one thousand dollars and shall be imprisoned with or without hard labor for not less than sixty days nor more than one year. At least fourteen days of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence, and the offender shall be required to complete a court-monitored domestic abuse intervention program. Imposition or execution of the remainder of the sentence shall not be suspended unless either of the following occurs:

- (1) The offender is placed on probation with a minimum condition that he serve thirty days in jail and complete a court-monitored domestic abuse intervention program, and the offender shall not own or possess a firearm throughout the entirety of the sentence.
  - (2) The offender is placed on probation with a minimum condition that he perform thirty eight-hour days of court-approved community service activities and complete a court-monitored domestic abuse intervention program, and the offender shall not own or possess a firearm throughout the entirety of the sentence.
- E.** On a conviction of a third offense, notwithstanding any other provision of law to the contrary and regardless of whether the offense occurred before or after an earlier conviction, the offender shall be imprisoned with or without hard labor for not less than one year nor more than five years and shall be fined two thousand dollars. The first year of the sentence of imprisonment shall be imposed without benefit of probation, parole, or suspension of sentence.
- F.(1)** Except as otherwise provided in **Paragraph (2)** of this Subsection, on a conviction of a fourth or subsequent offense, notwithstanding any other provision of law to the contrary and regardless of whether the fourth offense occurred before or after an earlier conviction, the offender shall be imprisoned with hard labor for not less than ten years nor more than thirty years and shall be fined five thousand dollars. The first three years of the sentence of imprisonment shall be imposed without benefit of probation, parole, or suspension of sentence.
- (2) If the offender has previously received the benefit of suspension of sentence, probation, or parole as a fourth or subsequent offender, no part of the sentence may be imposed with benefit of suspension of sentence, probation, or parole, and no portion of the sentence shall be imposed concurrently with the remaining balance of any sentence to be served for a prior conviction for any offense.
- G.(1)** For purposes of determining whether an offender has a prior conviction for violation of this Section, a conviction under this Section, or a conviction under the laws of any state or an ordinance of a municipality, town, or similar political subdivision of another state

which prohibits the intentional use of force or violence committed by one household member, family member, or dating partner upon another household member, family member, or dating partner shall constitute a prior conviction.

(2) For purposes of this Section, a prior conviction shall not include a conviction for an offense under this Section if the date of completion of sentence, probation, parole, or suspension of sentence is more than ten years prior to the commission of the crime with which the offender is charged, and such conviction shall not be considered in the assessment of penalties hereunder. However, periods of time during which the offender was incarcerated in a penal institution in this or any other state shall be excluded in computing the ten-year period.

- H. An offender ordered to complete a court-monitored domestic abuse intervention program required by the provisions of this Section shall pay the cost incurred in participation in the program. Failure to make such payment shall subject the offender to revocation of probation, unless the court determines that the offender is unable to pay.
- I. This Subsection shall be cited as the “Domestic Abuse Child Endangerment Law”. Notwithstanding any provision of law to the contrary, when the state proves, in addition to the elements of the crime as set forth in Subsection A of this Section, that a minor child thirteen years of age or younger was present at the residence or any other scene at the time of the commission of the offense, the offender, in addition to any other penalties imposed pursuant to this Section, shall be imprisoned at hard labor for not more than three years.
- J. Any crime of violence, as defined in R.S. 14:2(B), against a person committed by one household member against another household member, shall be designated as an act of domestic abuse for consideration in any civil or criminal proceeding.
- K. Notwithstanding any provision of law to the contrary, if the victim of domestic abuse battery is pregnant and the offender knows that the victim is pregnant at the time of the commission of the offense, the offender, in addition to any other penalties imposed pursuant to this Section, shall be imprisoned at hard labor for not more than three years.
- L. Notwithstanding any provision of law to the contrary, if the domestic abuse battery involves strangulation, the offender, in addition to any other penalties imposed pursuant to this Section, shall be imprisoned at hard labor for not more than three years.
- M.(1) Notwithstanding any provision of law to the contrary, if the domestic abuse battery is committed by burning, the offender, in addition to any other penalties imposed pursuant to this Section, shall be imprisoned at hard labor for not more than three years.
  - (2) If the burning results in serious bodily injury, the offense shall be classified as a crime of violence, and the offender, in addition to any other penalties imposed pursuant to

this Section, shall be imprisoned at hard labor for not less than five nor more than fifty years without benefit of probation, parole, or suspension of sentence.

- N.** Except as provided in **Paragraph (M)(2)** of this Section, if the offender intentionally inflicts serious bodily injury, the offender, in addition to any other penalties imposed pursuant to this Section, shall be imprisoned at hard labor for not more than eight years.

#### **14§37.7. Domestic abuse aggravated assault**

- A.** Domestic abuse aggravated assault is an assault with a dangerous weapon committed by one household member or family member upon another household member or family member.
- B.** For purposes of this Section:
- (1)** “Family member” means spouses, former spouses, parents, children, stepparents, stepchildren, foster parents, and foster children.
  - (2)** “Household member” means any person presently or formerly living in the same residence with the offender and who is involved or has been involved in a sexual or intimate relationship with the offender, or any child presently or formerly living in the same residence with the offender, or any child of the offender regardless of where the child resides.
- C.** Whoever commits the crime of domestic abuse aggravated assault shall be imprisoned at hard labor for not less than one year nor more than five years and fined not more than five thousand dollars.
- D.** This Subsection shall be cited as the “Domestic Abuse Aggravated Assault Child Endangerment Law”. When the state proves, in addition to the elements of the crime as set forth in Subsection A of this Section, that a minor child thirteen years of age or younger was present at the residence or any other scene at the time of the commission of the offense, the mandatory minimum sentence imposed by the court shall be two years imprisonment at hard labor without benefit of parole, probation, or suspension of sentence.

## **Louisiana Laws for Stalking**

### **14§40.2. Stalking**

- A.** Stalking is the intentional and repeated following or harassing of another person that would cause a reasonable person to feel alarmed or to suffer emotional distress. Stalking shall include but not be limited to the intentional and repeated uninvited presence of the perpetrator at another person’s home, workplace, school, or any place which would cause

a reasonable person to be alarmed, or to suffer emotional distress as a result of verbal, written, or behaviorally implied threats of death, bodily injury, sexual assault, kidnapping, or any other statutory criminal act to himself or any member of his family or any person with whom he is acquainted.

