

McNEESE STATE UNIVERSITY

Annual Security and Fire Safety Report October 2021





Message from the President
Dr. Daryl Burckel

The security of our campus and the safety of our students, faculty, staff, and visitors are priorities at McNeece State University. The Annual Security and Fire Safety Report is produced to provide you with information on the University's safety, crime prevention and victim assistance programs and services, policies, and crime statistics.

Personal safety is everyone's responsibility and we need your assistance to maintain a campus environment where everyone feels safe to learn, work, live, and visit.

You can help by reporting suspicious activity to the McNeece Police Department in person, by phone, or through the Silent Witness Program.

Dr. Daryl V. Burckel



Message from the Provost
and Vice President for Academic Affairs and
Enrollment Management
Dr. Frederick "Chip" LeMieux

The safety and security of our students, faculty, staff and visitors is paramount at McNeece State University. The dedicated work of our McNeece Police Department and the cooperation of the campus community help make this vision a reality.

I encourage you to carefully read this report and become familiar with the University's emergency communication procedures, as well as the services that are available to you.

As a member of the campus community, you must also take an active role to help ensure the safety of our campus. Notify the McNeece Police Department about anything you believe is concerning or suspicious.

Questions about this report, or requests to obtain a printed copy, should be directed to William Scheufens, Chief of Police, 337-475-5711.

Dr. Frederick "Chip" LeMieux



Message from the Chief of Police
William Scheufens

It is the mission of the McNeece State University Police Department to provide a safe and hospitable setting by offering services, which support the strategic plan of the university. It is our goal to enhance the quality of the educational experience for our students, visitors, faculty, and staff.

The McNeece Police Department is committed to ensuring the safety of our students, visitors, faculty, and staff through effective policies and procedures, training, and community involvement while recognizing and being respectful of the diversity within the community, which we serve.

Our officers receive their basic law enforcement certification through the Louisiana Peace Officers Standards and Training Council. They go on to receive additional training in the areas of crime prevention, emergency medical response, criminal investigations, crisis intervention training, emergency management, and emergency operations.

Please feel free to browse our website for additional information about the services provided by the McNeece Police Department. It is my honor to serve the McNeece community as the Chief of Police.

William Scheufens

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Clery Compliance Committee assisted with the preparation of this combined Annual Security Report and Fire Safety Report covering the reporting period January through December 2020. The ASR was reviewed by the University's Clery Compliance Committee and it was published on December 2020.



Annual Security Report (ASR)

The McNeese State University combined Annual Security Report and Fire Safety Report (ASR) provides crime and fire statistics representing calendar years 2018, 2019, and 2020. Annual crime statistics are published and distributed to the University community. The annual crime statistics reflect the Uniform Crime Reports filed by the McNeese State University Police Department, referrals to the Office of University Services for alcohol, drug, and weapons law violations; and the reports of local law enforcement agencies. The ASR provides information to assist all members of the community—faculty, administrators, staff, and students—in taking appropriate precautions to enhance their personal safety and security. It includes University policies and procedures related to:

- Reporting Crimes
- Timely Warning Reports
- Emergency Response and Evacuation Procedures
- Security of and Access to University Facilities
- Response to Sexual Assault/Sexual Violence
- Student Conduct Policies, Crime Prevention, and Safety Awareness Programs
- Policy Governing Alcohol and Other Drugs
- Missing Residential Student Notification Policy
- Fire Safety Report and Fire Statistics for On-Campus Residential Facilities

The ASR covers the McNeese Main Campus and the McNeese Farm Campus in Lake Charles, Center for Advancement of Meat Processing and Production (CAMPP) Campus in Lacassine and the Fuller Farm Campus in Kinder.

Notice of Availability of the Combined Annual Security Report and Annual Fire Safety Report

McNeese State University is committed to assisting all members of the University community in providing for their own safety and security. The combined Annual Security Report and Annual Fire Safety Report (ASR) is prepared by the McNeese Police Department in cooperation with other administrative units and law enforcement agencies in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime

Statistics Act

The report includes statistics for the previous three years concerning crimes that occurred on campus; in certain campus-owned buildings or property owned, leased, or controlled by McNeese State University; and on public property within, or immediately adjacent to and accessible from, the campus. The report also contains institutional policy statements concerning campus security, alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, and other matters of importance related to campus safety and security.

Each year, prior to October 1, the McNeese Office of Public Relations and University Events sends an email to all enrolled students, faculty, and staff informing them of the availability of this report. This email message includes a brief summary of the contents of this report and includes the direct link (www.mcneese.edu/police/annual_security_reports) on the McNeese website where the complete ASR can be found online. A printed copy can be obtained by making a request in person at the McNeese Police Department located at 4175 Brigadier General Elizabeth Arledge Dr., Lake Charles, LA 70605, or you can request that a copy be mailed to you by calling 337-475-5711.

McNeese Police Department

The McNeese Police Department (MPD or McNeese Police) is a professional law enforcement organization staffed with highly trained men and women. All officers are Louisiana POST (Police Officer Standards and Training) certified and have complete police authority to apprehend and arrest anyone involved in illegal acts on campus and in areas immediately adjacent to the campus. Through agreements with other law enforcement agencies and state statutes, McNeese police officers also have enforcement laws beyond the University campus.

McNeese Police may refer students that commit minor offenses involving University rules and regulations to the Office of Student Affairs for disciplinary action. The MPD investigates major criminal offenses such as rape, murder, aggravated assault, robbery, and auto theft

and the department has a superior rate of solvability for misdemeanor and felony crimes. The MPD has the ability to call upon additional investigative and forensic services from partnering law enforcement agencies should they be needed. The prosecution of all criminal offenses, both felony and misdemeanor, is conducted through the Calcasieu Parish District Attorney's Office.

The department works closely with local, state, and federal law enforcement agencies and has direct radio communication with the Lake Charles Police Department and surrounding agencies via the Louisiana Wireless Information Network (LWIN). By mutual agreement with state and federal agencies, McNeese Police maintain a National Law Enforcement Telecommunications Network (NLETS) terminal. Through this system, the MPD can access the National Crime Information Center (NCIC) system as well as the Louisiana Law Enforcement Telecommunications System (LLETS) for wanted persons, warrants, driving, and vehicle records. These computer databases are used for accessing criminal history data, nationwide police records, driver/vehicle identification information, as well as other local, state, and federal law enforcement information.

The primary jurisdiction of the MPD extends to the 121-acre main campus, 65-acre athletic complex, 1,600-acre farm and research center as well as to other University facilities in surrounding parishes. University-owned or leased property in outlying surrounding parishes is primarily patrolled by the local agency of jurisdiction and crimes are jointly investigated with McNeese Police. McNeese Police provide 24-hour-a-day, seven-day-a-week, 365-day-a-year police protection to the campus including parking lots, residence halls, farm/research center and athletic complex. The McNeese Police Department is comprised of:

- 12 Police Officers
- 4 Communications Officers
- 1 Administrative Coordinator
- 4 Front Counter/Parking Program Employee
- 3 Student Ticket Writers
- 3 Reserve Police Officers

Police Powers and Authority

McNeese State University police officers are fully commissioned law enforcement officers vested with all of the powers, authority and responsibilities of any police officer of the state on property owned or operated by the University, including adjacent streets. Police authority is derived from Section 17:1805 of the Louisiana Revised Statutes. Officers have additional policing powers extending off the campus to investigate crimes, make arrests, transport prisoners, engage in money transports, dignitary protection or when requested by outside agencies or under the authority of Memoranda of Understanding (Section 17:1805(d)).

Additionally, state law grants McNeese police officers the authority to carry concealed weapons, to have the power of arrest on and off campus, cross jurisdictional boundaries and to have statewide jurisdiction for the investigation of crimes originating on campus.

Communication dispatchers monitor telephones and the law enforcement radio network on a 24-hour basis, 365-days a-year to give information and respond to emergencies. They can instantly dispatch fire or emergency medical services and communicate with local police agencies when needed. McNeese Police dispatchers also monitor the National Weather Service radio network.

Police Officer Training and Certification

All McNeese police officers complete 456 hours of basic training at an approved police academy such as the Calcasieu Regional Law Enforcement Academy. The training curriculum is mandated by the Louisiana Peace Officer Standards and Training (POST) Commission and includes such topics as criminal law and procedures, patrol and investigation practices, techniques, firearms, first aid and physical training. Officers are certified through Louisiana POST and are commissioned as peace officers through the Louisiana State Police. Officers receive a minimum of 20 hours of in-service training each year to maintain their state certification.

McNeese police officers are also cross-trained as Emergency Medical Responders (EMR), and Crisis Intervention Team (CIT) members. Additional specialized training is provided in the area of sexual assault investigations.

Law Enforcement Memorandums of Understanding (MOU)

The University recognizes that laws and rules are necessary for society to function and supports the enforcement of law by governmental agencies and rules by officials of McNeese. All persons on the campus are subject to these laws and rules at all times. While the University is public property, and Constitutional protections apply, law enforcement officers may enter the campus to conduct business as needed. Additionally, the officers are invited to patrol the campus to assist McNeese Police in deterring crime. All law enforcement agencies are expected to check in with McNeese Police when investigations lead onto the campus or involve serving arrest warrants or making arrests on campus facilities. McNeese Police is recognized by the state of Louisiana as a law enforcement agency.

Additionally, all law enforcement agencies with concurrent jurisdiction recognize that the McNeese State University Police Department is the primary law enforcement unit to handle any crime that occurs on the campus.

McNeese Police enjoy an especially good relationship with the Louisiana State Police, Calcasieu Parish Sheriff's Office (CPSO), Ward 3 Marshal's Office, the Jeff Davis Parish Sheriff's Office (Center for the Advancement of Meat Processing and Production in Lacassine) and the Iowa (IPD) and Lake Charles Police Departments (LCPD).

McNeese Police maintains a close working relationship with local, state and federal law enforcement agencies in an effort to maximize the services provided to the University community. McNeese Police staff occasionally works with other law enforcement agencies in the metropolitan area. Meetings are held

between the leaders of these agencies on both a formal and informal basis. McNeese Police officers and surrounding agencies communicate regularly on the scene of incidents that occur in and around the campus area. McNeese Police investigators work closely with the investigative staff of surrounding agencies when incidents arise that require joint investigative efforts, resources, crime related reports and exchanges of information, as deemed necessary. There are written memorandums of understanding between the Sheriff's Office, Lake Charles City Police, Ward 3 Marshal's Office, and Iowa Police.

In accordance with legislation passed by the Louisiana Legislature and signed into law in July 2015 (Senate Bill 255), the MPD is in the process of circulating MOUs to all law enforcement agencies in Calcasieu Parish to establish protocols on the response to and investigate of sex crimes involving members of the University community.

The McNeese Police Department is responsible for all crimes occurring on the campus to include our public property areas for reporting of Clery and FBI Uniform Crime Reporting (UCR).

How to Report Crimes and Other Emergencies Occurring on Campus

On the Main McNeese Campus:

If you are involved in an emergency situation, are the victim of a crime, witness any criminal activity or you are in need of assistance, you are urged to notify McNeese Police as soon as possible by dialing 9-1-1 or 337-475-5711. If you are a bystander to a suspicious circumstance or a crime, immediately take responsibility by calling for help. Off-campus crimes may be reported to the Lake Charles Police Department or the Calcasieu Parish Sheriff's Office by dialing 9-1-1.

