Obstruction of Justice and Malfeasance in Office - The 2025 changes and The Indictment of Judge Hannah Dugan

Ellen Barrett Artopoeus

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§ 30. Oath of Office

Currentness

Section 30. Every official shall take the following oath or affirmation: "I, ..., do solemnly swear (or affirm) that I will support the constitution and laws of the United States and the constitution and laws of this state and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as ..., according to the best of my ability and understanding, so help me God."

Notes of Decisions (34)

LSA-Const. Art. 10, § 30, LA CONST Art. 10, § 30
Current with amendments through January 1, 2026.

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State of Louisiana

EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NUMBER JML 25-060

OPERATION GEAUX

WHEREAS, over the past four years, the Biden Administration systemically reversed and dismantled the vast majority of immigration enforcement mechanisms established by Congress and prior administrations, thereby aiding and abetting the illegal entry in the United States of millions of aliens at the southern border;

WHEREAS, the Biden Administration oversaw the largest wave of illegal immigration in the Nation's history;

WHEREAS, the estimated population of illegal aliens in Louisiana was approximately 97,000 as of 2021, with current figures likely significantly higher;

WHEREAS, the overwhelming majority of crimes perpetrated by illegal aliens fall under state jurisdiction, requiring substantial state and local resources for investigation, prosecution, adjudication, incarceration, and post-release supervision;

WHEREAS, due to the Biden Administration's non-enforcement policies, large numbers of criminal aliens are released into communities rather than being detained and removed, increasing the risk of recidivism and endangering public safety;

WHEREAS, through his first one hundred days in office, President Donald J. Trump has taken historic action to marshal all available federal resources to safeguard our borders, immediately end the disastrous Biden-era policies, and prioritize the safety, security, and prosperity of all Americans.

WHEREAS, President Trump has implemented a series of executive actions aimed at combating illegal immigration, which include but are not limited to:

- Declaring a national emergency at the southern border;

- Initiating the construction of physical barriers and "obtaining complete operational control of the borders of the United States";
- Implementing measures to deter and prevent unlawful entry into the United States;
- Mandating the detention and expedited removal of "aliens apprehended on suspicion of violating Federal or State law";
- Ending the "catch-and-release" practice and pursuing criminal penalties for "those who facilitate their unlawful presence in the United States";
- Promoting cooperative federal-state partnerships as force multipliers for the effective enforcement of U.S. immigration laws;
- Terminating discretionary parole programs for illegal aliens from Cuba, Haiti, Nicaragua, and Venezuela; and
- Employing advanced vetting procedures, including biometric scanning and verification of familial relationships for individuals encountered or apprehended by the U.S. Department of Homeland Security ("DHS").

WHEREAS, within the first one hundred days, the Trump Administration has secured hundreds of agreements with state and local law enforcement agencies and departments across the country to enforce President Trump's immigration policies, producing remarkable achievements including the largest joint immigration operation in Florida's history in April 2025 that netted 1,120 criminal illegal alien arrests;

WHEREAS, the State of Louisiana through the Louisiana Department of Public Safety and Corrections ("DPSC") has already begun to partner with DHS commencing Operation GEAUX to enforce President Trump's immigration policies;

WHEREAS, Operation GEAUX is a proactive approach to safeguarding the citizens of Louisiana through the identification and removal of criminal aliens from the community;

WHEREAS, Operation GEAUX aligns state and federal resources to identify criminal aliens arrested, incarcerated, or on supervised release in Louisiana and collaborate with DHS officials to effectively and efficiently process these criminal aliens for removal and deportation;

WHEREAS, Operation GEAUX is already producing results for the people of Louisiana, and the State is now in a position to capitalize on that progress through the utilization and dedication of all of our excellent and hard-working state and local law enforcement officials in Louisiana working together with the Trump Administration to make America and Louisiana safe, secure, and prosperous once more.

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

Section 1: Louisiana State Police, Department of Public Safety & Corrections, Louisiana Department of Wildlife and Fisheries, the State Fire Marshal, and the Louisiana National

Guard ("state law enforcement agencies") are to launch a public awareness campaign on Operation GEAUX'S public safety mission.