- B.(1)(a)** Notwithstanding any law to the contrary, on first conviction, whoever commits the crime of stalking shall be fined not less than five hundred dollars nor more than one thousand dollars and shall be imprisoned for not less than thirty days nor more than one year. Notwithstanding any other sentencing provisions, any person convicted of stalking shall undergo a psychiatric evaluation. Imposition of the sentence shall not be suspended unless the offender is placed on probation and participates in a court-approved counseling which could include but shall not be limited to anger management, abusive behavior intervention groups, or any other type of counseling deemed appropriate by the courts.
- (b)** Whoever commits the crime of stalking against a victim under the age of eighteen when the provisions of **Paragraph (6)** of this Subsection are not applicable shall be imprisoned for not more than three years, with or without hard labor, and fined not more than two thousand dollars, or both.
- (2)(a)** Any person who commits the offense of stalking and who is found by the trier of fact, whether the jury at a jury trial, the judge in a bench trial, or the judge at a sentencing hearing following a jury trial, beyond a reasonable doubt to have placed the victim of the stalking in fear of death or bodily injury by the actual use of or the defendant's having in his possession during the instances which make up the crime of stalking a dangerous weapon or is found beyond a reasonable doubt to have placed the victim in reasonable fear of death or bodily injury, shall be imprisoned for not less than one year nor more than five years, with or without hard labor, without benefit of probation, parole, or suspension of sentence and may be fined one thousand dollars, or both. Whether or not the defendant's use of or his possession of the dangerous weapon is a crime or, if a crime, whether or not he is charged for that offense separately or in addition to the crime of stalking shall have no bearing or relevance as to the enhanced sentence under the provisions of this Paragraph.
- (b)** If the victim is under the age of eighteen, and when the provisions of **Paragraph (6)** of this Subsection are not applicable, the offender shall be imprisoned for not less than two years nor more than five years, with or without hard labor, without benefit of probation, parole, or suspension of sentence and may be fined not less than one thousand nor more than two thousand dollars, or both.

- (3) Any person who commits the offense of stalking against a person for whose benefit a protective order, a temporary restraining order, or any lawful order prohibiting contact with the victim issued by a judge or magistrate is in effect in either a civil or criminal proceeding, protecting the victim of the stalking from acts by the offender which otherwise constitute the crime of stalking, shall be punished by imprisonment with or without hard labor for not less than ninety days and not more than two years or fined not more than five thousand dollars, or both.
- (4) Upon a second conviction occurring within seven years of a prior conviction for stalking, the offender shall be imprisoned with or without hard labor for not less than five years nor more than twenty years, without benefit of probation, parole, or suspension of sentence, and may be fined not more than five thousand dollars, or both.
- (5) Upon a third or subsequent conviction, the offender shall be imprisoned with or without hard labor for not less than ten years and not more than forty years and may be fined not more than five thousand dollars, or both.
- (6)(a) Any person thirteen years of age or older who commits the crime of stalking against a child twelve years of age or younger and who is found by the trier of fact, whether the jury at a jury trial, the judge in a bench trial, or the judge at a sentencing hearing following a jury trial, beyond a reasonable doubt to have placed the child in reasonable fear of death or bodily injury, or in reasonable fear of the death or bodily injury of a family member of the child shall be punished by imprisonment with or without hard labor for not less than one year and not more than three years and fined not less than fifteen hundred dollars and not more than five thousand dollars, or both.
- (b) Lack of knowledge of the child's age shall not be a defense.
- C. For the purposes of this Section, the following words shall have the following meanings:
- (1) "Harassing" means the repeated pattern of verbal communications or nonverbal behavior without invitation which includes but is not limited to making telephone calls, transmitting electronic mail, sending messages via a third party, or sending letters or pictures.
- (2) "Pattern of conduct" means a series of acts over a period of time, however short, evidencing an intent to inflict a continuity of emotional distress upon the person. Constitutionally protected activity is not included within the meaning of pattern of conduct.
- D. As used in this Section, when the victim of the stalking is a child twelve years old or younger:

- (1) “Pattern of conduct” includes repeated acts of nonconsensual contact involving the victim or a family member.
  - (2) “Family member” includes:
    - (a) A child, parent, grandparent, sibling, uncle, aunt, nephew, or niece of the victim, whether related by blood, marriage, or adoption.
    - (b) A person who lives in the same household as the victim.
  - (3)(a) “Nonconsensual contact” means any contact with a child twelve years old or younger that is initiated or continued without that child’s consent, that is beyond the scope of the consent provided by that child, or that is in disregard of that child’s expressed desire that the contact be avoided or discontinued.
    - (b) “Nonconsensual contact” includes:
      - (i) Following or appearing within the sight of that child.
      - (ii) Approaching or confronting that child in a public place or on private property.
      - (iii) Appearing at the residence of that child.
      - (iv) Entering onto or remaining on property occupied by that child.
      - (v) Contacting that child by telephone.
      - (vi) Sending mail or electronic communications to that child.
      - (vii) Placing an objection, or delivering an object to, property occupied by that child.
    - (c) “Nonconsensual contact” does not include any otherwise lawful act by a parent, tutor, caretaker, mandatory reporter, or other person having legal custody of the child as those terms are defined in the Louisiana Children’s Code.
  - (4) “Victim” means the child who is the target of the stalking.
- E.** Whenever it is deemed appropriate for the protection of the victim, the court may send written notice to any employer of a person convicted for a violation of the provisions of this Section describing the conduct on which the conviction was based.
- F.(1)(a)** Upon motion of the district attorney or on the court’s own motion, whenever it is deemed appropriate for the protection of the victim, the court may, in addition to any penalties imposed pursuant to the provisions of this Section, grant a protective order which directs the defendant to refrain from abusing, harassing, interfering with the victim or the employment of the victim, or being physically present within a certain distance of the victim.
- (b) For any defendant placed on probation for a violation of the provisions of this Section, the court shall, in addition to any penalties imposed pursuant to the provisions of this Section, grant a protective order which directs the defendant to



- refrain from abusing, harassing, interfering with the victim or the employment of the victim, or being physically present within a certain distance of the victim.
- (2) Any protective order granted pursuant to the provisions of this Subsection shall be served on the defendant at the time of sentencing.
- (3)(a) The court shall order that the protective order be effective either for an indefinite period of time or for a fixed term which shall not exceed eighteen months.
- (b) If the court grants the protective order for an indefinite period of time pursuant to **Subparagraph (a)** of this Paragraph, after a hearing, on the motion of any party and for good cause shown, the court may modify the indefinite effective period of the protective order to be effective for a fixed term, not to exceed eighteen months, or to terminate the effectiveness of the protective order. A motion to modify or terminate the effectiveness of the protective order may be granted only after a good faith effort has been made to provide reasonable notice of the hearing to the victim, the victim's designated agent, or the victim's counsel, and either of the following occur:
- (i) The victim, the victim's designated agent, or the victim's counsel is present at the hearing or provides written waiver of such appearance.
- (ii) After a good faith effort has been made to provide reasonable notice of the hearing, the victim could not be located.
- (4)(a) Immediately upon granting a protective order, the court shall cause to have prepared a Uniform Abuse Prevention Order, as provided in R.S. 46:2136.2, shall sign such order, and shall forward it to the clerk of court for filing, without delay.
- (b) The clerk of the issuing court shall send a copy of the Uniform Abuse Prevention Order or any modification thereof to the chief law enforcement official of the parish where the victim resides. A copy of the Uniform Abuse Prevention Order shall be retained on file in the office of the chief law enforcement officer as provided in this Subparagraph until otherwise directed by the court.
- (c) The clerk of the issuing court shall transmit the Uniform Abuse Prevention Order, or any modification thereof, to the Louisiana Protective Order Registry pursuant to R.S. 46:2136.2, by facsimile transmission, mail, or direct electronic input, where available, as expeditiously as possible, but no later than the end of the next business day after the order is filed with the clerk of court.
- (5) If a protective order is issued pursuant to the provisions of this Subsection, the court shall also order that the defendant be prohibited from possessing a firearm for the duration of the Uniform Abuse Prevention Order.

