

**COMMUNITY EXPLAINER****LOUISIANA 2025 REGULAR LEGISLATIVE
SESSION - ANTI-IMMIGRANT LAWS****ACT 399 (SENATE BILL 15)**

Louisiana Senate Bill 15 (SB15) was signed by the governor and is now law. SB15 changed the existing crimes of obstructing justice and “malfeasance in office.” Obstruction of justice is when a person interferes with a criminal investigation or proceeding. Malfeasance in office is when any elected official, public officer, or public employee intentionally fails to do their duty or intentionally breaks the law while doing their duty.

OBSTRUCTION OF JUSTICE

SB15 expanded the crime of obstruction of justice to apply to “civil immigration proceedings” as well as any other “official act of an agent or employee of a government entity.” SB15 also made it a crime to “knowingly commit any act intended to hinder, delay, prevent, or otherwise interfere with or thwart federal immigration enforcement efforts.” If a person is convicted of obstruction of justice involving an immigration proceeding, it is a felony and they will be fined up to \$5000 or imprisoned for up to a year, potentially in a state prison, or both.

SB15’s obstruction of justice expansion is troublingly broad and it is hard to know exactly what behavior it criminalizes, especially as it is not limited to any immigration arrest or proceeding, but instead applies to “federal immigration enforcement efforts.” The law seems to be aimed at activists and community members trying to protect immigrants, with the intention of making people afraid to stand up to ICE. The law could potentially encompass actions as varied as spreading the word about where ICE is conducting an enforcement operation or physically blocking a DHS vehicle or arrest.

However, the Louisiana legislature cannot take away your First Amendment rights to free speech.

Many forms of activism are protected by the Constitution, and the First Amendment especially. As law enforcement attempts to enforce SB15, we will see legal challenges raised, potentially including challenges under the First Amendment. We will also see how courts will interpret and possibly limit the law. For now, SB15 probably increases the risks associated with certain forms of activism. As such, SB15 may influence groups’ strategies as they try to steer clear of violating the law, or try to ensure that their vulnerable members are shielded from any criminal liability.

MALFEASANCE IN OFFICE

SB15 also expands the crime of malfeasance in office so that it applies to government officials knowingly releasing someone from criminal custody before informing ICE and refusing to cooperate

with ICE or CBP. SB15 also criminalizes government officials taking any official action with the intent to “hinder, delay, prevent, or otherwise interfere with or thwart federal immigration enforcement efforts.” The law makes it clear that it applies to sheriffs, chiefs of police, and other law enforcement officials, and instructs them to comply with immigration detainer requests. The crime of malfeasance in office is a felony punishable by a fine of up to \$5000 or up to ten years in custody, either in a parish jail or state prison, or both.

This new crime is likely intended to prevent any local government efforts to protect immigrant community members, and so-called “sanctuary” policies. Like the obstruction of justice crime, the malfeasance in office crime is very broad and vague. SB15 targets and may scare local government officials who are standing up to ICE and to Trump. It is more important than ever to act in solidarity; we should pay attention to any prosecutions under SB15 and speak up against this unjust law. People may also consider reaching out to their legislators affirmatively and encouraging them to repeal the law.

LOUISIANA ACT 264 (HOUSE BILL 303)

This bill, which has also been signed into law by the Governor, creates a statewide “Fugitive Apprehension Unit” within the Louisiana Department of Justice, made up of law enforcement officers, intelligence analysts, and support personnel. This new unit will be tasked with coordinating with and assisting state, local, and federal law enforcement agencies – including immigration enforcement agencies – to catch and arrest so-called “fugitives.” The bill does not define exactly who is a “fugitive.”

The unit will also be responsible for using warrants to search and arrest people, for “executing warrantless arrests” where legally allowed, and for helping law enforcement agencies to find and arrest people who violate the terms of court-ordered electronic monitoring programs. The unit is also directed to create and participate in joint task forces aimed at increasing resources for catching “fugitives.” Troublingly, the bill also charges the new unit to “identify, pursue, and arrest any person who shall harbor, conceal, or aid a fugitive” if that person knows or should know that the person that they are helping is a fugitive. The bill requires the unit to “give priority” to pursuing people wanted for “violent offenses.” However, the bill does not provide any funding to staff the unit.

In tasking the new unit with assisting federal immigration enforcement agencies, the bill makes clear that it is targeting people who are trying to stay off of ICE’s radar. There is a federal crime of “harboring” certain noncitizens, and it seems likely that the unit – should it be funded and staffed – could be used to track down and arrest people who provide certain kinds of aid, housing, or employment to “fugitive” noncitizens, especially with the intention of helping them escape detection by ICE.