Section 2: State law enforcement agencies are ordered to explore, and where appropriate, enter into agreements with the United States Department of Homeland Security and U.S. Immigration and Customs Enforcement ("ICE"), commonly referred to as 287(g) programs, to enhance collaboration with federal, state, and local law enforcement partners to safeguard the people of Louisiana through vigorous enforcement and compliance with applicable Federal and state law.

Section 3: State law enforcement agencies are ordered to collaborate with DHS and ICE to screen and identify all criminal aliens arrested, incarcerated, or on supervision for indicia of gang membership.

Section 4: State law enforcement agencies are ordered to explore and implement any collaborative models with local law enforcement agencies that are deemed appropriate and necessary to further the goals and objectives of any 287(g) agreements entered into pursuant to this executive order or pursuant to any other lawful federal-state law enforcement collaboration.

Section 5: Local law enforcement agencies are strongly encouraged to explore and where appropriate, enter into their own agreements with DHS and ICE pursuant to the 287(g) programs to preserve and defend the safety, security, and prospe rity of each and every community across Louisiana.

Section 6: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 15th day of May, 2025.

Jeff Landry
GOVERNOR OF LOUISIANA

ATTEST BY THE
SECRETARY OF STATE

Nancy Landry
SECRETARY OF STATE

State of Louisiana

EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NUMBER JML 24-05

IDENTIFYING, QUANTIFYING, AND MITIGATING THE ADVERSE EFFECTS OF ILLEGAL IMMIGRATION ON LOUISIANA

WHEREAS, the United States, as every other nation, has the sovereign right to determine the number and character of aliens permitted to cross its border and the time, place, and manner of their entry.

WHEREAS, consistent with this timeless principle, Congress has exercised its constitutional authority to enact laws to prevent the entry of aliens without lawful authorization to protect the health, safety, welfare, and prosperity of Americans.

WHEREAS, illegal entry and reentry to the United States, as well as the encouragement and inducement of illegal entry and the transport of illegal aliens within the United States, are criminal offenses under federal law, and those who aid and abet these offenses also commit a criminal act.

WHEREAS, the Biden Administration, since its inception, has failed to prevent the illicit entry of aliens and has, furthermore, enacted policies designed to undermine the rule of law and encourage and induce the illegal entry of historic numbers of aliens contrary to law.

WHEREAS, President Joe Biden has thus failed to fulfill his constitutional duties to preserve, protect, and defend the Constitution to the best of his ability and take care that the laws be faithfully executed.

WHEREAS, the Biden Administration has systematically dismantled every institution provided by Congress and established by previous administrations to prevent illegal immigration, thereby aiding and abetting the illegal entry into the United States of millions of aliens at the southern border.

WHEREAS, from January 20, 2021, to the present, the Biden Administration has overseen the largest wave of illegal immigration in this Nation's history, with more than 3.8 million aliens illegally entering and remaining in the United States.

WHEREAS, Congressional reporting estimates that the border crisis created by the Biden Administration costs American taxpayers approximately $451 billion annually.

WHEREAS, the Biden Administration's abandonment of any semblance of border security and immigration enforcement has created historic public safety and humanitarian crises affecting states in the southern border region and beyond.

WHEREAS, the United States Supreme Court has recognized that States "bear[] many of the consequences of unlawful immigration." *Arizona v. United States*, 567 U.S. 387, 397 (2012).

WHEREAS, Congressional reporting estimates the illegal alien population in the United States is between 16.8 million and 29 million persons.

WHEREAS, the population of illegal aliens in Louisiana was estimated at 97,000 as of 2021, although the current number is likely far greater.

WHEREAS, the overwhelming majority of crimes perpetrated by illegal aliens are for violations of state law, which require substantial state and local resources to investigate, prosecute, adjudicate, incarcerate, and supervise criminal offenders.

WHEREAS, as a result of the Biden Administration's non-enforcement policies, large numbers of criminal aliens are released into communities across the United States rather than being detained or removed, allowing these criminal aliens to commit additional crimes and increase the number of victims.

WHEREAS, Congressional reporting found that the Biden Administration has abandoned its duty to remove criminal aliens from the United States, resulting in approximately 90,000 more criminal aliens, who are responsible for 300,000 criminal offenses, remaining in American communities than in the Trump Administration.