- G.(1)** Except as provided in **Paragraph (2)** of this Subsection, the provisions of this Section shall not apply to a private investigator licensed pursuant to the provisions of Chapter 56 of Title 37 of the Louisiana Revised Statutes of 1950, acting during the course and scope of his employment and performing his duties relative to the conducting of an investigation.
- (2)** The exception provided in **Paragraph (1)** of this Subsection does not apply if both of the following conditions apply:
- (a)** The private investigator was retained by a person who is charged with an offense involving sexual assault as defined by R.S. 46:2184 or who is subject to a temporary restraining order or protective order obtained by a victim of sexual assault pursuant to R.S. 46:2182 et seq.
  - (b)** The private investigator was retained for the purpose of harassing the victim.
- H.** The provisions of this Section shall not apply to an investigator employed by an authorized insurer regulated pursuant to the provisions of Title 22 of the Louisiana Revised Statutes of 1950, acting during the course and scope of his employment and performing his duties relative to the conducting of an insurance investigation.
- I.** The provisions of this Section shall not apply to an investigator employed by an authorized self-insurance group or entity regulated pursuant to the provisions of Chapter 10 of Title 23 of the Louisiana Revised Statutes of 1950, acting during the course and scope of his employment and performing his duties relative to the conducting of an insurance investigation.

### **14§40.3. Cyberstalking**

- A.** For the purposes of this Section, the following words shall have the following meanings:
- (1)** “Electronic communication” means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature, transmitted in whole or in part by wire, radio, computer, electromagnetic, photoelectric, or photo-optical system.
  - (2)** “Electronic mail” means the transmission of information or communication by the use of the Internet, a computer, a facsimile machine, a pager, a cellular telephone, a video recorder, or other electronic means sent to a person identified by a unique address or address number and received by that person.
- B.** Cyberstalking is action of any person to accomplish any of the following:
- (1)** Use in electronic mail or electronic communication of any words or language threatening to inflict bodily harm to any person or to such person’s child, sibling, spouse, or dependent, or physical injury to the property of any person, or for the purpose of extorting money or other things of value from any person.

- (2) Electronically mail or electronically communicate to another repeatedly, whether or not conversation ensues, for the purpose of threatening, terrifying, or harassing any person.
  - (3) Electronically mail or electronically communicate to another and to knowingly make any false statement concerning death, injury, illness, disfigurement, indecent conduct, or criminal conduct of the person electronically mailed or of any member of the person's family or household with the intent to threaten, terrify, or harass.
  - (4) Knowingly permit an electronic communication device under the person's control to be used for the taking of an action in **Paragraph (1), (2), or (3)** of this Subsection.
- C.(1)** Whoever commits the crime of cyberstalking shall be fined not more than two thousand dollars, or imprisoned for not more than one year, or both.
- (2) Upon a second conviction occurring within seven years of the prior conviction for cyberstalking, the offender shall be imprisoned for not less than one hundred and eighty days and not more than three years, and may be fined not more than five thousand dollars, or both.
  - (3) Upon a third or subsequent conviction occurring within seven years of a prior conviction for stalking, the offender shall be imprisoned for not less than two years and not more than five years and may be fined not more than five thousand dollars, or both.
- (4)(a)** In addition, the court shall order that the personal property used in the commission of the offense shall be seized and impounded, and after conviction, sold at public sale or public auction by the district attorney in accordance with R.S. 15:539.1.
- (b)** The personal property made subject to seizure and sale pursuant to **Subparagraph (a)** of this Paragraph may include, but shall not be limited to, electronic communication devices, computers, computer related equipment, motor vehicles, photographic equipment used to record or create still or moving visual images of the victim that are recorded on paper, film, video tape, disc, or any other type of digital recording media.
- D.** Any offense under this Section committed by the use of electronic mail or electronic communication may be deemed to have been committed where the electronic mail or electronic communication was originally sent, originally received, or originally viewed by any person.
- E.** This Section does not apply to any peaceable, nonviolent, or nonthreatening activity intended to express political views or to provide lawful information to others.

## Louisiana Drug Laws

### **40§966. Penalty for distribution or possession with intent to distribute narcotic drugs listed in Schedule I; possession of marijuana, possession of synthetic cannabinoids, possession of heroin**

- A.** Manufacture; distribution. Except as authorized by this Part, it shall be unlawful for any person knowingly or intentionally:
- (1) To produce, manufacture, distribute or dispense or possess with intent to produce, manufacture, distribute, or dispense, a controlled dangerous substance or controlled substance analogue classified in Schedule I;
  - (2) To create, distribute, or possess with intent to distribute, a counterfeit controlled dangerous substance classified in Schedule I.
- B.** Violations of Subsection A. Any person who violates Subsection A of this Section with respect to:
- (1) Except as otherwise provided in **Paragraphs (2) and (3)** of this Subsection, a substance classified in Schedule I, upon conviction for an amount of:
    - (a) An aggregate weight of less than twenty-eight grams, shall be imprisoned, with or without hard labor, for not less than one year nor more than ten years and may, in addition, be required to pay a fine of not more than fifty thousand dollars.
    - (b) An aggregate weight of twenty-eight grams or more, shall be imprisoned at hard labor for not less than one year nor more than twenty years and may, in addition, be required to pay a fine of not more than fifty thousand dollars.
  - (2) A substance classified in Schedule I which is marijuana, tetrahydrocannabinols, or chemical derivatives of tetrahydrocannabinols, or synthetic cannabinoids for an amount of:
    - (a) An aggregate weight of less than two and one half pounds, shall be imprisoned, with or without hard labor, for not less than one year nor more than ten years, and pay a fine of not more than fifty thousand dollars.
    - (b) An aggregate weight of two and one half pounds or more, shall be imprisoned at hard labor for not less than one year nor more than twenty years and pay a fine of not more than fifty thousand dollars.
  - (3) A substance classified in Schedule I that is the narcotic drug heroin or a mixture or substance containing a detectable amount of heroin or of its analogues or a mixture or substance containing a detectable amount of heroin or its analogues, or fentanyl or a mixture of substances containing a detectable amount of fentanyl or its analogues, upon conviction for any amount, shall be imprisoned at hard labor for not less than

five years or more than forty years and may, in addition, be required to pay a fine of not more than fifty thousand dollars.