LOUISIANA ACT 351 (HOUSE BILL 307)

This bill, which has also been signed into law by the Governor, will require any benefits-administering Louisiana state agency to verify the citizenship or other qualifying immigration status of every applicant for public benefits. Some qualifying immigration statuses include legal permanent resident, person who has been granted asylum, refugee, and some others. If the applicant is found not to have citizenship or the required immigration status, the agency is required to a) report them to ICE, b) terminate their benefits, and c) send a monthly list of everyone who failed citizenship verification to the Louisiana Secretary of State to update the voter rolls.

Troublingly, the bill only requires that a “reasonable period” pass without any confirmation of citizenship before they decide to report someone to ICE and cut off their benefits. That is to say, if the person can’t provide adequate documentation in time, the state can deprive them of critical assistance needed to survive. One can imagine many scenarios – documents destroyed in a hurricane, birth in a rural parish – where someone might not have readily available proof of citizenship or relevant immigration status.

LOUISIANA ACT 17 (HOUSE BILL 436)

This mean-spirited bill, which has been signed into law by the Governor, prohibits certain noncitizens from receiving some types of damages in any lawsuit stemming from a car accident. The bill applies to “unauthorized” immigrants, which it defines as “a person who is unlawfully present in the United States according to the federal Immigration and Nationality Act.” People who fall into this category, then, cannot receive general damages (money intended to compensate someone for harm that is difficult to quantify, like emotional distress, long-term disability, and pain and suffering) or lost wages, both past and present. So for example, let’s say Person A rear-ends an undocumented Person B and totals their car, breaks their leg, and injures their back. Undocumented Person B has to go to the hospital and misses three weeks of work. The back injury will cause long-term pain and will reduce their ability to work in the future. Person B could sue Person A to for the damage to their car and their hospital bills, but the court could not order Person A to pay for Person B’s lost income from having to miss work either following the accident or in the future due to the back injury, and also could not order Person A to pay for Person B’s pain and suffering.

LOUISIANA ACT 292 (HOUSE BILL 554)

This bill, signed into law by the Governor, prohibits the Office of Motor Vehicles from issuing driver licenses and state IDs to any noncitizen who is not lawfully present in the United States. Noncitizens who are in the country lawfully may still receive licenses or IDs, but the license or ID will contain a “restriction code” that indicates that they are not a citizen for voting purposes; their information will be shared with the Secretary of State to make sure that they are not on the voter rolls; and the person will be mailed a notice telling them that it is illegal to vote in state and federal elections.

LOUISIANA ACT 419 (SENATE BILL 100)

SB 100, which has also been signed into law, codifies Governor Landry’s executive order of last year, which requires the Louisiana Department of Health, Department of Education, Office of Motor Vehicles, Governor’s Office of Homeland Security and Emergency Preparedness, Department of Public Safety and Corrections, Department of Children and Family Services, and Louisiana higher education institutions to “determine the legal status of individuals” receiving their benefits and services. The bill includes in its definition of people who do not have lawful immigration status a lot of people who do have permission to be in the United States, including through parole, deferred action, deferred enforced departure, and other mechanisms. SB 100 further requires these agencies to annually calculate and report:

- the number of people whom the bill deems not to have lawful status and unaccompanied immigrant children receiving services,
- the total dollar amount spent on those services,

- a breakdown of the services provided, and
- any action taken to “ensure compliance with federal immigration law.”

Each agency is required to provide the report to the legislature, the governor, and the attorney general and to post a full copy on its website. The agencies are also required to develop their own means of verifying immigration status, which can include requesting passports, birth certificates, certificates of naturalization, and green cards.

Nothing in the bill requires agencies to deny services to anyone. The agencies still must comply with both state and federal laws related to privacy, which at a minimum will likely bar them from reporting or posting any personally identifying information related to health services and education.

OPERATION GEAUX EXECUTIVE ORDER

This executive order requires law enforcement agencies to launch a public awareness campaign about the mission of Operation GEAUX. It also orders them to “explore” and are “strongly encouraged” to enter 287(g) agreements and other forms of collaboration with federal immigration enforcement agencies, but are not actually required to enter into them. They are required to “screen and identify” all noncitizens who are arrested for “indicia of gang membership.” This could potentially facilitate Alien Enemies Act expulsions as well as provide ICE with unreliable evidence based on officer speculation that could nevertheless be used to deny people bond and relief.