WHEREAS, states are financially burdened by the cost of incarcerating illegal aliens in their prison systems. Although the U.S. Department of Justice provides limited funding to the states to offset some of these costs through the State Criminal Alien Assistance Program (SCAAP), including $244 million to states in fiscal year 2022, congressional reporting found that SCAAP reimbursements are usually less than one percent of the total cost of incarcerating illegal aliens, leaving the states to pay the balance.

WHEREAS, the destabilization of the southern border region due to the Biden Administration's failure to secure the border has led to a surge in fentanyl smuggling into the United States by Mexican drug cartels. Fentanyl poisoning is now the leading cause of death for Americans between the ages of 18-45. More than 72,000 persons died as a result of fentanyl overdoses in 2022, an increase from the previous year. Congressional reporting found that the opioid crisis cost American taxpayers nearly $1.5 trillion in 2020.

WHEREAS, Congressional reporting found that the approximate cost for illegal alien births in the United States costs taxpayers $2.53 billion, with states responsible for $937 million of that amount.

WHEREAS, Congressional reporting found that the estimated cost of Medicaid fraud attributable to illegal aliens in fiscal year 2022 was $8 billion.

WHEREAS, more than 400,000 unaccompanied alien children (UAC) have entered the United States since January 20, 2021, many of whom have been the victims of human smuggling or trafficking. Federal officials in the Biden Administration released approximately 337,000 UACs to sponsors throughout the United States between fiscal years 2021 – 2023.

WHEREAS, the Biden Administration changed longstanding policies on vetting UAC sponsors, resulting in UACs being placed with non-family members and criminals, who trafficked, abused, and exploited the children placed in their care. Media reports from 2023 found that the Biden Administration had lost track of approximately 85,000 UACs.

WHEREAS, it is unclear how many UACs now reside in Louisiana who may be at risk of being trafficked, abused, or exploited after initially being placed with sponsors who had not been properly vetted by federal officials in the Biden Administration. The significant increase in the number of UACs placed with unvetted sponsors in Louisiana, who may be at greater risk of abuse or neglect, will place additional strains on the limited resources of the Department of Children and Family Services and other state agencies that provide welfare services and care for children.

WHEREAS, Congressional reporting estimates that at least 3.8 million illegal alien children at primary and secondary schools in the United States qualify as Limited English Proficiency (LEP) students, costing American taxpayers nearly $59 billion. Those illegal alien children who entered in 2022 alone represent a $7 billion burden on public education budgets. Louisiana spends more than $10,000 per student at public primary and secondary schools.

WHEREAS, Louisiana has a compelling interest in preventing crime, promoting the health, safety, and education of its citizens, protecting children from abuse and exploitation, and conserving the financial resources of the State.

WHEREAS, illegal immigration causes substantial economic and societal harms to Louisiana and its citizens, including greater expenditures of non-reimbursable public funds in the areas of criminal justice, healthcare, education, welfare benefits and subsidized housing, and child protective services.

WHEREAS, the Louisiana Attorney General, along with attorneys general of several other states harmed by the adverse effects of unrestrained illegal immigration have filed numerous lawsuits against the Biden Administration and its agencies to end the illegality and prevent further harm to the states and their citizens.

WHEREAS, the United States Supreme Court and inferior federal courts have held that the states must establish, among other elements, that they have suffered a concrete, particularized, and actual or imminent injury in fact, that is fairly traceable to the unlawful conduct of the federal officials to satisfy the "case or controversy" requirement of Article III of the Constitution of the United States.

WHEREAS, Biden Administration officials routinely deny that their unlawful conduct or illegal immigration causes harm, and federal courts have generally required Louisiana and other states to offer proof that illegal immigrants are causing specific harms to those states or their citizens.

WHEREAS, because federal officials within the Biden Administration refuse requests by states to provide relevant information within their custody and control regarding the number and location of illegal immigrants and other crucial data concerning border security, the full nature and extent of the harms to Louisiana and its citizens as the result of illegal immigration have not been determined with a reasonable degree of accuracy.

WHEREAS, the refusal by federal officials to cooperate with the states in sharing information regarding their mutual interest in illegal immigration violates constitutional principles of federalism and statutory mandates on federal officials to respond in good faith to requests by states to provide information.