- c. Possession.** It is unlawful for any person knowingly or intentionally to possess a controlled dangerous substance classified in Schedule I unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner or as provided in R.S. 40:978, while acting in the course of his professional practice, or except as otherwise authorized by this Part. Any person who violates this Subsection with respect to:
- (1) Except as otherwise provided in **Paragraphs (2), (3), and (4)** of this Subsection, a substance classified in Schedule I for an amount of:
    - (a) An aggregate weight of less than two grams, shall be imprisoned, with or without hard labor, for not more than two years and may, in addition, be required to pay a fine of not more than five thousand dollars.
    - (b) An aggregate weight of two grams or more but less than twenty-eight grams, shall be imprisoned, with or without hard labor, for not less than one year nor more than ten years and may, in addition, be required to pay a fine of not more than five thousand dollars.
  - (2) A substance classified in Schedule I that is marijuana, tetrahydrocannabinol, or chemical derivatives thereof, shall be punished as follows:
    - (a) On a first conviction, wherein the offender possesses fourteen grams or less, the offender shall be fined not more than three hundred dollars, imprisoned in the parish jail for not more than fifteen days, or both.
    - (b) On a first conviction, wherein the offender possesses more than fourteen grams, the offender shall be fined not more than five hundred dollars, imprisoned in the parish jail for not more than six months, or both.
    - (c) Any person who has been sentenced under the provisions of Subparagraph (a) or (b) of this Paragraph and who has not been convicted of any other violation of a statute or ordinance prohibiting the possession of marijuana for a period of two years from the date of completion of sentence, probation, parole, or suspension of sentence shall not have the conviction used as a predicate conviction for enhancement purposes. The provisions of this Paragraph shall occur only once with respect to any person.
    - (d) On a second conviction the offender shall be fined not more than one thousand dollars, imprisoned in the parish jail for not more than six months, or both.
    - (e)(i) On a third conviction the offender shall be sentenced to imprisonment, with or without hard labor, for not more than two years, shall be fined not more than two thousand five hundred dollars.

- (ii) If the court places the offender on probation, the probation shall provide for a minimum condition that he participate in a court-approved substance abuse program and perform four eight-hour days of court-approved community service activities. Any costs associated with probation shall be paid by the offender.
  - (f)(i) On a fourth or subsequent conviction the offender shall be sentenced to imprisonment with or without hard labor for not more than eight years, shall be fined not more than five thousand dollars, or both.
    - (ii) If the court places the offender on probation, the probation shall provide for a minimum condition that he participate in a court-approved substance abuse program and perform four eight-hour days of court-approved community service activities. Any costs associated with probation shall be paid by the offender.
  - (g) Except as provided in Subparagraph (c) of this Paragraph, a conviction for the violation of any other statute or ordinance with the same elements as Subsection C of this Section prohibiting the possession of marijuana, tetrahydrocannabinol or chemical derivatives thereof, shall be considered as a prior conviction for the purposes of this Subsection relating to penalties for second, third, or subsequent offenders.
  - (h) Except as provided in Subparagraph (c) of this Paragraph, a conviction for the violation of any other statute or ordinance with the same elements as Paragraph (B)(2) of this Section prohibiting the distributing or dispensing or possession with intent to distribute or dispense marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids shall be considered as a prior conviction for the purposes of this Subsection relating to penalties for second, third, or subsequent offenders.
- (3) A substance classified in Schedule I which is a synthetic cannabinoid, the offender shall be punished as follows:
- (a) On a first conviction, the offender shall be fined not more than five hundred dollars, imprisoned for not more than six months, or both.
  - (b) On a second conviction, the offender shall be fined not less than two hundred fifty dollars nor more than two thousand dollars, imprisoned with or without hard labor for not more than five years, or both.
  - (c) On a third or subsequent conviction, the offender shall be sentenced to imprisonment at hard labor for not more than twenty years, and may, in addition, be fined not more than five thousand dollars.



- (d) A conviction for the violation of any other provision of law or ordinance with the same elements as this Subsection prohibiting the possession of synthetic cannabinoids shall be considered a prior conviction for the purposes of this Paragraph relating to penalties for second, third, or subsequent offenses.
  - (e) A conviction for the violation of any other provision of law or ordinance with the same elements as **Paragraph (B)(2)** of this Section prohibiting the distributing or dispensing or possession with intent to distribute or dispense synthetic cannabinoids shall be considered a prior conviction for the purposes of this Paragraph relating to penalties for second, third, or subsequent offenses.
  - (f) If the court places the offender on probation, the probation shall provide for a minimum condition that he participate in a court-approved substance abuse program and perform four eight-hour days of court-approved community service activities. Any costs associated with probation shall be paid by the offender.
- (4) A substance classified in Schedule I that is the narcotic drug heroin or a mixture or substance containing a detectable amount of heroin or of its analogues, or fentanyl or a mixture or substance containing a detectable amount of fentanyl or its analogues, upon conviction for an amount:
- (a) An aggregate weight of less than two grams, shall be sentenced to a term of imprisonment, with or without hard labor, for not less than two years nor more than four years.
  - (b) An aggregate weight of two grams or more but less than twenty-eight grams, shall be sentenced to a term of imprisonment, with or without hard labor, for not less than two years nor more than ten years and may, in addition be required to pay a fine of not more than five thousand dollars.
- D. If a person knowingly or intentionally possesses a controlled substance as classified in Schedule I, unless such substance was obtained directly or pursuant to a valid prescription or order from a practitioner, as provided in R.S. 40:978, while acting in the course of his professional practice, where the amount of the controlled substance is equal to or above the following weights, it shall be considered a violation of Subsection A of this Section:
- (1) For marijuana, tetrahydrocannabinol, synthetic cannabinoids, or chemical derivatives thereof, two and one-half pounds.
  - (2) For any other Schedule I controlled substance, twenty-eight grams.
- E. Notwithstanding any other provision of law to the contrary, unless eligible for parole at an earlier date, a person committed to the Department of Public Safety and Corrections serving a life sentence for the production, manufacturing, distribution, or dispensing



or possessing with intent to produce, manufacture, or distribute heroin shall be eligible for parole consideration upon serving at least fifteen years of imprisonment in actual custody.

- F. Immunity from prosecution. (1)** Any person who is a patient of the state-sponsored medical marijuana program in Louisiana, and possesses medical marijuana in a form permissible under R.S. 40:1046 for a condition enumerated therein, a caregiver as defined in R.S. 15:1503, or any person who is a domiciliary parent of a minor child who possesses medical marijuana on behalf of his minor child in a form permissible under R.S. 40:1046 for a condition enumerated therein pursuant to a legitimate medical marijuana prescription or recommendation issued by a physician licensed by and in good standing with the Louisiana State Board of Medical Examiners, shall be exempt from the provisions of this Section. This Paragraph shall not prevent the arrest or prosecution of any person for diversion of marijuana or any of its derivatives or other conduct outside the scope of the state-sponsored medical marijuana program.
- (2)** Any pharmacy licensed to dispense marijuana pursuant to R.S. 40:1046, and any employee, board member, director, or agent of a pharmacy licensed to dispense marijuana pursuant to R.S. 40:1046, shall be exempt from the provisions of this Section for possession of marijuana at a location designated by the Louisiana Board of Pharmacy rules and regulations, or distribution of marijuana in a form approved by the Louisiana Board of Pharmacy to a patient with a valid recommendation or prescription, in the state-sponsored medical marijuana program. This Paragraph shall not prevent the arrest or prosecution of any person for diversion of marijuana or any of its derivatives or other conduct outside the scope of the state-sponsored medical marijuana program or for violations of Louisiana Board of Pharmacy rules and regulations.
- (3)** Any licensee or its subordinate contractor licensed by the Department of Agriculture and Forestry to produce marijuana pursuant to R.S. 40:1046, and any employee, board member, director, or agent of a marijuana licensee or its subordinate contractor licensed pursuant to R.S. 40:1046, shall be exempt from prosecution under this Section for possession, production, or manufacture of marijuana at the production facility designated by the Department of Agriculture and Forestry or for the transportation of marijuana or any of its derivatives in accordance with the Department of Agriculture and Forestry rules and regulations. This Paragraph shall not prevent the arrest or prosecution of any person for diversion of marijuana from the production facility designated by the Department of Agriculture and Forestry

outside the scope of the state-sponsored medical marijuana program or for violations of Department of Agriculture and Forestry rules and regulations.