McNeese Police is located in the University Police and Information Center at 4175 Brigadier General Elizabeth Arledge Dr.

The department operates 24-hours-a-day and is staffed by commissioned police officers. All individual resident

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rooms in residence halls have an emergency alarm that summons McNeese Police. McNeese Police can also be contacted by using the blue tower telephones located throughout the campus in parking lots, near buildings and residential halls.

Branch Campus Contacts and Law Enforcement Resources:

McNeese Farm Campus at 2907 McNeese Farm Road, Lake Charles, LA 70607

Branch Campus Contact: Farm Manager - Darren Goodwin
337-475-8004
dgoodwin@mcneese.edu

McNeese State University Police

4175 Brigadier General Elizabeth Arledge Dr., Lake Charles, LA 70605
337-475-5711 or 9-1-1 from any campus phone

Lake Charles Police Department

830 Enterprise Street, Lake Charles, LA 70601
337-491-1456 or 9-1-1

Calcasieu Parish Sheriff's Office

5400 Broad Street, Lake Charles, LA 70615
337-491-3600 or 9-1-1

Louisiana State Police

805 Main Street, Lake Charles, LA 70615
337-491-2511 or 9-1-1
888-225-5577

Center for Advancement of Meat Processing and Production (CAMPP) Campus at 19087 S. Frontage Road, Iowa, LA 70647

Branch Campus Contact: Meat Lab Manager - Joel Jackson
337-588-5008
jjackson1@mcneese.edu

Jefferson Davis Parish Sheriff's Office

321 E. Plaquemine Street, Room 102, Jennings, LA 70546
337-824-3850

Louisiana State Police

805 Main Street, Lake Charles, LA 70615
337- 491-2511 or 9-1-1
888-225-5577

McNeese State University Police

4175 Brigadier General Elizabeth Arledge Dr., Lake Charles, LA 70605
337-475-5711 or 9-1-1 from any campus phone

Fuller Farm Campus at 493 Chachere Road, Kinder, LA 70648

Branch Campus Contact: Manager (Assoc. Prof./ Research Assoc.) - William "Bill" Storer
225-266-1821
wstorer@mcneese.edu

Allen Parish Sheriff's Office

7340 Hwy. 26 West, Oberlin, LA 70655
337-639-4353

Louisiana State Police

805 Main Street, Lake Charles, LA 70615
337- 491-2511 or 9-1-1

McNeese State University Police

4175 Brigadier General Elizabeth Arledge Dr., Lake Charles, LA 70605
337-475-5711 or 9-1-1 from any campus phone

Campus Security Authorities (CSAs)

The Clery Act considers certain campus personnel to be Campus Security Authorities (CSAs). In addition to all members of the McNeese Police Department, Campus Security Authorities also include: 1) Any individual or individuals who have responsibility for campus security but who are not part of the MPD; 2) Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses; and/or 3) An official of the University who has significant responsibility for student and campus activities, including (but not limited to) student housing, student discipline, and campus judicial proceedings.

An official is further defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution. Examples of CSAs include (but are not limited to) the Assistant Vice President for University Services, athletic team coaches, and faculty/staff advisors of student clubs/ organizations. Pastoral counselors and professional counselors functioning within the scope of those roles are not considered to be CSAs.

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

The McNeese Police Department is located at 4175 Brigadier General Elizabeth Arledge Dr. in Lake Charles, La. Dispatch phone: 337-475-5711
Emergency phone number: 9-1-1
Internet address: www.mcneese.edu/police
Silent Witness Program:
<http://www.mcneese.edu/police/silent>

Public Access to the Police Crime Log and Fire Log

The automated crime log is available online for immediate access or in a paper format for review at the front desk of the McNeese Police Department. Calls for assistance are listed along with important information about the location and type of crime, fire or call for service. Names and exact addresses are not provided.

The McNeese Police Crime Log encompasses all crime and fire reports for the main campus, McNeese Farm Campus, CAMPP Campus and Fuller Farm.

Responding to Calls for Police Service

Every call received by McNeese Police is checked by an officer. Reported criminal acts or emergencies on the main campus and McNeese Farm Campus result in a McNeese Police 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 on-duty or on-call supervisor may also notify appropriate personnel in University offices, including the Provost, University Services, Counseling Center and/or Facilities who may need to respond.

Calls for police or emergency services at the CAMPP Campus and Fuller Farm Campus are handled by the Jefferson Davis Parish Sheriff's Office.

An assigned officer will investigate, make an arrest when appropriate and prepare a detailed report of the incident. When necessary, an assigned uniform officer or department investigator will perform an investigative follow-up. All reports are forwarded to the police department's record 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 an investigation is on-going, except when court ordered. The MPD maintains statistical data from these reports for appropriate use and publishes an Annual Update Report that is available to the public along with the daily Crime Report that is also available online to the general public. These resources supplement the federally required publication of the Annual Security Report (ASR).

Criminal offenses are referred to the Calcasieu Parish District Attorney's Office for prosecution involving the main campus and McNeese Farm Campus. Criminal prosecution for offenses occurring at the CAMPP Campus and the Fuller Farm Campus are prosecuted by the Jefferson Davis District Attorney's Office. Non-criminal acts and violations of University policy involving students are referred to the Office of University Services for judicial review and action.

The Calcasieu Parish Sheriff's Office and the Lake Charles Police Department, as well as the Louisiana State Police and the Ward 3 City Marshal's Office, investigate offenses that occur off-campus in Lake Charles. Information concerning criminal activities that

occur at off-campus locations of student organizations and off-campus housing facilities will be reported to the University community when possible. For off-campus options you may dial 9-1-1 and request the Lake Charles Police Department or Calcasieu Parish Sheriff's Office. McNeese Police and local law enforcement agencies have mutual aid agreements. Each department augments the other within their respective jurisdictions during mutual investigations, arrests and prosecutions.

Preventing campus crime is a shared responsibility between the University and the campus community. Public apathy is a criminal's greatest friend. Do not assume that someone else has reported suspicious or criminal activity. Remember, suspicion is the only reason anyone needs for calling the police. Crimes, suspicious activity or other emergencies on campus should be reported immediately.

Policy Statement on Disclosures to Alleged Victims of Crimes of Violence or Sex Offenses

McNeese State University through the Office of University Services will, upon written request, disclose to the alleged victim of a crime of violence or a sex offense the results of any disciplinary hearing conducted by McNeese involving the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, McNeese State University will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

Policy Statement Addressing Confidential Reporting

All reports received by the MPD will be documented and investigated. Violations of the law will be referred to law enforcement agencies, and when appropriate, to the Office of University Services for disciplinary investigation and adjudication. When a potentially dangerous threat to the University community arises, timely reports or warnings will be issued through text messages, phone messages and/or email announcements, posting of fliers, in-class announcements or other appropriate means as determined by the University's Incident Management

Team (IMT). Anonymous reporting can also occur on-line via the **Silent Witness Program** on the University Police web page at: <http://www.mcneese.edu/police/silent>

Policy Statement Addressing Counselors and Confidential Crime Reporting

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus "Pastoral Counselors" and Campus "Professional Counselors," when acting as such are not considered to be a campus security authority (CSA) and are not required to report crimes for inclusion into the annual disclosure of crime statistics. The University makes it a practice for professional counselors to encourage crime victims to report their victimization to university police. The rulemaking committee defines counselors as:

Pastoral Counselor

An employee of an institution who is associated with a religious order or denomination recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

Professional Counselor

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of the employee's license or certification. Counselors are encouraged to inform victims of reporting options. www.mcneese.edu/studentservices/reporting

Crime Victim Resources

The following offices provide a variety of resources to victims of crime on campus:

- McNeese Police 337-475-5711
- Assistant Vice President for University Services 337-475-5503
- Student Health & Development Director 337-475-5136

Education and Prevention Programs

Sexual Assault Education and Prevention Programs

The University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end the prohibited acts of dating violence, domestic violence, sexual assault and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:

- Identify domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- Define using definitions provided both by the Department of Education as well as state law what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- Define what behavior and actions constitute consent to sexual activity in the State of Louisiana and/or using the definition of consent found in the Student Code of Conduct if state law does not define consent;
- Provide a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to

intervene;

- Inform on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- Provide an overview of information contained in the Annual Security Report in compliance with the Clery Act.

The University has developed an annual educational campaign managed by the Office of University Services and the Office of Human Resources consisting of presentations that include distribution of educational materials to new students; participating in and presenting information and materials during new employee orientation; and the delivery of ongoing awareness and educational programs to all employees and students throughout the year.

The University offered the following primary prevention and awareness programs for all incoming students in 2020:

| Name of Program | Date Held | Location Held | Which Prohibited Behavior Covered? |
|--|-------------------------|---------------------|------------------------------------|
| Student Orientation | Fall & Spring Semesters | Bulber Auditorium | SA, S, AD |
| Housing/ Resident Student Orientation | Fall & Spring Semesters | Bulber Auditorium | SA, S, DaV, AD |
| Campus Safety Month | September | Quad/ Student Union | DoV, DaV, SA, S, AD |
| Homecoming Week Safety | October | Quad/ Student Union | DoV, DaV, SA, S, AD |
| vDoV means Domestic Violence, DaV = Dating Violence, SA = Sexual Assault, S = Stalking, AD = Alcohol & Drugs | | | |

Non-Discrimination Policy

McNeese State University ("the University") does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, and stalking. As a result, McNeese State University issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a University official. In this context, McNeese State University prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the University community.

Procedures for Reporting Sexual Assault, Domestic Violence, Dating Violence, or Stalking

The University has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/ or off campus as well as additional remedies to prevent contact between a complainant[1] and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The University will make such accommodations, if the victim requests them and if they are reasonable available, regardless of whether the victim chooses to report the crime to the CAMPUS POLICE or local law enforcement. Students and employees should contact an identified University Confidential Advisor. **Currently the identified Confidential Advisors are Dr. Dena Matzenbacher (professor and Psychology Department head), dena@mcneese.edu, 337-475-5434 and Dr.**

Twila Guillory (associate professor, Department of Undergraduate Nursing), tsterling@mcneese.edu, 337-475-5542.

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at **Lake Charles Memorial Hospital, 1701 Oak Park Blvd., Lake Charles, LA 70601, phone 337-494-3000**. Specially trained nursing and doctor staff are available for care. In Louisiana, evidence may be collected even if you chose not to make a report to law enforcement. Sexual Assault Nurse Examiners (SANE) are trained to collect evidence in a caring and professional manner. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University hearing boards/ investigators or police. Although the University strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. The McNeese Police Department may be reached in an emergency at 9-1-1 from any campus extension or at 337-475-5711, 24-hours-a-day. McNeese Police may also be contacted in person at 4175 Brigadier General Elizabeth Arledge Dr. or online at www.mcneese.edu/police.

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you

should also report the incident promptly to the Dean of Students Kedrick Nichols, Holbrook Student Union Annex #104, 4300 Colonel Tony Polk Drive, Lake Charles, LA 70609 or 337-475-5610 or email: knicholas@mcneese.edu

The University will provide resources, on campus or off campus or both, to include medical and health services, to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with other law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.