WHEREAS, the lack of transparency and failure by federal officials to provide crucial information on illegal immigrants in Louisiana, including their biographic information, relevant

details from their immigration history, criminal background, and last known residence presents an unreasonable risk to Louisiana and its citizens.

WHEREAS, Article I, Section 1 of the Louisiana Constitution declares that government is instituted by the people "to protect the rights of the individual and for the good of the whole. Its only legitimate ends are to secure justice for all, preserve peace, protect the rights, and promote the happiness and general welfare of the people."

WHEREAS, in furtherance of my duty to faithfully support the Constitution and laws of this State and the Constitution and laws of the United States, and to see that the laws are faithfully executed pursuant to Article IV, Section 5(A) of the Louisiana Constitution, it is and shall be my policy as Governor to take all lawful and reasonable measures to identify, quantify, and mitigate the direct and indirect harms to Louisiana and its citizens caused by illegal immigration.

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

Section 1: The head of every executive branch agency, department, office, commission, board, or entity of the State of Louisiana shall, to the greatest extent authorized by law, consider the effects of illegal immigration on their respective agency, department, office, commission, board, or entity prior to issuing policies, procedures, and practices, and shall develop policies, procedures, practices, and methods to collect and analyze data that relates to the provision of public services or the expenditure of public funds directly or indirectly to, or for the benefit of illegal aliens.

Section 2: Within 60 days of the date of this Order, the head of every executive branch state agency, department, office, commission, board, or entity of the State of Louisiana shall conduct a review of their existing policies, procedures, and practices to ensure that they are consistent with the provisions of Section 1.

Section 3: Within 120 days of the date of this Order, the head of every executive branch state agency, department, office, commission, board, or entity of the State of Louisiana shall provide a written report to the Office of the Governor, stating the duties and responsibilities of such agency, department, office, commission, board, or entity relative to the provision of public services or the expenditure of public funds directly or indirectly to, or for the benefit of illegal aliens, which reports shall contain one or more recommendations for collecting and analyzing data

related to the provision of public services or expenditure of public funds directly or indirectly to, or for the benefit of illegal aliens.

Section 4: Within 90 days of the date of this Order, the Commissioner of the Department of Public Safety and Corrections and the Superintendent of the Louisiana State Police, utilizing the resources and expertise of the Bureau of Criminal Identification and Information and in consultation with sheriffs and other law enforcement agencies, shall jointly develop policies, procedures, practices, and methods to collect and analyze data, and report to the Office of the Governor on a monthly basis the number of aliens, in comparison with the total number of persons charged or convicted of a criminal offense, which reports shall include information regarding the citizenship or nationality and immigration status of the alien, whether the alien is lawfully or unlawfully present in the United States, the specific offense(s) for which the alien was charged or convicted, the alien's criminal history, any known or suspected gang affiliation, and the jurisdiction of arrest and/or conviction. In order to determine the citizenship or immigration status of an alien charged or convicted of a criminal offense, the Commissioner or Superintendent, or their designee, shall make a documented request for that information from the U.S. Department of Homeland Security pursuant to the provisions of 8 U.S.C. §§ 1373(c), 1644, 1226(d), and 1357(g)(10), which provisions require the Department of Homeland Security to provide assistance regarding the citizenship or immigration status of any person within the jurisdiction of the Department of Public Safety or Louisiana State Police, including reporting knowledge that a particular alien is not lawfully present in the United States.

Section 5: Within 180 days of the date of this Order, the Commissioner of the Department of Public Safety and Corrections and the Superintendent of the Louisiana State Police, utilizing the resources and expertise of the Bureau of Criminal Identification and Information and in consultation with sheriffs and local law enforcement agencies, shall jointly develop a method to regularly publish on one or more publicly accessible websites the data collected pursuant to Section 4 regarding criminal arrests and convictions of illegal aliens, which reports shall include information regarding the citizenship or nationality of the illegal alien, the specific offense(s) for which the alien was arrested, charged, or convicted, the criminal history of the illegal alien, any sentencing information, and the jurisdiction of arrest and/or conviction. Such information shall be disclosed with due consideration for the greatest degree of transparency, while consistent with

applicable privacy laws. Such website(s) shall be regularly and timely updated with the most current information regarding illegal alien arrests and convictions.