- (4) Any laboratory that tests marijuana or marijuana preparations produced and distributed under the state-sponsored medical marijuana program, and any employee, board member, director, or agent of a testing laboratory pursuant to R.S. 40:1046, shall be exempt from prosecution under this Section for possession of marijuana or any of its derivatives at a research laboratory designated by the Louisiana Board of Pharmacy or for transportation of marijuana or any of its derivatives in accordance with Louisiana Board of Pharmacy rules and regulations. This Paragraph shall not prevent the arrest or prosecution of any person for diversion of marijuana from a research laboratory designated by the Louisiana Board of Pharmacy or other conduct outside the scope of the state-sponsored medical marijuana program or for violations of Board of Pharmacy rules and regulations.
- (5) Any person conducting research as the licensee pursuant to R.S. 40:1046 and any employee, board member, director, agent, or any person conducting research in partnership with the licensee shall be exempt from prosecution under this Section for the possession, production, or manufacture of marijuana or any of its derivatives at the production facility designated by the Department of Agriculture and Forestry or for the transportation of marijuana or any of its derivatives in accordance with Department of Agriculture and Forestry rules and regulations. This Paragraph shall not prevent the arrest or prosecution of any person for diversion of marijuana or any of its derivatives from the production facility designated by the Department of Agriculture and Forestry or other conduct outside the scope of the state-sponsored medical marijuana program or for violations of Department of Agriculture and Forestry rules and regulations.
- (6)(a) The defenses in **Paragraph (1)** of this Subsection shall be raised by reproducing a patient's medical records that have been created by his attending physician, that contain the recommendation to possess marijuana for therapeutic use in a form permissible under R.S. 40:1046.
- (b) Notwithstanding any other provision of law to the contrary, except when the person to be arrested has committed a felony, although not in the presence of the officer, no peace officer may arrest any employee, board member, director, or agent during the course and scope of his employment with the following, pursuant to R.S. 40:1046:

- (i) A pharmacy licensed to dispense marijuana for therapeutic use.
  - (ii) A licensee of marijuana for therapeutic use or its subordinate licensed contractor.
  - (iii) A testing laboratory of marijuana for therapeutic use, authorized to do business.
  - (iv) A licensed researcher of marijuana for therapeutic use, performing his official duties.
- (c) The defendant shall bear the burden of proving that the possession, manufacture, production, transportation, or distribution was in accordance with the state-sponsored medical marijuana program, the Louisiana Board of Pharmacy rules and regulations, or the Department of Agriculture and Forestry rules and regulation, as applicable.
- G.** Treatment for heroin and fentanyl addiction as a condition for probation. (1) Upon conviction of **Paragraph (B)(3)** or **(C)(4)** of this Section, possession with intent to distribute heroin or fentanyl or possession of heroin or fentanyl, the court may suspend any sentence which it imposes and place the defendant on probation pursuant to Code of Criminal Procedure Article 893. The court may order the division of probation and parole of the Department of Public Safety and Corrections to conduct a presentence investigation, or may order the defendant to obtain a substance abuse evaluation, for the purpose of determining whether the defendant has a substance abuse disorder.
- (2) Upon receiving the report or evaluation, the court shall, if it finds probable cause from such report to believe the defendant has a substance abuse disorder, order a contradictory hearing for the purpose of making a judicial determination on whether the defendant has a substance abuse disorder.
- (3) If, at such contradictory hearing, the court determines that the defendant has a substance abuse disorder, it shall require as a condition of probation that the defendant complete a drug treatment program if the following conditions are met:
- (a) There is an available program in the local jurisdiction that has sufficient experience in working with criminal justice participants with substance abuse disorders and is certified and approved by the state of Louisiana.
  - (b) The cost of the approved treatment does not create a substantial financial hardship to the defendant or his dependents. For purposes of this determination, “substantial financial hardship” shall have the same meaning as provided in R.S. 15:175.
- (4) If the offender does not successfully complete the drug treatment program, or otherwise violates the conditions of his probation, the court may revoke the

probation or impose other sanctions pursuant to Code of Criminal Procedure Article 900.

#### **40§967. Prohibited acts--Schedule II, penalties**

- A.** Manufacture; distribution. Except as authorized by this Part or by Part VII-B of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, it shall be unlawful for any person knowingly or intentionally:
- (1) To produce, manufacture, distribute, or dispense or possess with intent to produce, manufacture, distribute, or dispense, a controlled dangerous substance or controlled substance analogue classified in Schedule II.
  - (2) To create, distribute, or possess with intent to distribute, a counterfeit controlled dangerous substance classified in Schedule II.
- B.** Violations of Subsection A. Any person who violates Subsection A of this Section with respect to:
- (1) Except as otherwise provided in Paragraphs (2) and (3) of this Subsection, a substance classified in Schedule II for an amount of:
    - (a) An aggregate weight of less than twenty-eight grams, shall be imprisoned, with or without hard labor, for not less than one year nor more than ten years and may, in addition, be fined not more than fifty thousand dollars.
    - (b) An aggregate weight of twenty-eight grams or more, shall be imprisoned at hard labor for not less than one year nor more than twenty years and may, in addition, be fined not more than fifty thousand dollars.
  - (2)(a) Production or manufacturing of amphetamine or methamphetamine shall be sentenced to imprisonment at hard labor for not less than ten years nor more than thirty years, at least ten years of which shall be served without benefit of parole, probation, or suspension of sentence, and in addition may be sentenced to pay a fine of not more than five hundred thousand dollars.
  - (b) This Subparagraph shall be cited as the “Child Endangerment Law.” When the state proves in addition to the elements of the crime as set forth in Subsection A of this Section that a minor child twelve years of age or younger is present in the home, mobile home or other inhabited dwelling at the time of the commission of the offense, the minimum mandatory sentence shall be fifteen years without benefit of parole, probation, or suspension of sentence.
  - (3) Production or manufacturing of cocaine or cocaine base or a mixture or substance containing cocaine or its analogues as provided in Schedule II(A)(4) of R.S. 40:964 or oxycodone as provided in Schedule II(A)(1)(p) of R.S. 40:964 or methadone as

provided in Schedule II(B)(15) of R.S. 40:964 shall be sentenced to imprisonment at hard labor for not less than ten nor more than thirty years, at least ten years of which shall be served without benefit of parole, probation, or suspension of sentence, and may be fined not more than five hundred thousand dollars.