The acts of dating violence, domestic violence, sexual assault, and stalking are prohibited and if a report of these acts is reported to the University, the below are the procedures that the University will follow as well as a statement of the standard of evidence that will be used during any judicial hearing on campus arising from such a report:



| Incident Being Reported: | Procedure Institution Will Follow: | Student Evidentiary Standard (University Services) | Faculty/Staff Standard (Human Resources) |
|--------------------------|---|--|---|
| Sexual Assault | <ol style="list-style-type: none"> 1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care 2. Institution will assess immediate safety needs of complainant 3. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department 4. Institution will provide complainant with referrals to on and off campus mental health providers 5. Institution will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, "No Contact" directive between both parties 6. Institution will provide a "No Trespass" (Bar Order) directive to accused party if deemed appropriate 7. Institution will provide written instructions on how to apply for Protective Order 8. Institution will provide to the complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution. https://www.mcneese.edu/policy/sexual-misconduct-policy/ 9. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is 10. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation | Sexual assault cases in which a student is the accused perpetrator are referred to the Office of University Services and are adjudicated according to procedures outlined in the institution's Code of Student Conduct and Academic Integrity using the preponderance of the evidence standard (Code of Student Conduct and Academic Integrity, Section 12.5). | Formal Complaints should be a written statement detailing the allegations on the University's Discrimination Complaint Form. Forms can be obtained from the Office of Equal Opportunity in Room 404 of Burton Business Center. This form can also be downloaded from the University's website at www.mcneese.edu/studentservices/reporting and brought to Room 404 of Burton Business Center or mailed to Box 93248, Lake Charles, Louisiana 70609 |

| Incident Being Reported: | Procedure Institution Will Follow: | Student Evidentiary Standard (University Services) | Faculty/Staff Standard (Human Resources) |
|--------------------------|--|---|---|
| Stalking | <ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant 2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to complainant on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate 6. Institution will provide a "No Trespass" (PNG) directive to accused party if deemed appropriate | <p>Stalking cases in which a student is the accused perpetrator are referred to the Office of University Services and are adjudicated according to procedures outlined in the Code of Student Conduct and Academic Integrity using the clear and convincing evidence standard (Code of Student Conduct and Academic Integrity, Section 12.5). If the stalking is sexually based, it may fall under the institution's Sexual Assault Policy and, if so, will be adjudicated according to procedures outlined in the Code of Student Conduct and Academic Integrity using the preponderance of evidence standard (Code of Student Conduct and Academic Integrity, Section 12.5).</p> | <p>Formal complaints should be a written statement detailing the allegations on the University's Discrimination Complaint Form. Forms can be obtained from the Office of Equal Opportunity in Room 404 of Burton Business Center. This form can also be downloaded from the University's website and brought to Room 404 of Burton Business Center or mailed to Box 93248, Lake Charles, Louisiana 70609.</p> |
| Dating Violence | <ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant 2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to complainant on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate 6. Institution will provide a "No Trespass" (PNG) directive to accused party if deemed appropriate | <p>Dating violence cases in which a student is the accused perpetrator are referred to the Office of University Services and are adjudicated according to procedures outlined in the Code of Student Conduct and Academic Integrity using the clear and convincing evidence standard (Code of Student Conduct and Academic Integrity, Section 12.5). If the dating violence is sexually based, it may fall under the institution's Sexual Assault Policy, and, if so, will be adjudicated according to procedures outlined in the Code of Student Conduct and Academic Integrity using the preponderance of evidence standard (Code of Student Conduct and Academic Integrity, Section 12.5).</p> | <p>Formal complaints should be a written statement detailing the allegations on the University's Discrimination Complaint Form. Forms can be obtained from the Office of Equal Opportunity in Room 404 of Burton Business Center. This form can also be downloaded from the University's website and brought to Room 404 of Burton Business Center or mailed to Box 93248, Lake Charles, Louisiana 70609.</p> |

| Incident Being Reported: | Procedure Institution Will Follow: | Student Evidentiary Standard (University Services) | Faculty/Staff Standard (Human Resources) |
|--------------------------|--|--|--|
| Domestic Violence | <ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant 2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to complainant on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate 6. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate | Domestic violence cases in which a student is the accused perpetrator are referred to the Office of University Services and are adjudicated according to procedures outlined in the Code of Student Conduct and Academic Integrity using the clear and convincing evidence standard (Code of Student Conduct and Academic Integrity, Section 12.5). If the domestic violence is sexually based, it may fall under the institution's Sexual Assault Policy, and, if so, will be adjudicated according to procedures outlined in the Code of Student Conduct and Academic Integrity using the preponderance of evidence standard (Code of Student Conduct and Academic Integrity, Section 12.5). | Formal complaints should be a written statement detailing the allegations on the University's Discrimination Complaint Form. Forms can be obtained from the Office of Equal Opportunity in Room 404 of Burton Business Center. This form can also be downloaded from the University's website and brought to Room 404 of Burton Business Center or mailed to Box 93248, Lake Charles, Louisiana 70609. |

McNeese State University Student Code of Conduct

All students are governed by the McNeese State University Code of Student Conduct and Academic Integrity which prohibits certain activities. McNeese Police respond to, and investigate, Student Code of Conduct violations and refer these violations to the Office of University Services for adjudication. The complete conduct code and an overview of the non-academic judicial process can be found at: https://www.mcneese.edu/policy/student_handbook

Resources for victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking

ON-CAMPUS RESOURCES:

| Resource | Address/Location on Campus | Phone Number |
|---|---|--------------|
| Counseling Center | Kaufman Hall, #112 | 337-475-5136 |
| Student Health Center | 550 East Sale Road | 337-475-5748 |
| Office of Student Services | 4300 Colonel Tony Polk Drive, Student Union Annex | 337-475-5609 |
| Housing and Residence Life | 565 Joe Dumars Drive Housing Office and Clubhouse | 337-475-5606 |
| Kay Doré Counseling Clinic | 808 Blue & Gold Drive, Lake Charles, LA 70605 | 337-475-5981 |
| McNeese State University Police | 4175 Brigadier General Elizabeth Arledge Dr. | 337-475-5711 |
| Office of Diversity, Title IX Coordinator | Dr. Kedrick Nicholas 4300 Colonel Tony Polk Drive, | 337-475-5610 |

OFF-CAMPUS AND BRANCH CAMPUS RESOURCES:

| Resource | Address/Location on Campus | Phone Number |
|-------------------------------------|---|------------------------------|
| LAW ENFORCEMENT | | |
| Main Campus and McNeese Farm Campus | Lake Charles Police Department 830 Enterprise Blvd., Lake Charles, LA 70601 | 337-491-1456 |
| | Calcasieu Parish Sheriff's Office 5400 E. Broad St., Lake Charles, LA 70615 | 337-491-3600 |
| | Louisiana State Police 805 Main St., Lake Charles, LA 70615 | 337-491-2511 888-225-5577 |
| CAMPP Campus | Jefferson Davis Parish Sheriff's Office 321 E. Plaquemine St, Room 102 Jennings, LA 70546 | 337-824-3850 |
| | Louisiana State Police 805 Main St., Lake Charles, LA 70615 | 337-491-2511 888-225-5577 |
| Fuller Farm Campus | Allen Parish Sheriff's Office 7340 Hwy 26 West, Oberlin, LA 70655 | 337-639-4353 |
| | Louisiana State Police 805 Main St., Lake Charles, LA 70615 | 337-491-2511 888-225-5577 |
| HOSPITALS | | |
| Main Campus and McNeese Farm Campus | Memorial Hospital 1701 Oak Park Blvd., Lake Charles, LA 70601 | 337-494-3000 |
| | Lake Area Medical Center 4200 Nelson Road, Lake Charles, LA 70605 | 337-474-6370 |
| | CHRISTUS St. Patrick Hospital 524 Dr. Michael DeBaKey Dr. Lake Charles, LA 70601 | 337- 491-2511 |
| CAMPP Campus | Jennings American Legion Hospital 1634 Elton Road, Jennings, LA 70546 | 337-616-7000 |
| Fuller Farm Campus | Allen Parish Hospital 108 Sixth Avenue, P.O. Box 1670 Kinder, LA 70648 | 337-738-2527 337-738-2517 |
| Resource | Address/Location on Campus | Phone Number |
| Counseling and Mental Health | Family and Youth Counseling Agency 220 Louie St., Lake Charles, LA 70601 | 337-436-9533 |

| | | |
|---|---|--|
| District Attorney Victim Support Main Campus and McNeese Farm Campus | Calcasieu Parish District Attorney's Office Sexual Assault Nurse Examiner (SANE) Program 1020 Ryan St., Lake Charles, LA 70601 | 337-437-3400 |
| CAMPP Campus | Jefferson Davis Parish District Attorney's Office 300 State St., Suite 206, Jennings, LA 7054 | 337-824-1893 |
| Fuller Farm Campus | Allen Parish District Attorney's Office 1212 9th St., Kinder, LA 70648 | 337-639-2641 |
| Rape Crisis Center | OASIS (formerly Calcasieu Women's Shelter) 601 West 18th St., Lake Charles, LA 70601 | 337- 436-4552 |
| Calcasieu Women's Shelter – Rape Crisis Outreach Staff | OASIS (formerly Calcasieu Women's Shelter) 601 West 18th St., Lake Charles, LA 70601 | 337-494-7273 |
| Domestic Violence Intake Center (Protective Orders) | OASIS (formerly Calcasieu Women's Shelter) 601 West 18th St., Lake Charles, LA 70601 | 337-436-4552 800-223-8066 |
| MAGISTRATE | | |
| Main Campus and McNeese Farm Campus | Calcasieu Parish Courthouse 1001 Lakeshore Dr., 3rd Flr. Lake Charles, LA 70601 | 337-721-3100 |
| CAMPP Campus | Jefferson Davis Parish Courthouse 300 North State St., Rm. 106, Jennings, LA 70546 | 337-824-8340 |
| Fuller Farm Campus | Allen Parish Courthouse 400 W 5th Ave., 70655 Oberlin 70655 | 337-639-4351 |
| Resource | Address/Location on Campus | Phone Number |
| Victim Advocacy - Calcasieu Parish District Attorney | Victim Assistance Unit 1020 Ryan St., Lake Charles, LA 70601 calcasieuda.com/victim-services/ | Victim Assistance Coordinators: Diane Eldridge 337-437-3105 Kathy Duhon 337-437-3140 |
| Legal Assistance | OASIS (formerly Calcasieu Women's Shelter) 601 West 18th St., Lake Charles, LA 70601 | 436-4552 for domestic violence 494-7273 for sexual assault. |
| National Sexual Assault Hotline | https://www.rainn.org/about-national-sexual-assault-telephone-hotline | 1-800-656-4673 |
| National Domestic Violence Hotline | http://www.thehotline.org/ | 1-800-799-7233 |
| Louisiana Coalition Against Domestic Violence Hotline | http://lcadv.org/ | 1-888-411-1333 |



All Hazard Emergency Operations Plan Emergency Operations Plan

The McNeese State University Emergency Operations Plan (EOP) addresses preparedness, response, recovery, and mitigation activities and includes information about the composition and function of the University's Emergency Preparedness Team (EPT) and Emergency Response Team (ERT).