Section 6: All executive branch state agencies, departments, offices, commissions, boards, entities, officers, and employees of the State of Louisiana shall promptly respond to requests for information by the Louisiana Attorney General or her designee concerning matters of illegal immigration that are or may become the subject of litigation involving the State.

Section 7: For purposes of this Order and consistent with the definition adopted by the United States Court of Appeals for the Fifth Circuit, the term "illegal alien" is an "alien" described in 8 U.S.C. § 1101(a)(3), who is present in the United States without lawful immigration status and therefore subject to removal pursuant to federal law. *See Texas v. U.S.,* 809 F.3d 134, n.14 (5th Cir. 2015). An alien granted parole under 8 U.S.C. § 1182(d)(5), temporary protected status, deferred action, deferred enforced departure, or similar exercise of administrative grace or prosecutorial discretion shall not be deemed to have lawful immigration status.

Section 8: The term "unaccompanied alien child" has the meaning set forth in 6 U.S.C. § 279(g) (2).

Section 9: All executive branch state agencies, departments, offices, commissions, boards, entities, officers, and employees of the State of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the implementation of the provisions of this Order.

Section 10: This Order is effective upon my signature and shall remain in effect until amended, modified, terminated, or rescinded.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 12th day of January, 2024.

JEFF LANDRY
GOVERNOR OF LOUISIANA

ATTEST BY THE
SECRETARY OF STATE

Nancy Landry
SECRETARY OF STATE

ABAJOURNAL

IMMIGRATION LAW

ICE formalizes policy allowing courthouse arrests of targeted immigrants

BY DEBRA CASSENS WEISS (HTTPS://WWW.ABAJOURNAL.COM/AUTHORS/4/)

FEBRUARY 2, 2018, 8:00 AM CST



U.S. Immigration and Customs Enforcement has formalized its policy authorizing courthouse arrests in specific circumstances of immigrants who are subject to deportation.

The directive (https://www.ice.gov/sites/default/files/documents/Document/2018/ciEnforcementActionsCourthouses.pdf) generally bars arrests of people visiting the courthouse as family members, friends and witnesses, report the Associated Press (https://www.courthousenews.com/ice-finalizes-plans-for-courthouse-

immigration-raids/) and the New York Law Journal (https://www.law.com/newyorklawjournal/sites/newyorklawjournal/2018/02/01/amid-spike-in-courthouse-immigration-arrests-ice-issues-formal-policy/). Arrests should also generally be avoided in areas of courthouses that are dedicated to noncriminal proceedings, the policy says.

But arrests are allowed for "specific, targeted aliens with criminal convictions, gang members, national security or public safety threats, aliens who have been ordered removed from the United States but have failed to depart, and aliens who have re-entered the country illegally after being removed," the policy says.

The policy says courthouse arrests should be documented and approved, and should generally take place in nonpublic areas in collaboration with court security staff.

The Associated Press contacted California Chief Justice Tani Cantil-Sakauye, who had criticized (http://www.abajournal.com/news/article/california_chief_justice_courthouses_shouldnt_be_used_as_bait_in_immigratio/) courthouse arrests of immigrants last year. On Wednesday she said the directive "is a good start. It's essential that we protect the integrity of our state court justice system and protect the people who use it."



California Chief Justice Tani Cantil-Sakauye.

But the policy does not go as far as some had hoped.

The ABA House of Delegates passed a resolution (http://www.abajournal.com/news/article/2017_annual_meeting_resolution_10c) last August that urged courthouses be treated as sensitive locations like hospitals and schools, where immigration arrests are allowed only in exigent circumstances and with prior approval of a supervisor.

Lucian Chalfen, a spokesman for New York's Office of Court Administration, told the New York Law Journal that court officials in his state were also continuing to request that courts be treated as sensitive locations. But he said the written policy was drafted as a result of court officials' communications with ICE.

ICE had made more than 130 arrests at courthouses in New York state in 2017, compared to just 11 arrests the prior year, according to figures from the Immigrant Defense Project cited in the New York Law Journal article. The group said in a statement that the ICE policy is "just a continuation" of a past policy that poses a threat to public safety and the fair administration of justice.

An Immigrant Defense Project survey of 225 attorneys and advocates in New York had found that (http://www.abajournal.com/news/article/legal_groups_want_rules_on_ice_arrests_at_ny_courthouses_fearful_clients_de) fear of ICE kept 29 percent of the respondents' clients from appearing in court, 37 percent from pursuing an order of protection, and 48 percent from seeking custody or visitation rights.