- C. Possession.** It is unlawful for any person knowingly or intentionally to possess a controlled dangerous substance as classified in Schedule II unless such substance was obtained directly or pursuant to a valid prescription or order from a practitioner, as provided in R.S. 40:978 while acting in the course of his professional practice, or except as otherwise authorized by this Part. Any person who violates this Subsection with respect to:
- (1) An aggregate weight of less than two grams, shall be imprisoned, with or without hard labor, for not more than two years and, in addition, may be sentenced to pay a fine of not more than five thousand dollars.
  - (2) An aggregate weight of two grams or more but less than twenty-eight grams shall be imprisoned, with or without hard labor, for not less than one year nor more than five years and, in addition, may be sentenced to pay a fine of not more than five thousand dollars.
  - (3) Phencyclidine, for an amount of an aggregate weight of less than twenty-eight grams, shall be imprisoned at hard labor for not less than one year nor more than twenty years, or required to pay a fine of not more than five thousand dollars, or both.
- D.** If a person knowingly or intentionally possesses a controlled substance as classified in Schedule II, unless such substance was obtained directly or pursuant to a valid prescription or order from a practitioner, as provided in R.S. 40:978 while acting in the course of his professional practice, where the amount of the controlled substance is an aggregate weight of twenty-eight grams or more, it shall be considered a violation of Subsection A of this Section

#### **40§968. Prohibited acts--Schedule III; penalties**

- A. Manufacture; distribution.** Except as authorized by this part, it shall be unlawful for any person knowingly or intentionally:
- (1) To produce, manufacture, distribute or dispense or possess with intent to produce, manufacture, distribute, or dispense, a controlled dangerous substance classified in Schedule III;
  - (2) To create, distribute, or possess with intent to distribute, a counterfeit controlled dangerous substance classified in Schedule III.
- B. Violations of Subsection A.** Any person who violates Subsection A of this Section with respect to any controlled dangerous substance classified in Schedule III shall be

sentenced to a term of imprisonment, with or without hard labor, for not less than one year nor more than ten years and, in addition, may be sentenced to pay a fine of not more than fifteen thousand dollars.

- C. Possession.** It is unlawful for any person knowingly or intentionally to possess a controlled dangerous substance classified in Schedule III unless such substance was obtained directly or pursuant to a valid prescription or order from a practitioner, or as provided in R.S. 40:978 or 1060.21, while acting in the course of his professional practice or except as otherwise authorized by this Part. Any person who violates this Subsection shall be imprisoned, with or without hard labor, for not less than one year nor more than five years and, in addition, may be required to pay a fine of not more than five thousand dollars.

#### **40§969. Prohibited acts--Schedule IV; penalties**

- A. Manufacture; distribution.** Except as authorized by this part, it shall be unlawful for any person knowingly or intentionally:
- (1) To produce, manufacture, distribute or dispense or possess with intent to produce, manufacture, distribute, or dispense, a controlled dangerous substance classified in Schedule IV.
  - (2) To create, distribute, or possess with intent to distribute, a counterfeit controlled dangerous substance classified in Schedule IV.
- B. Violations of Subsection A.** Any person who violates Subsection A of this Section with respect to:
- (1) Flunitrazepam shall be sentenced to a term of imprisonment at hard labor for not less than one year nor more than twenty years and pay a fine of not more than fifty thousand dollars.
  - (2) Any other controlled dangerous substance classified in Schedule IV, except flunitrazepam, shall be sentenced to a term of imprisonment, with or without hard labor, for not less than one year nor more than ten years and, in addition, may be sentenced to pay a fine of not more than fifteen thousand dollars.
- C. Possession.** It is unlawful for any person knowingly or intentionally to possess a controlled dangerous substance classified in Schedule IV unless such substance was obtained directly or pursuant to a valid prescription or order from a practitioner, or as provided in R.S. 40:978, while acting in the course of his professional practice or except as otherwise authorized by this Part. Any person who violates this Subsection with respect to:



- (1) Flunitrazepam shall be imprisoned, with or without hard labor, for not less than one year nor more than ten years, and may, in addition, be required to pay a fine of not more than five thousand dollars.
  - (2) Any other controlled dangerous substance shall be imprisoned with or without hard labor for not less than one year nor more than five years and, in addition, may be required to pay a fine of not more than five thousand dollars.
- D. Whoever, with the intent to commit a crime of violence as defined in R.S. 14:2(B)(10) against an individual, violates Subsection A of this Section by administering a controlled dangerous substance to a person who is unaware that the controlled dangerous substance has been or is being administered to him, shall be sentenced to a term of imprisonment at hard labor for not less than five years nor more than forty years and may be fined not more than one hundred thousand dollars.

#### **40§970. Prohibited acts--Schedule V; penalties**

- A. Manufacture; distribution. Except as authorized by this part, it shall be unlawful for any person knowingly or intentionally:
- (1) To produce, manufacture, distribute or dispense or possess with intent to produce, manufacture, distribute, or dispense, a controlled dangerous substance classified in Schedule V.
  - (2) To create, distribute, or possess with intent to distribute, a counterfeit controlled dangerous substance classified in Schedule V.
- B. Violations of Subsection A. Any person who violates Subsection A of this Section with respect to any controlled dangerous substance classified in Schedule V shall be sentenced to a term of imprisonment, with or without hard labor, for not less than one year nor more than five years and, in addition, may be sentenced to pay a fine of not more than five thousand dollars.
- C. Possession. It is unlawful for any person unknowingly or intentionally to possess a controlled dangerous substance classified in Schedule V unless such substance was obtained directly or pursuant to a valid prescription or order from a practitioner, or as provided in R.S. 40:978, while acting in the course of his professional practice or except as otherwise authorized by this Part. Any person who violates this Subsection shall be imprisoned with or without hard labor for not less than one year nor more than five years and, in addition, may be required to pay a fine of not more than five thousand dollars.



### **40§981.3. Violation of Uniform Controlled Dangerous Substances Law; drug free zone**

**A.(1)** Any person who violates a provision of R.S. 40:966 through 970 of the Uniform Controlled Dangerous Substances Law while on any property used for school purposes by any school, within two thousand feet of any such property, or while on a school bus, shall, upon conviction, be punished in accordance with Subsection D of this Section.

**(2)** Any person who violates a provision of R.S. 40:966(A), 967(A), 968(A), 969(A), or 970(A) while on property used as a drug treatment facility or within two thousand feet of any such property, when included within an area marked as a drug free zone pursuant to R.S. 40:1058.10, shall, upon conviction, be punished in accordance with Subsection D of this Section.

**(3)(a)** Any person who violates a provision of R.S. 40:966 through 970 of the Uniform Controlled Dangerous Substances Law while on any religious building property, public housing authority property, child day care center property, or within two thousand feet of any such property, if the area is posted as a drug free zone, shall, upon conviction, be punished in accordance with Subsection D of this Section.