The primary objectives of the EOP are to:

- Protect the 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 operations in a timely manner.

The EOP takes an all-hazards 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 and decision-makers.

University departments are responsible for developing contingency and continuity of operations plans for

departmental staff and areas of responsibility.

McNeese conducts emergency exercises each year, such as table-top exercises, field exercises, and both announced and unannounced tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution while improving action plans, response strategies, and recovery from post critical incidents.

Post-test evaluations provide the basis for after-action reports that highlight the noteworthy aspects of the exercise or identifies areas for improvement in operational plan or readiness efforts. McNeese police will always be the first responder to any incident on campus. Depending on the nature of the incident, additional responders may include local, state, or federal agencies.

Authority and responsibility for direction and control of personnel, resources, and recovery efforts of the University are an integral part of the EOP. In order to function effectively during a crisis and coordinate with local and state responders, McNeese State University shall abide by the National Incident Management System (NIMS) Incident Command System.

General information about the emergency response and evacuation procedures for McNeese is published each year as part of the University's Clery Act compliance efforts and the information is available on the McNeese website at <http://www.mcneese.edu/emergency/plans>.

Emergency response and evacuation procedures are reviewed annually by the Incident Management Team (IMT) and revisions are made as needed.

Timely Warning Procedures

The Clery Act requires that McNeese alert the campus community to certain crimes in a manner that is timely and will aid in the prevention of similar crimes.

When pertinent information is available about a Clery reportable crime that is reported within the institution's defined Clery geographic area and the situation **presents an ongoing or continuing threat to the campus community**, a Timely Warning will be issued in a manner that maintains the confidentiality of victims with the goal of aiding in the prevention of similar occurrences.

In determining whether a Timely Warning is warranted,

the following will be considered: the nature of the crime; the continuing danger to the campus community; and the potential risk of compromising law enforcement efforts.

The Incident Management Team (IMT) is responsible for determining if a Timely Warning should be issued. The IMT consists of the Police Chief, Director of Public Relations and University Events, and the Assistant Vice President for University Services or their designees.

Examples of crimes for which a Timely Warning may be issued include: homicide; robbery; burglary; and arson. Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by McNeese Police. For example, if an assault occurs between two students who have a disagreement, there may not be an ongoing threat to the campus community and a Timely Warning would not be issued. Sexual assaults are considered on a case-by-case basis. The facts of the case and information known by McNeese Police, including when and where the incident occurred and when it was reported, will be considered to determine if a Timely Warning should be issued.

Timely Warnings may be issued by the IMT for non-Clery reportable crimes or situations if there is an **ongoing or continuing threat to the campus community**.

Timely Warnings are prepared and disseminated by the Director of Public Relations and University Events and the Assistant Vice President for University Services or their designees in consultation with the Police Chief or designee.

Depending on the particular circumstances of the threat, *Timely Warnings* may be issued through McNeese email, text (SMS) message, and voice mail to cellular phones. Warnings may also be posted in specific buildings, on electronic bulletin boards, on social media (official Facebook and Twitter accounts), the McNeese website and communicated through

the McNeese student newspaper and radio station, KBYS 88.3 FM. In certain circumstances, community assistants may deliver warnings in person or through fliers, within residential housing units.

All McNeese students, faculty, and staff are issued a McNeese email address and informed through new employee and student orientations that official statements and information will be delivered through the Campus and Student Digests that arrive at 7 p.m. each evening. Messages can also be delivered more quickly via email to all students and employees through Campus Immediate.

Anyone with information that may warrant a Timely Warning should report the circumstances immediately to McNeese Police, by phone (337-475-5711), or in person at the McNeese Police Department located at 4175 Brigadier General Elizabeth Arledge Dr., Lake Charles, Louisiana.

Statement of Policy for Emergency Notifications

An Emergency Notification will be issued without delay to the campus community 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, in the judgment of first responders, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The goal of an Emergency Notification is to notify as many people as possible, as rapidly as possible, of potential life safety information, with adequate follow-up information provided as warranted.

The McNeese website and emergency website will serve as a central reference point for accurate information during a large-scale or ongoing event.

Emergency Notifications are reserved for incidents that pose a significant threat to the health or safety of the

campus community and include but are not limited to:

- Armed intruder;
- Bomb threat or explosion;
- Chemical or hazardous substance exposure;
- Civil unrest or rioting;
- Extreme weather conditions such as a tornado;
- Gas leak;
- Terrorist incident.

Emergency Notifications are prepared by the McNeese Incident Management Team, which includes the Police Chief, Director of Public Relations and University Events, and the Assistant Vice President for University Services or their designees. Emergency Notifications are disseminated by the Director of Public Relations and University Events and/or the Assistant Vice President for University Services or their designees. If necessary the Police Chief or designee may disseminate the message.

Emergency Notifications will include at a minimum the following information:

- The nature of the emergency;
- The location of the emergency;
- Brief advisory information such as evacuation directions, shelter-in-place instructions, or areas to avoid;
- Additional steps or directions designed to preserve the health and safety of the campus community.

McNeese will disseminate *Emergency Notifications* through **Everbridge**, but other communication tools may also be used including outdoor speakers, the police vehicle public address system, McNeese Immediate Email, social media (official Facebook and Twitter accounts), McNeese radio KBYS-FM, the McNeese emergency website, and local media.

Everbridge Notification System

McNeese has partnered with **Everbridge** to deliver mass notifications via text message and voice mail to the campus community. McNeese email addresses for all students, faculty, and staff are automatically entered in the **Everbridge** database and email

messages can also be sent during an emergency. Cellular and landline phone numbers and alternative email addresses entered in the Banner System are registered with Everbridge and updated nightly. To view or change phone numbers and alternative email addresses, go to the MyMcNeese Portal and click on the "Self Service Banner" tab at the top then click on "Personal Information." Updates to personal information in the Banner System are sent to Everbridge daily.

Emergency Evacuation Procedures

A crisis can happen at any time. A fire, explosion, medical epidemic, water leak, power outage, and weather emergency are just a few incidents that may require an evacuation of individual buildings, sections of the campus, or the entire campus.

Always evacuate the building immediately upon hearing a fire alarm in the facility or upon receiving an emergency notification from **Everbridge**, or other notification systems. Do not use elevators. Use the nearest stairwell to leave the building. Everyone should be familiar with the location of stairwell exits in all of the buildings. Detailed signs showing all available exits and instructions in case of an emergency are to be posted near the entrance in each classroom. Faculty members and students are expected to familiarize themselves with these signs in any classroom in which they teach or have class.

During an emergency or drill, remain calm. Follow the directions of first responders. When evacuating:

- Terminate all telephone conversations, meetings, or classes;
- Do not call McNeese Police to find out if there is an actual emergency as these phone lines must be kept available for phone calls seeking assistance;
- Take all valuables and coats with you, if readily available;
- Do not return for valuables;
- Close all doors behind you and leave the lights on;
- Do not run;
- Proceed to the nearest stairwell and exit the building.

First responders will direct you out of the building and inform you when it is safe to return.

Students, faculty, and staff receive information about evacuation and shelter-in-place procedures during scheduled and required safety meetings under the direction of the Safety Officer and other educational sessions that are offered throughout the year.

Shelter-in-Place Procedures – What It Means to "Shelter-in-Place"

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to seek shelter indoors. Thus, to "shelter-in-place" means to utilize the building that you are in as shelter from danger that is outside of the building or in other areas of the building. With a few adjustments, these locations can be made even safer and more comfortable until it is safe to go outside.

Basic "Shelter-in-Place" Guidance

If an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, McNeese ID card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevator). Once you have evacuated, proceed to the pre-designated evacuation point or to a safe location. If police or fire department personnel are on the scene, follow their directions.

How You Will Know to "Shelter-in-Place"

A shelter-in-place notification may come from several sources but will most likely be via the Everbridge emergency notification system that delivers emergency information to students, faculty, and staff via several possible channels, including text, phone, and email.

How to "Shelter-in-Place"

No matter where you are, the basic steps of shelter-

in-place will generally remain the same. Should the need ever arise follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be an interior room, above ground level without windows or with the least number of windows.
3. If there is a large group of people inside a building, several rooms may be necessary.
4. Shut and lock all windows and close exterior doors.
5. Turn off air conditioners, heaters, and fans, if accessible.
6. Close vents to ventilation systems as you are able.
7. Make a list of the people with you and ask someone to call the McNeese Police Department at 337-475-5711.
8. If possible, turn on a radio or TV and listen for further instructions.
9. Remain calm and make yourself comfortable.

Weather Definitions

Watch: Conditions are favorable for the development of severe weather. Closely monitor the situation in case it gets worse.

Warning: Severe weather has actually been observed. Listen closely to instructions provided by either weather radios, local media, or emergency officials.

Off-Campus Crime

When a McNeese State University student is involved in an off-campus offense, McNeese Police officers may assist with the investigation in cooperation with local, state or federal law enforcement agencies. The Lake Charles Police Department and the Calcasieu Parish Sheriff's Office routinely work and communicate with McNeese officers on any serious incidents occurring on campus or in the immediate neighborhoods and business areas surrounding campus.

MPD will also liaison with the Jefferson Davis Sheriff's Office and Louisiana State Police for crimes committed in Jefferson Davis Parish where the CAMPP Campus and the Fuller Farm are located.

McNeese State University operates no off-campus housing or off-campus student organization facilities. However, many graduate students and some undergraduate students live in the neighborhoods surrounding the University. While the Lake Charles Police Department and the Calcasieu Parish Sheriff's Office have primary jurisdiction in all areas off campus, McNeese officers can, and do, respond to student-related incidents that occur in close proximity to the campus and the McNeese Farm Campus. McNeese Police officers have direct radio communications with the city police and can access fire department and ambulance services to facilitate rapid response in any emergency situation via the McNeese Police Dispatch Center, which has radio communication with the Eg11 Center and other law enforcement resources.

The Office of University Services maintains contact with recognized Greek social organizations. McNeese Police do not provide primary law enforcement services to off-campus residences of recognized fraternities and sororities. Criminal activity at recognized fraternity and sorority residences is monitored and recorded by the Lake Charles Police Department or the Calcasieu Parish Sheriff's Office, which at times request McNeese Police at these locations. The Office of University Services and McNeese Police work closely with the Lake Charles Police Department and the Calcasieu Parish Sheriff's Office. This cooperative team approach addresses situations as they arise as well as future concerns.

Crime Prevention and Programs

The safety and well being of students, faculty, staff and visitors is a priority at McNeese State University. Through the assistance of several other University departments, every effort is made to better serve the University community and provide a safe environment in which the mission of the University may be attained. However, a truly safe campus can only be achieved

through the cooperation of all students, faculty and staff.

Although McNeese does not experience serious crimes often, the University campus and branch campuses are large facilities where serious crimes may occur. In any given semester, McNeese has over 7,500 students and 800 full-and part-time employees on its campuses and welcomes over 150,000 visitors annually - more than the size of most small cities. In addition, McNeese is located in the city of Lake Charles - a leading petrochemical center with a population of more than 85,000 that is experiencing significant economic growth and expansion not only in the petrochemical field, but also as a casino gaming destination.