Write a letter to the editor, share a story tip or update, or report an error. *(/contact?referrer=https://www.abajournal.com/news/article/ice_formalizes_policy_allowing_courthouse_arrests_of_targeted_immigra*

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2025 Regular Session **ACT No. 399** **ENROLLED**

SENATE BILL NO. 15

BY SENATOR MORRIS AND REPRESENTATIVES AMEDEE, BACALA, COX, ECHOLS, EMERSON, FIRMENT, FONTENOT, GLORIOSO, HORTON, JACOB LANDRY, OWEN, ROMERO, SCHAMERHORN, WILDER, WILEY AND WRIGHT

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

AN ACT

To amend and reenact the introductory paragraph of R.S. 14:130.1(A) and 134(A) and to enact R.S. 14:130.1(A)(6) and (B)(6) and (7), relative to criminal interference with federal immigration enforcement activities; to provide relative to the crimes of obstruction of justice and malfeasance in office; to prohibit interference by public and private actors with immigration enforcement and other official governmental acts; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 14:130.1(A) and 134(A) are hereby amended and reenacted and R.S. 14:130.1(A)(6) and (B)(6) and (7) are hereby enacted to read as follows:

§130.1. Obstruction of justice

A. The crime of obstruction of justice is any of the following **acts** when committed with the knowledge that ~~such~~ **the** act has, reasonably may, or will affect an actual or potential present, past, or future criminal proceeding ~~as described in this Section.~~ **, civil immigration proceeding, or official act of an agent or employee of a governmental entity:**

* * *

(6) Knowingly committing any act intended to hinder, delay, prevent, or otherwise interfere with or thwart federal immigration enforcement efforts.

B. Whoever commits the crime of obstruction of justice shall be subject to the following penalties:

* * *

Coding: Words which are ~~struck through~~ are deletions from existing law; words in **boldface type and underscored** are additions.

(6) When the obstruction of justice involves a civil immigration proceeding, the offender shall be fined not more than five thousand dollars, imprisoned with or without hard labor for not more than one year, or both.

(7) When the obstruction of justice involves an official act of an agent or employee of a governmental entity, the offender shall be fined not more than one thousand dollars, imprisoned for not more than six months, or both.

* * *

§134. Malfeasance in office

A. Malfeasance in office is committed when any public officer or public employee ~~shall~~ **does any of the following**:

(1) Intentionally ~~refuse~~ **refuses** or ~~fail~~ **fails** to perform any duty lawfully required of him, as such officer or employee~~; or~~**.**

(2) Intentionally ~~perform~~ **performs** any such duty in an unlawful manner~~; or~~**.**

(3) Knowingly ~~permit~~ **permits** any other public officer or public employee, under his authority, to intentionally refuse or fail to perform any duty lawfully required of him, or to perform any such duty in an unlawful manner~~; or~~**.**

(4) Willfully and knowingly ~~subject~~ **subjects** any person to the deprivation of any right, privilege, or immunity secured or protected by the United States Constitution and laws, if serious bodily injury or death results.

(5) Knowingly releases a person, following arrest or booking, from state, parish, or local law enforcement custody without providing advance notice to United States Immigration and Customs Enforcement that the law enforcement agency effecting release is aware that the person either illegally entered or unlawfully remained in the United States.

(6)(a) Takes any official action, fails to perform an official duty, or refuses a lawful request for cooperation submitted by either United States Immigration and Customs Enforcement, United States Customs and Border Protection, or United States Citizenship and Immigration Services with the intent to hinder, delay, prevent, or otherwise interfere, ignore, or thwart federal immigration enforcement efforts.

Coding: Words which are ~~struck through~~ are deletions from existing law; words in **boldface type and underscored** are additions.

(b) This Paragraph shall not be construed to limit, impede, or otherwise interfere with the duty of a sheriff, chief of police, or other executive law enforcement official in this state to exercise the powers of his office. However, a lawful written request or detainer submitted by either United States Immigration and Customs Enforcement, United States Customs and Border Protection, or United States Citizenship and Immigration Services to release an individual into federal custody shall be complied with if the request or detainer alleges that the person to be released either illegally entered or unlawfully remained in the United States.