**(b)** In order for the provisions of this Section to apply to religious buildings, public housing authority property, or child day care center property, the building must be posted as a drug free zone as provided herein. The design and posting of the signs shall be at the discretion of the entity that owns or has authority over the religious building, public housing authority property, or child day care center property. In order to post the area as a drug free zone, the signs shall be located in a visible manner on or near each religious building, public housing authority property, or child day care center property indicating that such area is a drug free zone, that such zone extends for a distance of two thousand feet, and that a violation of the Uniform Controlled Dangerous Substances Law will subject the offender to severe penalties under law.

**B.** Lack of knowledge that the prohibited act occurred on or within two thousand feet of school or drug treatment facility property shall not be a defense.

**C.** For purposes of this Section:

**(1)** “School” means any public or private elementary, secondary, vocational-technical school, or any public or private college or university in Louisiana.

**(2)** “School property” means all property used for school purposes, including but not limited to school playgrounds, as well as any building or area owned by the state or by a political subdivision and used or operated as a playground or recreational facility and all parks and recreational areas administered by the office of state parks.

- (3) “Drug treatment facility” means all property used for diagnostic, treatment, and rehabilitative services to patients and their families with problems related to alcohol, drug, or substance abuse.
- (4) “Religious building property” means property on which is located any church, synagogue, mosque, or other building, structure, or place used for religious worship or other religious purpose.
- (5) “Public housing authority property” means all property owned or operated by a public housing authority or agency created by state law or by any ordinance enacted by a local governing authority.
- (6) “Child day care center property” means property on which is located a facility licensed as a day care center under the provisions of the Child Care Facility and Child-Placing Agency Licensing Act (R.S. 46:1401 et seq.) or licensed as a group child day care home under the provisions of the Child Care Registration Law (R.S. 46:1441 et seq.).

**D.(1)** Whoever violates a provision of this Section shall be punished by the imposition of the maximum fine and be imprisoned for not more than one and one-half times the longest term of imprisonment authorized by the applicable provisions of R.S. 40:966 through 970.

- (2) A sentence imposed for a violation of the provisions of this Section shall not be subject to parole, probation, or suspension of sentence to the extent that the minimum sentence for a violation of a felony provision of R.S. 40:966 through 970 is not subject to parole, probation, or suspension of sentence.

## Louisiana Liquor Laws

### **14§333. Misrepresentation of age to obtain alcoholic beverages or gain entry to licensed premises prohibited; penalties**

- A.** It is unlawful for any person under the age of twenty-one years to present or offer to any person having a license or permit to sell alcoholic beverages, under Title 26 of the Louisiana Revised Statutes of 1950, or to his agent or employee any written, printed, or photostatic evidence of age and identity which is false, fraudulent, or not actually his own for the purpose of obtaining or purchasing alcoholic beverages or attempting to enter the licensed premises.
- B.** Whoever violates the provisions of this Section shall be punishable by one or more of the following:
  - (1) A fine of not more than two hundred dollars.

- (2) An appropriate amount of community service not to exceed thirty hours.
- (3) Suspension of the violator’s driver’s license for ninety days.
- C. As used in this Section, “licensed premises” means an establishment licensed under Title 26 of the Louisiana Revised Statutes of 1950 where the sale of alcoholic beverages constitutes its main business.

### **32§300. Possession of alcoholic beverages in motor vehicles**

- A. It shall be unlawful for the operator of a motor vehicle or the passenger in or on a motor vehicle, while the motor vehicle is operated on a public highway or right-of-way, to possess an open alcoholic beverage container, or to consume an alcoholic beverage, in the passenger area of a motor vehicle.
- B. For purposes of this Section, the following words have the following meanings ascribed to them:
  - (1) “Alcoholic beverage” means any of the following:
    - (a) Beer, ale, porter, stout, and other similar fermented beverages, including sake or similar products, of any name or description containing one-half of one percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.
    - (b) Wine of not less than one-half of one percent of alcohol by volume.
    - (c) Distilled spirits which is that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced.
  - (2) “Motor vehicle” means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated exclusively on a rail or rails.
  - (3)(a) “Open alcoholic beverage container” means any bottle, can, or other receptacle that contains any amount of alcoholic beverage and to which any of the following is applicable:
    - (i) It is open or has a broken seal.
    - (ii) Its contents have been partially removed.
  - (b) “Open alcoholic beverage container” shall not mean any bottle, can, or other receptacle that contains a frozen alcoholic beverage unless the lid is removed, a straw protrudes therefrom, or the contents of the receptacle have been partially removed.
  - (4) “Passenger area” means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver

or a passenger while in their seating positions, including the glove compartment. It shall not mean a locked glove compartment or behind the last upright seat, or any area not normally occupied by the driver or a passenger in a motor vehicle that is not equipped with a trunk.

- (5) “Public highway or right-of-way” means the entire width between and immediately adjacent to the boundary lines of publicly maintained highways or roads when any part thereof is open to the use of the public.
- C. Notwithstanding R.S. 32:391 and 411, whoever violates the provisions of this Section shall not be taken into custody by the arresting officer, but instead shall be required either to deposit his driver’s license with the arresting officer or give his written promise to appear. Furthermore, a violation of the provisions of this Section shall not be included in the records kept by the commissioner required in R.S. 32:393.1.
- D. (1) Whoever violates the provisions of this Section shall be fined not more than one hundred dollars. Court costs shall be assessed in addition to the fine authorized by this Subsection.
  - (2) For purposes of enforcement, the observance of a glass, cup, or other container that, on its face, does not indicate that the container contains an alcoholic beverage, shall not, absent other circumstances, constitute probable cause for a law enforcement officer to stop and question a person.
- E. This Section shall preempt the authority of a municipal or parish governing authority to enact any code or ordinance regulating the possession of alcoholic beverages in motor vehicles. However, the local governing authority of a local governmental subdivision with a population of over fifty thousand as of the most recent federal decennial census may enact a code or ordinance that does not conflict with the substantive provisions of this Section, and such local code or ordinance may provide for the imposition and collection of fines and court costs for violations thereof for amounts in excess of the amounts provided in this Section. The preemption contained in this Subsection is solely for the purpose of providing for a uniform open container prohibition in motor vehicles throughout the state, and nothing in this Section shall be construed to further preempt the authority of a local government to provide for any other type of alcohol beverage regulation within its jurisdiction.
- F. The provisions of this Section shall not apply to the following persons or in the following areas:
  - (1) Any person operating or occupying a motor vehicle who, as a condition of his employment and while acting in the course and scope of such employment, is

required to carry open alcoholic beverage containers, provided that the operator or passenger does not consume the alcoholic beverages.