Crime prevention demands constant interaction and outreach to the community. The MPD sponsors crime prevention programs that stress community awareness and interaction. The department distributes materials and makes presentations upon request in order to familiarize students, faculty and staff with their shared responsibility in reducing criminal opportunity. Such programs range from crime prevention presentations to on-site inspections and may be requested by contacting **McNeese Police at 337-475-5711.**

Crime prevention brochures, posters and handouts are used to inform members of the campus community about the potential for crime.

McNeese Police work in conjunction with Freshman Orientation activities to disseminate information about the duties and responsibilities of McNeese Police as well as security and safety tips. Each semester, McNeese Police, the Office of University Services, Housing and Residential Life present crime prevention and awareness programs. In addition, crime prevention and alert programs are presented to different departments in response to requests throughout the year.

Blue Light Towers and CCTV

MPD dispatchers also monitor the emergency 'Blue Light Station' telephones that are located throughout campus and in residence hall parking lots. Emergency

telephones are identified by a blue light and can be easily activated by the push of a button. These phones connect directly to the police communication center, where they are identified by their specific location. The dispatcher also monitors nearly 160 closed circuit television cameras (CCTV) that are located in various parking lots and buildings throughout the campus. The cameras capture video data that can be retrieved to assist in criminal investigations.

Safety Escort Program

To help protect students, faculty, staff and visitors who need to reach a particular destination on campus after dark, McNeese Police provide a free safety escort service. The service operates seven-days-a-week, 24-hours-a-day and is provided by McNeese Police officers. The program is designed to enable you to travel from one location to another with a greater sense of security. **Call ext. 5711 or 475-5711.**

If an escort is needed from a parking lot please call McNeese Police at **475-5711**, or stop by on your way to the lot, or call from your cell phone. Once in the parking lot, please remain in your vehicle with your engine running, doors locked and your headlights on if it is after dark.

To arrange for an escort, please plan ahead and call McNeese Police 10 to 15 minutes ahead of time. You will need to provide your name, location, destination, number of people that need an escort, and a call back telephone number. Escorts will be provided in the order that requests were placed. Please wait for the escorts at the agreed upon location. An officer will be dispatched and respond as soon as possible. In most instances the officer will respond in a timely manner; however an emergency situation may dictate a longer waiting period for the escort. Please be patient.

Police ATV and Bike Patrol

McNeese Police have a fully marked ATV to further increase the visibility of police officers on campus and at athletic events. The ATV allows quick response in confined and crowded areas and can deliver multiple officers to a scene or for traffic and crowd control at athletic events. MPD is expanding its use of bike patrols

and other utility vehicles to supplement patrol cars and foot patrol as part of its overall effort to make the campus safe. Officers are also better able to converse with students, faculty and staff when utilizing bike patrol, foot patrol or utility vehicles.

Silent Witness Program

The Silent Witness Program is designed to anonymously allow people to report suspicious behavior online. The Silent Witness Program is available online at: <http://www.mcneese.edu/police/silent>

This program is not designed to report emergencies or a crime in-progress. **Please call 9-1-1 (111 on campus) or 337- 475-5711 if you need emergency assistance.**

Crime Stoppers

McNeese State University works in conjunction with the Calcasieu Parish Crime Stoppers program. Crime Stoppers serves the community as an informant system whereby the public is invited to provide valuable information that might lead to the arrest and possible conviction of criminals. Participants who call the Crime Stoppers hotline at **337-439-2222** remain anonymous.

Crime Prevention and Security Awareness Programs for Students and Employees

Numerous orientation sessions are provided across the months of May, June, July and August each year for new incoming freshmen and their parents; one orientation session is provided in the month of August for new incoming transfer students; one orientation session is provided in the month of August for new incoming international students; and one mandatory resident orientation session for students who live in campus housing is provided within the first two weeks of start of the fall term each year. Information about campus security procedures and practices, crime statistics, emergency notification systems and related issues is provided through in-person presentations, notification of resources available on the University's website, and in print materials provided in welcome packets. McNeese Police and administrators in the Office of University Services are the primary presenters

of this information. Additional programs are provided throughout the academic year through information sessions, awareness campaigns and safety and security reminders delivered in association with emergency notification tests and alerts via email. Similar information is presented to new employees. Customized crime prevention, security awareness, active shooter response and sexual assault prevention programs are available upon request.

Periodically during the academic year McNeese Police, in cooperation with other University organizations and departments, present crime prevention and awareness sessions on topics that may include sexual assault (rape and acquaintance rape), Rohypnol (date rape drug) abuse, theft and vandalism, as well as educational sessions on personal safety and residence hall security. During these sessions, students and employees are encouraged to be responsible for their own security and the security of others.

The University conducted 20 crime prevention and security awareness programs during the 2014-15 academic years, an increase from prior years and an increase above the nine (9) programs provided during the 2013-2014 academic year. The department will also conduct crime prevention talks and presentations on request.

A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. In addition to seminars, information is disseminated to students and employees through crime prevention awareness packets, security alert posters, displays, videos, articles and advertisements in the University student newspaper.

Maintenance of Campus Facilities

The University makes every effort to ensure that the campus facilities, buildings and grounds are designed and maintained in such a way as to promote safety and reduce criminal opportunity. Particular attention is paid to the design of landscaping and exterior lighting.

Security of and Access to Campus Facilities

During regular business hours, the University main campus (excluding certain housing facilities) will be open to students, parents, employees, contractors, guests and invitees. During non-business hours access to all University facilities is by key, if issued, or by admittance via McNeese Police or Residential Life staff. In the case of periods of extended closing, the University will admit only those with prior written approval to all facilities. University policy establishes University business hours for all facilities as Mon.-Thurs. 7:30 a.m. to 5 p.m. and Fridays 7:30 a.m. - 11:30 a.m.

Residence halls are secured 24-hours-a-day. Over extended breaks, the doors of all halls will be secured around the clock. Some campus facilities have individual hours, which may vary at different times of the year. Examples are the Recreation Center, Library and the SEED Center. In these cases, the facilities will be secured according to schedules developed by the department responsible for the facility.

Emergencies may necessitate changes or alterations to any posted schedules. The Incident Management Team (IMT) reviews trends and risk data and examines security issues such as landscaping, locks, alarms, lighting and communications.

Use of University Facilities

With the exception of events that are open to the general public and advertised as such, the University's facilities and programs are generally reserved for accomplishing the objectives and programs of the University. Visitors and non- McNeese affiliated groups seeking to utilize University facilities are expected to make prior arrangements with the Office of Public Relations and University Events. Authorization to use McNeese facilities is determined by University policy. Visitors and guests to McNeese residence halls must be registered by their hosts while in the residence halls.

Academic and Administrative Buildings

Academic and administrative buildings are secured by University personnel. Hours of security may vary

from building to building, depending on use. Like the residence halls, these buildings are equipped with fire safety equipment that includes smoke detectors and/or heat sensors that may activate the central fire alarm system.

McNeese Police officers lock the doors of buildings on the main campus (except those to which access is necessary) starting at 10 p.m. daily. Some facilities are open later and are posted as such. The doors are unlocked in the mornings by 7:30 a.m. by custodial staff. Officers will walk through selected buildings each night to check locked office doors and other security related matters. Any exterior doors found to be malfunctioning are reported to the Office of Facilities and Plant Operations and are made functional as soon as possible. The State Fire Marshal's Office Staff regularly inspect the campus for fire safety.

Residence Halls

All residence halls have limited access through main doors only. Procedures for guest visitation have been established in accordance with McNeese residence hall guidelines. McNeese Police officers routinely walk residence hall areas during evenings and night hours to prevent loitering, noise and criminal behavior.

Residence halls are equipped with fire safety equipment that includes smoke detectors and/or heat sensors that activate the central fire alarm system. In residence halls, emergency exits are equipped with alarms that sound whenever opened. Residence hall staff are trained to maintain security and to summon police, fire, medical and maintenance assistance when needed. Criminal activity observed within or in the vicinity of buildings is reported to McNeese Police. Firearms, explosives, fireworks, or other hazardous materials are not permitted in, or around, resident facilities.

Housing and Residence Life offer a number of security features and safety programs to improve safety:

- In the residence halls, an electronic door access system requires the use of a University ID to gain entry into the facilities. Locks and keys are provided for each student room. For security

purposes, lock cylinders must be replaced when a room key is lost. Residents are encouraged to lock their room door and carry a key at all times.

- Community Assistants (CA) are periodically available at lobby desks to provide a central contact person in case of emergency and an after-hours and weekend/holiday assistance service is available when dialing 337-475-5606 during these periods. Residence hall staff members are on-duty to respond to student needs. A certified locksmith is on call 24-hours-a-day to handle all lock and key problems. Door-to-door solicitation and distribution of leaflets by non-housing/non-university individuals and organizations are prohibited.
- Safety programs are conducted for residents via required resident orientation, information sessions, demonstrations, bulletin boards, and community meetings. Housing staff and police staff are available to present information and ongoing programs on crime prevention, including seminars on topics such as personal protection, acquaintance rape and protecting personal property. These programs may be initiated by housing and residence life staff or residents.
- Security cameras are strategically located around residence halls and other surrounding university buildings to monitor activity in residence hall parking lots. Panic buttons are installed in the bedrooms of the dorms for emergency situations. Police respond to panic alarms.

Greek Housing

Fraternity and sorority houses are located off campus; these residences are privately owned. The Office of University Services is the liaison with fraternities and sororities.

Registered Sex Offenders

In accordance with the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974,

McNeese Police provides a link to the Louisiana Sex Offender and Child Predator Registry (SOCPR). This law 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, or is a student. In Louisiana, convicted sex offenders must register with the Louisiana Sex Offender and Child Predator Registry (SOCPR) maintained by the Louisiana State Police.

The registry for sex offenders is available online. Registry information provided under this section shall be used for the purposes of the administration of criminal justice, screening of current or prospective employees, volunteers or otherwise for the protection of the public in general and children in particular.

Any person who uses information contained in or accessed through the Louisiana State Police Sex Offender and Child Predator Registry Website to threaten, intimidate, or harass any individual, including registrants or family members, or who otherwise misuses this information, may be subject to criminal prosecution or civil liability.

The Louisiana State Police maintains the Louisiana Sex Offender and Child Predator Registry (SOCPR) for the State of Louisiana and is responsible for the enforcement of the applicable sections of law cited above. Information about any individual affiliated with Louisiana State University in regards to this matter may be found at the public SOCPR website: <http://www.lsp.org/socpr/External>

Policy on Missing Persons

If a member of the University community has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify McNeese Police at 337-475-5711. McNeese Police will immediately generate a missing person report and initiate an investigation.

Confidential Contact

Resident students may identify a confidential contact person to be notified in the event the student is determined to have been missing for 24 hours. By providing this information to the Housing Office during final move-in processes occurring just before the student assumes occupancy. Continuing resident students are given the opportunity to update this information each August during final move-in processes occurring in association with start of the fall academic term.

A student's confidential contact information will be accessible only by authorized campus officials and law enforcement in the course of a missing person's investigation.