* * *

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

Coding: Words which are ~~struck through~~ are deletions from existing law; words in **boldface type and underscored** are additions.

Art. 835. Presence of defendant at pronouncement of sentence

Effective: August 1, 2020

LSA-C.Cr.P. Art. 835

Art. 835. Presence of defendant at pronouncement of sentence

Currentness

A. Except as provided in Paragraph B of this Article, in felony cases the defendant shall always be present when sentence is pronounced and, in misdemeanor cases, the defendant shall be present when sentence is pronounced unless excused by the court. If a sentence is improperly pronounced in the defendant's absence, he shall be resentenced when his presence is secured.

B. Nothing in this Article prohibits the court, by local rule, from providing for a defendant's appearance at the pronouncement of sentence by simultaneous audio-visual transmission in accordance with the provisions of Article 562.

Credits

Amended by Acts 2020, No. 160, § 1.

Editors' Notes

OFFICIAL REVISION COMMENT--1966

(a) This article following A.L.I. Code of Criminal Procedure, § 291, separately provides for presence of the defendant at pronouncement of sentence. The requirement of presence at sentencing is not included in the general provisions of Arts. 831 and 833, which specify the stages of the trial at which the defendant must be present. This separate treatment was induced by the fact that the defendant's absence at sentencing does not invalidate the trial but requires resentencing in his presence.

CoCounsel

(b) A clear distinction is made between felony and misdemeanor cases. In misdemeanor cases the court may, in its discretion, excuse a defendant from being present when sentence is pronounced. The court will sometimes, as when a small fine is imposed, find it appropriate to sentence the defendant without requiring his presence in court. Under Art. 523 of the 1928 Code of Criminal Procedure, *all* sentences had to be pronounced in defendant's presence.

The Commentary to A.L.I. Code, § 291, lists nine states that have statutory provisions "that the defendant in felony cases must be personally present when sentence is pronounced but need not be present in misdemeanor cases." It lists two other states as simply providing that "Judgment shall not be rendered against a defendant, in case of felony, except in his presence;" and three jurisdictions as stating a converse ruling that "for the purpose of judgment, if the conviction is for misdemeanor, judgment may be pronounced in the defendant's absence."

Notes of Decisions (36)

LSA-C.Cr.P. Art. 835, LA C.Cr.P. Art. 835

The Constitution, Revised Statutes and Codes are current through the 2024 First Extraordinary, Second Extraordinary, Regular, and Third Extraordinary Sessions.

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CoCounsel

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

U.S. DISTRICT COURT
EASTERN DISTRICT-WI
FILED
2025 MAY 13 P 5:21
CLERK OF COURT

UNITED STATES OF AMERICA,

Plaintiff,

v.

HANNAH C. DUGAN,

Defendant.

Case No. 25-CR- 25-CR-089

ADELMAN

[18 U.S.C. §§ 1071 & 1505]

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about April 18, 2025, in the State and Eastern District of Wisconsin,

HANNAH C. DUGAN

knowingly concealed E.F.R, a person for whose arrest a warrant and process had been issued under the provisions of a law of the United States, so as to prevent the discovery and arrest of E.F.R., after notice and knowledge of the fact that a warrant and process had been issued for the apprehension of E.F.R.

In violation of Title 18, United States Code, Section 1071.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 18, 2025, in the State and Eastern District of Wisconsin,

HANNAH C. DUGAN

did corruptly endeavor to influence, obstruct, and impede the due and proper administration of the law under which a pending proceeding was being had before a department and agency of the United States, namely the administrative arrest of E.F.R. for purposes of removal proceedings conducted by the United States Department of Homeland Security, by committing affirmative acts to assist E.F.R. to evade arrest, including:

a. confronting members of a United States Immigration and Customs Enforcement (ICE) Task Force and falsely telling them they needed a judicial warrant to effectuate the arrest of E.F.R.;

b. upon learning that they had an administrative warrant for E.F.R.'s arrest, directing all identified members of the ICE Task Force to leave the location of the planned arrest (a public hallway outside of Courtroom 615 of the Milwaukee County Courthouse) and go to the Chief Judge's office;

c. addressing E.F.R.'s Milwaukee County Circuit Court criminal case off the record while ICE Task Force members were in the Chief Judge's office;

d. directing E.F.R. and his counsel to exit Courtroom 615 through a non-public jury door; and

e. advising E.F.R.'s counsel that E.F.R. could appear by "Zoom" for his next court date.