- (2) Any paid fare passenger on a common or contract carrier vehicle, as defined in R.S. 45:162.
- (3) Any paid fare passenger on a public carrier vehicle, as defined in R.S. 45:200.2.
- (4) Any passenger in a courtesy vehicle which is operated as a courtesy vehicle.
- (5) Any passenger of a self-contained motor home which is in excess of twenty-one feet in length.
- (6) Possession of an open container of alcoholic beverage in the trunk of a motor vehicle.
- (7) If the motor vehicle is not equipped with a trunk, possession of an open container or alcoholic beverages in any of the following areas:
  - (a) In a locked glove or utility compartment.
  - (b) In an area of the vehicle not normally occupied by, and not readily accessible, to the driver or passengers.
- (8) Passengers and krewe members riding on a parade float.
- (9) Any passenger in a privately owned limousine the driver of which possesses a Class D commercial driver's license.

#### **14§103. Disturbing the peace**

- A.** Disturbing the peace is the doing of any of the following in such manner as would foreseeably disturb or alarm the public:
- (1) Engaging in a fistic encounter; or
  - (2) Addressing any offensive, derisive, or annoying words to any other person who is lawfully in any street, or other public place; or call him by any offensive or derisive name, or make any noise or exclamation in his presence and hearing with the intent to deride, offend, or annoy him, or to prevent him from pursuing his lawful business, occupation, or duty; or
  - (3) Appearing in an intoxicated condition; or
  - (4) Engaging in any act in a violent and tumultuous manner by any three or more persons; or
  - (5) Holding of an unlawful assembly; or
  - (6) Interruption of any lawful assembly of people; or
  - (7) Intentionally engaging in any act or any utterance, gesture, or display designed to disrupt a funeral, funeral route, or burial of a deceased person during the period beginning one hundred twenty minutes before and ending one hundred twenty minutes after the funeral or burial, within three hundred feet of the funeral or burial.

**(8)(a)** Intentionally blocking, impeding, inhibiting, or in any other manner obstructing or interfering with a funeral route.

**(b)** Intentionally blocking, impeding, inhibiting, or in any other manner obstructing or interfering, within five hundred feet, with access into or from any building or parking lot of a building in which a funeral or burial is being conducted, or any burial plot or the parking lot of the cemetery in which a funeral or burial is being conducted, during the period beginning one hundred twenty minutes before and ending one hundred twenty minutes after the funeral or burial.

**B.(1)** Whoever commits the crime of disturbing the peace shall be fined not more than one hundred dollars or imprisoned for not more than ninety days, or both.

**(2)** Whoever commits the crime of disturbing the peace as provided for in **Paragraphs (A)(7) and (8)** of this Section shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

**14§93.12. Purchase and public possession of alcoholic beverages; exceptions; penalties**

**A.** It is unlawful for any person under twenty-one years of age to purchase or have public possession of any alcoholic beverage.

**B.(1)** Whoever violates the provisions of this Section shall be fined not more than one hundred dollars.

**(2)** Any person apprehended while violating the provisions of this Section shall be issued a citation by the apprehending law enforcement officer, which shall be paid in the same manner as provided for the offenders of local traffic violations. A citation issued by a law enforcement officer for such violation shall not be included on the person's criminal history record.

**(3)** In addition to the penalties provided in **Paragraph (1)** of this Subsection, the driver's license of any person violating the provisions of this Section may be suspended upon conviction, plea of guilty, or nolo contendere for a period of one hundred eighty days. Upon conviction, plea of guilty, or nolo contendere, the court shall surrender the driver's license to the Department of Public Safety and Corrections for suspension in accordance with the provisions of this Section. Upon first conviction, the court may issue an order which authorizes the department to issue a restricted driver's license upon a demonstration to the court that a hardship would result from being unable to drive to school or work. Such restrictions shall be determined by the court.

# Shreveport Campus Crime Statistics

<b>Murder &amp; non-negligent manslaughter</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Campus	0	0	0
Non-Campus	0	0	0
Public Property	0	0	0
Hate Crimes	0	0	0
Unfounded	0	0	0
<b>Negligent manslaughter</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Campus	0	0	0
Non Campus	0	0	0
Public Property	0	0	0
Hate Crimes	0	0	0
Unfounded	0	0	0
<b>Rape</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Campus	0	0	0
Non-Campus	0	0	0
Public Property	0	0	0
Hate Crimes	0	0	0
Unfounded	0	0	0
<b>Fondling</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Campus	0	0	0
Non-Campus	0	0	0
Public Property	0	0	0
Hate Crimes	0	0	0
Unfounded	0	0	0
<b>Incest</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Campus	0	0	0
Non-Campus	0	0	0
Public Property	0	0	0
Hate Crimes	0	0	0
Unfounded	0	0	0



## Shreveport Campus Crime Statistics (cont.)

<b>Statutory Rape</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Campus	0	0	0
Non-Campus	0	0	0
Public Property	0	0	0
Hate Crimes	0	0	0
Unfounded	0	0	0
<b>Robbery</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Campus	0	0	0
Non-Campus	0	0	0
Public Property	0	0	0
Hate Crimes	0	0	0
Unfounded	0	0	0
<b>Aggravated Assault</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Campus	0	0	0
Non-Campus	0	0	0
Public Property	0	0	0
Hate Crimes	0	0	0
Unfounded	0	0	0
<b>Dating Violence</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Campus	0	0	0
Non-Campus	0	0	0
Public Property	0	0	0
Unfounded	0	0	0
<b>Stalking</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Campus	1	0	0
Non-Campus	0	0	0
Public Property	1	0	0
Unfounded	0	0	0
<b>Domestic Violence</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Campus	0	0	0
Non-Campus	0	0	0
Public Property	0	0	0
Unfounded	0	0	0

## Shreveport Campus Crime Statistics (cont.)

<b>Burglary</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Campus	0	1	0
Non- Campus	0	0	0
Public Property	0	0	0
Hate Crimes	0	0	0
Unfounded	0	0	0
<b>Motor Vehicle Theft</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Campus	0	0	0
Non-Campus	0	0	0
Public Property	0	0	0
Hate Crimes	0	0	0
Unfounded	0	0	0
<b>Hate Crimes</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Larceny (Theft)	0	0	0
Property Damage	0	0	0
Simple Assault	0	0	0
Intimidation	0	0	0
<b>Arson</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Campus	0	0	0
Non-Campus	0	0	0
Public Property	0	0	0
Hate Crimes	0	0	0
Unfounded	0	0	0
<b>Liquor Law Violations</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Campus	0	0	0
Non-Campus	0	0	0
Public Property	0	0	0
<b>Drug Law Violations</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Campus	0	0	0
Non-Campus	0	0	0
Public Property	1	0	0

## Shreveport Campus Crime Statistics (cont.)

<b>Weapons Possession Violations</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Campus	0	0	0
Non-Campus	0	0	0
Public Property	0	0	0

## Shreveport Campus Disciplinary Actions

<b>Liquor Law Violations</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Campus	0	0	0
Non-Campus	0	0	0
Public Property	0	0	0

<b>Drug Law Violations</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Campus	0	0	0
Non-Campus	0	0	0
Public Property	0	0	0

<b>Weapons Possession Violations</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Campus	0	0	0
Non-Campus	0	0	0
Public Property	0	0	0

# NORTHWESTERN STATE