Notification of Emergency Contact Person by the Office of University Services

If it is determined a resident student (any age) is missing and the student has provided an emergency contact person, the Office of University Services will notify the emergency contact person within 24 hours. The notification may be through in-person contact, electronic or telephonic (telephone call or voicemail, email, facsimile, text message) communication, or through any other means appropriate to making timely notification. If a student registers multiple emergency contact persons and the first person reached indicates the student is not missing, the University will attempt to reach each additional contact person in turn, unless the student in question is contacted by McNeese or contacts McNeese via contact information available in the Banner Information System. McNeese officials will document each attempt made to reach emergency contact persons.

After investigating a missing person report, should McNeese Police determine that the student has been missing for 24 hours; McNeese Police will notify the student's emergency contact no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, the University will notify the student's parent or legal guardian immediately after McNeese Police has determined that the student has been missing for 24 hours.

Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, University Police will inform the appropriate local law enforcement agency that has jurisdiction in the area that the student is missing within 24 hours of such determination.

Policy Statement on Preventing and Responding to Sex Offenses

The University educates the student community about sexual assaults and date rape through mandatory freshman orientation each year. Orientation sessions for transfer and non-traditional students are also offered and include information about sexual assault and date rape. Annually all University employees complete mandatory sexual harassment training. McNeese Police offers sexual assault education and information programs to University students and employees upon request. Literature on date rape education, risk reduction and University response is available through the Office of Housing and Residence Life, Counseling Center and Student Health Center.

Notification of Law Enforcement Regarding Sexual Assault and Sexual Offenses

Students are encouraged to notify appropriate law enforcement authorities if they are the victim of sexual assault or other sexual offenses. It is best to notify law enforcement authorities with direct jurisdiction over the physical location where such offenses occur (city police, sheriff, McNeese Police), but students may make notification to any law enforcement agency, including McNeese Police, without respect to the location where the sexual offense occurred. Campus personnel in the Office of University Services, Counseling Center and Student Health Center will assist students in reporting sexual offenses to law enforcement authorities, upon request.

If you are a victim of a sexual assault at this institution, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment.

McNeese Police strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation and preservation of evidence is important in proving a criminal offense. An assault should be reported directly to McNeese Police by calling 337-475-5711. Filing a police report with a McNeese Police officer will not obligate the victim to participate in a criminal prosecution, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will:

- ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim;
- provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam);
- assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

Individuals may also report a sex offense to the institution's Title IX Coordinator. This office is responsible for coordinating the institution's compliance with Title IX. The Title IX Coordinator is:

**Dr. Kedrick Nicholas, 4300 Colonel Tony Polk Drive, knicholas@mcneese.edu
337-475-5610, TDD/TTY, Hearing Impaired 337-475-5960 FAX, https://www.mcneese.edu/policy/sexual_misconduct_policy**

The University's policy on sexual harassment is included in the Appendix of this report.

When a sexual assault victim contacts McNeese Police, a multi-disciplinary response is triggered involving the police, Calcasieu Women's Shelter, University Services, Counseling Center and other appropriate campus and community resources.

The victim of a sexual assault may request for the investigation to be pursued through the criminal justice system and the Office of University Services, or only

the latter. A University representative from the Police Department and/or the Office of University Services will guide the victim through the available options, support the victim in his/her decision and will assist the victim in notifying the appropriate local law enforcement agencies, depending on the location where the assault occurred. Various counseling options are available from the University through the Student Health Center located in Hardtner Hall, 337-475-5748, and the Student Counseling Center located in Kaufman Hall, Room 112, 337- 475-5136. Counseling and support services outside the University can be obtained through the various local agencies.

Information about University disciplinary proceedings, as well as special guidelines for cases involving sexual misconduct, is available from the Office of University Services, located in Holbrook Student Union, 337-475-5706.

Notification of Change of Victim's Academic & Living Situations After Alleged Sex Offenses

Students who are the victim of an alleged sex offense may request changes in their academic and living situations (for example, class schedule; residence hall rooms, suites, and buildings) after an alleged sex offense. Such changes may include switching to different course sections or class meeting locations, switching from relocations to other floors or areas of residential buildings, relocations to other residential buildings, and other appropriate measures reasonably available. Such requests should be made to the Office of University Services that will, in turn, coordinate communication and response among appropriate campus offices and personnel.

Procedures for Campus Disciplinary Action

The University utilizes processes and procedures outlined in the Code of Student Conduct and Academic Integrity in all cases of alleged sex offenses and other instances of student misconduct, to ensure due process. These procedures specify both the complainant and the respondent are entitled to the same opportunities to have others present during a disciplinary proceeding, specify both the accuser and accused must be informed of the outcome of

any institutional disciplinary proceeding in which a sexual offense is alleged, and further specify sanctions the University may impose following final determination of disciplinary proceedings regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses. Potential sanctions for sustained violations can include verbal or written reprimand, warning or discipline probation, withhold transcript/degree/admission/registration/graduation, bar from University property, restitution, apology, community service, suspension of rights or privileges, counseling/education, suspension of eligibility, failing grade, denial or revocation of degree, suspension (temporary expulsion), and dismissal (permanent expulsion).

Confidential Advisors.

As required by Senate Bill 255 (RS Title 17:3399.15), McNeese has designated individuals who shall serve as confidential advisors. They include Dr. Dena Matzenbacher (professor and Psychology Department head), dena@mcneese.edu, 337-475-5434, and Dr. Twila Guillory (associate professor, Department of Undergraduate Nursing), tsterling@mcneese.edu, 337-475-5542.

Violence Against Women Reauthorization Act of 2013 (VAWA)

Higher education institutions are expected to make a "good faith effort" to comply with the Campus Sexual Violence Elimination Act (Campus SaVE Act), which became effective in March 2014. Part of the Violence Against Women Reauthorization Act of 2013 (VAWA), comes at a time of multiple high-profile government investigations of campus response to sexual misconduct allegations and a recent White House Task Force report on protecting students from sexual assault. McNeese State University complies with these requirements.

SaVE will complement the Title IX Guidance by the U.S. Department of Education's Office for Civil Rights. The Campus SaVE Act seeks to address the violence women face on campus: the highest rates of stalking, the highest risk of nonfatal intimate partner violence,

and 20-25% of female students experiencing rape or attempted rape.

Transparency:

SaVE requires and McNeese complies with tracking all reported incidents of domestic violence, dating violence, sexual assault, and stalking in the Annual Security Report (ASR). The University Police and University Services work in concert to track a reported crime that comes to the attention of the University. Additionally, students or employees reporting victimization are provided with their written rights (primarily) through University Services to:

- Be assisted by campus authorities if reporting a crime to law enforcement
- Change academic, living, transportation, or working situations to avoid a hostile environment
- Obtain or enforce a no contact directive or restraining order
- Have a clear description of their institution's disciplinary process and know the range of possible sanctions
- Receive contact information about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available both on campus and in the community

Accountability:

SaVE clarifies minimum standards for institutional disciplinary procedures, and University Services has implemented covering domestic violence, dating violence, sexual assault, and stalking, which University Services coordinates to ensure that:

- Proceedings shall provide a prompt, fair, and impartial investigation and resolution and are conducted by officials receiving annual training on domestic violence, sexual assault, and stalking
- Both parties may have others present during an institutional disciplinary proceeding and any related meeting, including an advisor of their choice
- Both parties will receive written outcomes of all disciplinary proceedings at the same time

Education:

SaVE instructs colleges and universities to provide

programming for students and employees addressing the issues of domestic violence, dating violence, sexual assault, and stalking. McNeese has contracted to provide the Everfi program to provide a comprehensive online training experience that includes:

- Primary prevention and awareness programs for all incoming students and new employees
- Safe and positive options for bystander intervention
- Information on risk reduction to recognize warning signs of abusive behavior
- Ongoing prevention and awareness programs for students and faculty

Policy Statement on Substance Abuse and Education

Prevention Programs

McNeese has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to drug use and abuse including dissemination of informational materials, educational programs, counseling services, referrals and college disciplinary actions.

College life presents new, and sometimes difficult, challenges to all students and the Counseling Center strives to help students learn to navigate, manage and resolve those challenges. The Counseling Center assists students with personal, developmental, academic and mental health needs. To make an appointment, call 337-475-5136. Appointments are scheduled Monday-Thursday from 8 a.m.-5 p.m. and Friday 7:30 a.m.-11:30 a.m. Walk-ins are available in the event of crisis/emergency situations. The Counseling Center is closed during holidays and official university closures. In case of on-campus emergencies on evenings, weekends, or holidays, please call McNeese Police at 337-475-5711. For off-campus emergencies, call 9-1-1 or go to the nearest emergency room.

Alcoholic Beverages

Alcohol is the most socially acceptable drug in our

society. The possession, sale, use or the furnishing of alcohol on campus is governed by the McNeese Alcohol and Other Drug Policy and Louisiana state law. Laws regarding the possession, sale, use, consumption or furnishing of alcohol are controlled by the Louisiana Alcohol Tobacco and Control (ATC) Board. The regional ATC office contact is: (225) 925-4041. However, the enforcement of alcohol laws, including underage drinking laws on campus, is the primary responsibility of McNeese Police. The McNeese campus has been designated "Drug Free" and only under certain circumstances is the consumption of alcohol permitted.

In Louisiana the minimum age to purchase or possess any alcoholic beverages is 21. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal.

A violation of any law regarding alcohol is also a violation of the McNeese Code of Student Conduct and Academic Integrity and will be treated as a separate disciplinary matter by the University.

- Possession of alcoholic beverages on University premises or facilities, except as provided in the University Alcohol Policy
- Possession of alcoholic beverages off campus by individuals under the age of 21
- Consumption of alcohol on University premises or facilities (including underage drinking), except as provided in the University Alcohol Policy
- Consumption of alcohol off campus by individuals under the age of 21
- Excessive use of alcohol resulting in a state of intoxication that endangers oneself or other members of the community
- Driving while under the influence of alcohol (blood-alcohol level above .08 for individuals over age 21; blood-alcohol level over .02 for underage individuals)
- Sale and/or distribution of alcohol by persons of any age to persons under the age of 21, including,

but not limited to, charging admission to social events where alcohol will be served

Illegal Drug Possession

The possession, sale, use, manufacture, or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by McNeese Police. Violators are subject to University disciplinary action, criminal prosecution, fine and/or imprisonment.

Legal Consequences of Drug Violations

The unlawful manufacture, distribution, possession, or use of a controlled substance or alcohol on University premises or while conducting University business off University premises is absolutely prohibited. All applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs or alcohol will be applied. The legal consequences of alcohol and other drug violations are described below.