In violation of Title 18, United States Code, Section 1505.

A TRUE BILL:

[redacted]

FOREPERSON
Dated: 5-13-25

RICHARD G. FROHLING
Acting United States Attorney

CCRP 562

Art. 562. Use of simultaneous audio-visual transmission for certain proceedings

A. In a case where the offense is a noncapital felony or a misdemeanor, the defendant, who is confined in a jail, prison, or other detention facility in Louisiana, may, with the court's consent and the consent of the district attorney, appear at the entry of his plea of guilty, at any revocation hearing for a probation violation, including any hearing for a contempt of court, and at sentencing by simultaneous audio-visual transmission if the court, by local rule, provides for the defendant's appearance in this manner and the defendant waives his right to be physically present at the proceeding.

B. In a capital case, the defendant may not enter his plea by simultaneous audio-visual transmission.

C. If the defendant is represented by an attorney during the proceeding in which a simultaneous audio-visual transmission system is used, the attorney may elect to be present either in the courtroom with the presiding judicial officer or in the place where the defendant is confined. Upon request by the defendant or the attorney representing the defendant, the court shall provide the opportunity for confidential communication between the defendant and the attorney representing him at any time prior to or during the proceeding.

D. The law enforcement agency who has custody of the defendant at the time of the proceeding shall obtain the fingerprints of the defendant for purposes of Article 871. The fingerprints may be taken electronically or in ink and converted to electronic format.

Acts 2017, No. 406, §1; Acts 2020, No. 160, §1.

CONST 5 25

§25. Judiciary Commission

Section 25.(A) Composition. The judiciary commission shall consist of

(1) one court of appeal judge and two district court judges selected by the supreme court;

(2) two attorneys admitted to the practice of law for at least ten years and one attorney admitted to the practice of law for at least three years but not more than ten years, selected by the Conference of Court of Appeal Judges or its successor. They shall not be judges, active or retired, or public officials, other than notaries public; and

(3) three citizens, not lawyers, judges active or retired, or public officials, selected by the Louisiana District Judges' Association or its successor.

(4) two appointees of the speaker of the Louisiana House of Representatives, two appointees of the president of the Louisiana Senate, and one appointee of the governor.

(B) Term; Vacancy. A member of the commission shall serve a four-year term and shall be ineligible to succeed himself. His term shall end upon the occurrence of any event which would have made him ineligible for appointment. When a vacancy occurs, a successor shall be appointed for a four-year term by the authority which appointed his predecessor.

(C) Powers. The supreme court may, after an investigation by the judiciary commission, which shall be instituted on recommendation by the judiciary commission or by directive of a majority of the supreme court, censure, suspend with or without salary, remove from office, or retire involuntarily a judge for willful misconduct relating to his official duty, willful and persistent failure to perform his duty, persistent and public conduct prejudicial to the administration of justice that brings the judicial office into disrepute, malfeasance while in office, conduct while in office which would constitute a felony, or conviction of a felony. The supreme court may, on recommendation of the judiciary commission, or on its own motion, disqualify a judge from exercising any judicial function, without loss of salary, during pendency of proceedings in the supreme court. The supreme court may, after an investigation by the judiciary commission, which shall be instituted on recommendation by the judiciary commission or by directive of a majority of the supreme court, retire involuntarily a judge for disability that seriously interferes with the performance of his duties and that is or is likely to become permanent. The supreme court shall make rules implementing this Section.

(D) Other Disciplinary Action. Action against a judge under this Section shall not preclude disciplinary action against him concerning his license to practice law.

Acts 2024, No. 405, §1, eff. Jan. 12, 2025.

RS 32:52

§52. Driver must be licensed

No person shall drive or operate any vehicle upon any highway within this state unless and until he has been issued a license to so do as required by the laws of this state nor shall any person permit or allow any other person to drive or operate any vehicle owned or controlled by him upon highways of this state unless and until such other person has been issued a license to so do as required by the laws of this state.

Acts 1962, No. 310, §1.