Drugs Risks and Consequences

| SUBSTANCE Other Names | Potential for Dependence | | Risks and Effects | | |
|---|-----------------------------------|-----------------------------------|---|---|---|
| | Physical | Psychological | Short-Term | Long-Term | Overdose |
| ALCOHOL Beer, Distilled liquor, Ethanol, Wine | High | High | <ul style="list-style-type: none"> • Impaired judgment and vision • Lowered inhibitions • Loss of motor skills and coordination • Slurred speech | <ul style="list-style-type: none"> • Cardiovascular disease • Hypertension • Liver damage • Neurologic damage • Toxic psychosis | <ul style="list-style-type: none"> • Coma • Possible death |
| CANNABIS Hash oil, Hashish, Grass, Marijuana, Pot, Weed | Low | Moderate | <ul style="list-style-type: none"> • Confusion • Euphoria • Impaired balance and coordination • Memory loss • Slowed reaction time • Slowed thinking | <ul style="list-style-type: none"> • Cardiovascular damage • Frequent respiratory infections • Impaired learning • Impaired memory • Increased heart rate • Tolerance and addiction | <ul style="list-style-type: none"> • Insomnia • Hyperactivity • Panic attack • Paranoia • Possible toxic reaction if combined with other chemicals |
| DEPRESSANTS Barbiturates, Benzodiazepine, Date rape drug, Liquid ecstasy, Flunitrazepam, GHB, Methaqualone, Special K, Xanax | High | High | <ul style="list-style-type: none"> • Confusion • Fatigue • Feeling of well-being, irritability • Lowered blood pressure • Lowered inhibitions • Poor concentration • Reduced anxiety • Sedation • Slowed pulse and breathing • Slurred speech | <ul style="list-style-type: none"> • Anxiety • Dizziness • Hallucinations • Insomnia • Loss of peripheral vision • Nausea • Seizures • Weak, rapid pulse • Toxic psychosis • Tremors | <ul style="list-style-type: none"> • Blackouts • Cold, clammy skin • Coma • Life threatening withdrawal • Possible death • Respiratory depression and arrest • Toxic reaction if combined with alcohol |
| HALLUCINOGENICS Acid, Angel Dust, Crystal, LSD, MDA, Mescaline, Mushrooms, PCP, Peyote, Phencyclidine, Psilocybin | Low / Unknown | Unknown | <ul style="list-style-type: none"> • Altered stated of perception • Increase body temperature, heart rate, blood pressure • Loss of appetite • Nausea • Numbness • Sleeplessness • Tremors • Weakness | <ul style="list-style-type: none"> • Hallucinogen Persisting Perception Disorder (flashbacks) • Intensify existing psychosis • Violent behavior | <ul style="list-style-type: none"> • Intense, prolonged hallucinations • Possible sudden death • Psychosis |
| INHALANTS Gases, Solvents | High for chronic, long-term abuse | High for chronic, long-term abuse | <ul style="list-style-type: none"> • Impaired judgment • Headache • Nausea, vomiting • Poor coordination • Slurred speech | <ul style="list-style-type: none"> • Cardiovascular and nervous system damage, leading to inability to walk, talk, or think • Cramps • Depression • Loss of muscle tone • Memory impairment • Mild withdrawal • Muscle wasting and weakness • Weight loss | <ul style="list-style-type: none"> • Coma • Possible sudden death • Possible toxic reaction • Unconsciousness |
| NARCOTICS Codeine, Demerol HCL, Heroin, Meperidine, Morphine, Opium, Oxycodone, Vicodin | High | High | <ul style="list-style-type: none"> • Confusion • Constipation • Drowsiness • Euphoria • Nausea • Pain relief • Sedation • Staggering gait | <ul style="list-style-type: none"> • AIDS and Hepatitis infection • Malnutrition | <ul style="list-style-type: none"> • Clammy skin • Coma • Convulsions • Death • Respiratory arrest • Shallow perspirations • Tolerance, addiction • Toxic reaction if combined with alcohol |

| SUBSTANCE Other Names | Potential for Dependence | | Risks and Effects | | |
|---|--------------------------|---------------|--|--|--|
| | Physical | Psychological | Short-Term | Long-Term | Overdose |
| STIMULANTS Amphetamine, Cocaine, Ecstasy, MDMA, Methylphenidate, Phenmetrazine, Ritalin | Possible | High | <ul style="list-style-type: none"> • Appetite loss • Excitement and euphoria • Feeling of well being • Increased alertness Increased blood pressure, pulse • Insomnia | <ul style="list-style-type: none"> • Insomnia • Nervous system damage • Organ/tissue damage • Paranoia • Psychosis • Weight loss | <ul style="list-style-type: none"> • Agitation • Convulsions • Hallucinations • Heart attack, stroke • High blood pressure • Loss of consciousness • Seizures • Temperature increase |
| TOBACCO Chewing/Smokeless Tobacco, Cigarettes, Cigars, Nicotine | High | High | <ul style="list-style-type: none"> • Bad breath • Bad taste in mouth • Decreased lung capacity • Increased blood pressure • Increased heart rate | <ul style="list-style-type: none"> • Adverse pregnancy outcomes • Cardiovascular disease • Cancer | <ul style="list-style-type: none"> • Possible death |

Notes: Alcohol and other drug use during pregnancy increases risk of physical harm to fetus.

- Additional risks of harm may occur from toxic impurities present in street drugs.
- Additional risks of harm may occur from the use of prescription drugs in ways other than prescribed.
- Drugs taken by injection can increase the risk of infection (e.g., HIV, hepatitis, etc.) through needle contamination.

For more information, visit: www.drugabuse or www.samhsa.gov

DRUG AND ALCOHOL USE: FEDERAL LAWS

Under federal sentencing guidelines, federal courts can sentence simple-possession first offenders to one year in prison and a \$100,000 fine. Penalties for subsequent convictions are significantly greater [21 U.S.C. 844(a)]. A sentence of life imprisonment can result from a conviction for possession of a controlled substance that results in death or bodily injury. Possession of more than five grams of cocaine can trigger an intent-to-distribute penalty of 10 to 16 years in prison [U.S.S.G.S. 2D2.1(b)(1)].

Relevant State and Federal Laws can be found in Appendix

Medical Amnesty – Alcohol and Drugs

Criminal and student code violations involving University students will be evaluated by McNeese Police before a decision to prosecute for the possession or consumption of alcoholic beverages and/or (minor amounts of) drugs is made if University police become aware of the possession or consumption solely because the individual was seeking medical assistance for someone else.

McNeese State University Police Bystander Involvement (Medical Amnesty) Policy states:

The safety and general welfare of the members of the McNeese community is of paramount importance. When individuals need help, the University police encourage students to offer assistance regardless of location on- or off-campus property. Sometimes students may hesitate to offer help to others for fear that they may risk conduct consequences for their own behavior in a situation (for example, drinking alcohol while under the age of 21). The community's best interests are served when individuals report crimes, call 9-1-1, and seek help for those in need of assistance. It is the intent of this policy that a student, who makes the contact in compliance with the University Police Medical Amnesty Policy, not be referred to the Office of University Services for alleged behavior violations related to alcohol, which do not involve a felony.

Criteria for Evaluation by McNeese Police will include, but is not limited to:

- 1) The only way law enforcement officers became aware of the person's alcohol or drug violation is because the person placed a 9-1-1 call, or a call to campus police, or emergency services, in good

faith, based on a reasonable belief and reported that another person was in need of medical attention to prevent death or serious injury.

- 2) The person reasonably believed he/she was the first person to make a 9-1-1 call or call to campus police or emergency services, and report that a person needed immediate medical attention to prevent death or serious injury.
- 3) The person provided his/her own name to the 9-1-1 operator or equivalent campus police or emergency officer.
- 4) The person remained with the person needing medical assistance until emergency health care providers arrived and the need for his/ her presence had ended.
- 5) The person seeking the assistance must reasonably believe she/he is the first to do so, must use his or her real name with authorities, and must stay with the individual needing medical assistance.

Drug Free Schools and Community Act (DFSCA) Drug or Alcohol-Abuse Education Programs

The University prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. This prohibition extends to on-campus residence halls, including those occupied by persons of legal age to possess and consume alcohol (age 21 or older) as per the terms of housing lease agreements. Alcohol possession and consumption are permitted on the campus only under pre-approved conditions and according to procedures for such events as established by the University President or designee in accordance with applicable law. The University may exercise disciplinary action for violations of local, state, and federal laws pertaining to drugs and alcohol, and violations of University policies pertaining to drugs and alcohol, up to and including dismissal (expulsion) of students and termination of employees.

The University utilizes Everfi for providing drug and alcohol education to all incoming students. Counseling Center and Student Health Services staff and contract physicians also provide one-on-one educational consultation and distribution of literature to individual students regarding drug and alcohol concerns.

The University also provides drug and alcohol abuse prevention programs and activities throughout each academic year through programs conducted by the Counseling Center, Student Health Center, Office of Housing and Residence Life, Office of Student Life and Engagement, recognized student organizations and academic departments. Programs include educational seminar presentations to small student groups such as fraternities, sororities, academic classes, and athletic teams as well as awareness programs for the entire campus such as health and wellness fairs, pre-Mardi Gras/pre-Spring Break programs, and peer-led floor and hall student meetings within residence halls.

Policy Statement on Safety and Security Policies

Safety and security policies govern all members of the McNeese community. These include the policy

prohibiting sexual violence, the anti-harassment policy and the substance abuse prevention policy, and these can be found in their entirety in an appendix to this report.

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

To help keep McNeese safe, the cooperation, involvement, and support of all University community members are 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 behaviors and habits to lessen their vulnerability to unsafe conditions.

Prevent theft and protect your personal safety. Know how to recognize and use the emergency safety phones on campus. 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. Engrave your valuable items, such as stereos, cameras, or televisions at the McNeese Police Department (no charge). Park your car in lighted areas, keep valuables out of sight and lock your vehicle.

Lock up: 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 exterior doors to residential areas.

Follow this additional simple advice. Do not let alcohol or other drugs fog your judgment. Always be fire safety conscious. Most of all, trust your instincts. If you feel uneasy about a situation, take action immediately!

Resources

Emergency on campus: ambulance, fire, police: . . . 9-1-1
University Police 337-475-5711
(emergency/non-emergency)
Office of University Services 337-475-5706

Student Housing and Residence Life Office . 866-940-0788
<http://www.mcneesereslife.com/> 337-475-5606
Student Health Center. 337-475-5748
Calcasieu Women's Center 337-436-4552
Domestic Violence: or 1-800-223-8066
Sexual Assault: 337-494-7273 or 1-866-570-7273
University Counseling Center 337-475-5136
University Office of Equal Opportunity . . . 337-475-5428
Lake Charles Fire Department 337-491-1360
(non-emergency)
National Suicide Prevention Hotline . . . 1-800-273-8255
<http://www.suicidepreventionlifeline.org/>
<http://suicidehotlines.com/louisiana.html>

Clery Annual Crime Data- Preparation and Disclosure of Crime Statistics

Information about select crimes is collected from McNeese Police, Lake Charles Police Department, Calcasieu Parish Sheriff's Office, Jefferson Davis Parish Sheriff's Office, Lake Charles City Marshal's Office, Louisiana State Police, the Office of University Services and from Campus Security Authorities (CSAs). This report does not include privileged counseling or medical information provided to the University Counseling Center or Student Health Services. Data on reported criminal offenses and arrests on the campus are provided in accordance with the Campus Security Act. The data covers a 12-month period--Jan. 1 through Dec. 31--for each year listed. Each year, an email notification is made to all enrolled students as well as all faculty and staff that provide the website to access this report. Copies of the report may be obtained at McNeese Police located at 4175 Brigadier General Elizabeth Arledge Dr. in Lake Charles, LA 70605 or by calling 337-475-5711. All prospective employees may obtain a copy from Human Resources located in Smith Hall, 4205 Ryan Street, Lake Charles, LA 70605 or by phone 337-475-5103 or Fax at 337-475-5104 or TDD at 337- 562-4227 TDD.

Statement Addressing the Encouragement of Accurate Prompt Crime Reports
Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents to McNeese Police in a timely

manner. This publication focuses on McNeese Police because it patrols all McNeese State University properties. McNeese Police dispatchers are available 24-hours-a-day to answer your emergency or non-emergency calls at 337-475-5711 or via extension 5711

through the University phone system. You can also dial 9-1-1 and request the McNeese Police. Crimes should be reported to the McNeese Police to ensure inclusion in the annual crime statistics and to aid in providing appropriate timely warning and emergency notices to the community.

McNeese State University - Main Campus Crimes

| Type of Offense | Year | On Campus | Residential Facility | Non-Campus | Public Property | Unfounded |
|---------------------------------|------|-----------|----------------------|------------|-----------------|-----------|
| Murder & Non-Negligent Homicide | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Negligent Manslaughter | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Arson | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Rape | 2018 | 1 | 1 | 1 | 0 | 0 |
| | 2019 | 1 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Fondling | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Incest | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Statutory Rape | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Robbery | 2018 | 0 | 0 | 0 | 1 | 0 |
| | 2019 | 0 | 0 | 0 | 1 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Aggravated Assault | 2018 | 1 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Burglary | 2018 | 27 | 13 | 0 | 1 | 0 |
| | 2019 | 29 | 14 | 0 | 0 | 0 |
| | 2020 | 14 | 4 | 0 | 0 | 0 |

| | | | | | | |
|---------------------|------|---|---|---|---|---|
| Motor Vehicle Theft | 2018 | 3 | 2 | 0 | 0 | 0 |
| | 2019 | 2 | 0 | 0 | 0 | 0 |
| | 2020 | 1 | 1 | 0 | 0 | 0 |
| Dating Violence | 2018 | 2 | 2 | 0 | 0 | 0 |
| | 2019 | 1 | 1 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Domestic Violence | 2018 | 3 | 3 | 0 | 0 | 0 |
| | 2019 | 3 | 3 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Stalking | 2018 | 1 | 0 | 0 | 0 | 0 |
| | 2019 | 2 | 2 | 0 | 0 | 0 |
| | 2020 | 2 | 1 | 0 | 0 | 0 |

McNeese State University Main Campus - Violations

| Other Offenses | Year | On Campus | Residential Facility | Non-Campus | Public Property | Unfounded |
|------------------------|------|-----------|----------------------|------------|-----------------|-----------|
| Arrest Only | | | | | | |
| Liquor Law Violations | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Drug Law Violations | 2018 | 2 | 1 | 0 | 1 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 5 | 0 | 0 | 6 | 0 |
| Weapons Law Violations | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 3 | 2 | 0 | 0 | 0 |
| Disciplinary Referrals | | | | | | |
| Liquor Law Violations | 2018 | 9 | 5 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Drug Law Violations | 2018 | 11 | 9 | 0 | 0 | 6 |
| | 2019 | 9 | 8 | 0 | 0 | 0 |
| | 2020 | 3 | 3 | 0 | 0 | 0 |
| Weapons Law Violations | 2018 | 1 | 1 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |

McNeese State University - Farm Campus Crimes

| Type of Offense | Year | On Campus | Residential Facility | Non-Campus | Public Property | Unfounded |
|---------------------------------|------|-----------|----------------------|------------|-----------------|-----------|
| Murder & Non-Negligent Homicide | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Negligent Manslaughter | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Arson | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Rape | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Fondling | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Incest | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Statutory Rape | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Robbery | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Aggravated Assault | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Burglary | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Motor Vehicle Theft | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | |
|-------------------|------|---|---|---|---|---|
| Dating Violence | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Domestic Violence | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Stalking | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |

McNeese State University - Farm Campus Violations

| Other Offenses | Year | On Campus | Residential Facility | Non-Campus | Public Property | Unfounded |
|------------------------|------|-----------|----------------------|------------|-----------------|-----------|
| Arrest Only | | | | | | |
| Liquor Law Violations | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Drug Law Violations | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Weapons Law Violations | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Disciplinary Referrals | | | | | | |
| Liquor Law Violations | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Drug Law Violations | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Weapons Law Violations | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |

McNeese State University - CAMPP Campus Crimes

| Type of Offense | Year | On Campus | Residential Facility | Non-Campus | Public Property | Unfounded |
|---------------------------------|------|-----------|----------------------|------------|-----------------|-----------|
| Murder & Non-Negligent Homicide | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Negligent Manslaughter | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Arson | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Rape | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Fondling | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Incest | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Statutory Rape | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Robbery | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Aggravated Assault | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Burglary | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Motor Vehicle Theft | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | |
|-------------------|------|---|---|---|---|---|
| Dating Violence | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Domestic Violence | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Stalking | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |

McNeese State University - CAMPP Campus Violations

| Other Offenses | Year | On Campus | Residential Facility | Non-Campus | Public Property | Unfounded |
|------------------------|------|-----------|----------------------|------------|-----------------|-----------|
| Arrest Only | | | | | | |
| Liquor Law Violations | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Drug Law Violations | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Weapons Law Violations | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Disciplinary Referrals | | | | | | |
| Liquor Law Violations | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Drug Law Violations | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Weapons Law Violations | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |

McNeese State University - Fuller Farm Campus Crimes

| Type of Offense | Year | On Campus | Residential Facility | Non-Campus | Public Property | Unfounded |
|---------------------------------|------|-----------|----------------------|------------|-----------------|-----------|
| Murder & Non-Negligent Homicide | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Negligent Manslaughter | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Arson | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Rape | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Fondling | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Incest | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Statutory Rape | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Robbery | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Aggravated Assault | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Burglary | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Motor Vehicle Theft | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | |
|-------------------|------|---|---|---|---|---|
| Dating Violence | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Domestic Violence | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| Stalking | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |

McNeese State University - Fuller Farm Campus Violations

| Other Offenses | Year | On Campus | Residential Facility | Non-Campus | Public Property | Unfounded |
|------------------------|------|-----------|----------------------|------------|-----------------|-----------|
| Arrest Only | | | | | | |
| Liquor Law Violations | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Drug Law Violations | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Weapons Law Violations | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Disciplinary Referrals | | | | | | |
| Liquor Law Violations | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| Drug Law Violations | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | |
|------------------------|------|---|---|---|---|---|
| Weapons Law Violations | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |

Hate Crime Reports
 There were no reported hate crimes during this three-year reporting period of 2018 through 2020.

Definitions of Criminal Acts and Campus Safety Information (CLERY/VAWA):

Advisor: Any individual who provides the accuser or accused support, guidance, or advice. Designated Confidential Advisors on campus are Dr. Dena Matzenbacher (professor and Psychology Department head), dena@mcneese.edu, 337-475-5434, and Dr. Twila Guillory (associate professor, Department of Undergraduate Nursing), tsterling@mcneese.edu, 337-475-5542.

Aggravated assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Awareness Programs: Community-wide or audience specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration. These are provided by the Office of University Services, Counseling Center and McNeese Police.

Bystander Intervention: Is part of being a member of the McNeese community. Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes:

- Recognizing situations of potential harm
- Understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene

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

Campus: (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

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 persons involved does not itself imply consent or preclude a finding of responsibility.

Dating (Dating Violence): When used for VAWA and Clery reporting, dating involves a romantic or intimate relationship and if a reporting party identifies a dating relationship then the University will err on the side of assuming that the victim and perpetrator were in a dating relationship. Dating violence is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- The existence of such a relationship shall be

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determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

- For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.
- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Descriptive Hate Crime Reporting - There were no reported hate crimes for the years 2018, 2019, or 2020.

Motor vehicle theft: The theft, or attempted theft, of a motor vehicle.

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.

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.

Sex offenses, forcible: Sexual act directed against another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent.

Sex offenses, non-forcible: Unlawful, non-forcible sexual intercourse. A. Incest - Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. B. 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 prohibiting the manufacture, sale, purchase, transportation, possession, concealment or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.

Domestic Violence: 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;
- 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: The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

Emotional or Psychological Abuse: Not included in the DOE definition of dating violence, but can meet the requirements of domestic violence under a state criminal law violation.

Fondling is defined as the touching of the private parts of another person for the purposes 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.

Hate Crimes: Are defined according to the FBI Uniform Crime Reporting Standards as a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias against a race, religion, disability, ethnicity/national origin or sexual-orientation. For an incident to be considered a hate crime, it must be a component of one of the following crimes: murder, manslaughter, a forcible sex offense, a non-forcible sex offense, robbery, aggravated assault, burglary, arson or motor vehicle theft. There must be objective evidence that the victim of these listed crimes was chosen on the basis of actual or perceived race, gender, religion, sexual orientation, ethnicity or disability.

Incest is defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Non-Campus Building or Property: Any building or property owned or controlled by a student organization, such as a fraternity or sorority, that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of the institution.

Offense Type - FBI Uniform Crime Reporting National Incident Base Reporting Board Standards definitions. When not in conflict with the Clery Act, the standards of the FBI's Uniform Crime Reporting program are used.

Ongoing Prevention and Awareness Campaigns:

Programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.

Primary Prevention Programs: Consist of programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop prohibited conduct before it occurs through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

Proceeding: All activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

Prompt, Fair, and Impartial Proceeding: A proceeding

that is completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the extension of timeframes for good cause and with written notice to the accuser and the accused of the delay and the reason for the delay; Conducted in a manner that:

- Is consistent with the institution's policies and transparent to the accuser and accused;
- Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
- Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and
- Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

Public Property: All public property, including thoroughfares, streets, sidewalks and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Rape is defined as 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.

Residential Facility: Includes those buildings designated as Residence Halls and University Apartments.

Result: Any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution, the result must include any sanctions imposed by the institution

Risk Reduction: Options designed to decrease perpetration and bystander inaction and to increase empowerment in an effort promote safety and to help individuals and communities address conditions that facilitate violence.

Sexual Assault: "Sexual assault" means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Sex Offenses: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent

Stalking: 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.

For the purposes of this definition:

- Course of conduct means 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 means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Statutory Rape is defined as non-forcible sexual intercourse with a person who is under the statutory age of consent.

Unfounded Crimes: An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situations where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore "unfounded." Only sworn or commissioned law enforcement personnel may "unfound" a crime report for the purposes of reporting under the Clery Act. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not "unfound" a crime report.

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

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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. Aggravated rape

A. Aggravated 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. Whoever commits the crime of aggravated rape shall be punished by life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence.

- (1) 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

C.Cr.P. 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 C.Cr.P. Art. 782 relative to cases in which punishment is necessarily confinement at hard labor shall apply.

14§42.1. Forcible rape

A. Forcible 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 forcible 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.

14§43. Simple rape

A. Simple 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 female victim submits under the belief that the person committing the act is her husband and such belief is intentionally induced by any artifice, pretense, or concealment practiced by the offender.

B. Whoever commits the crime of simple rape shall be imprisoned, with or without hard labor, without benefit of parole, probation, or suspension of sentence, for not more than twenty-five years.

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, 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, when any of the following occur:

- (1) The offender acts without the consent of the victim.
- (2) The act is consensual but the other person, who is not the spouse of the offender, 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. 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.

- (1) 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 25 years of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

(2) 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 25 years of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

(3) Upon completion of the term of imprisonment imposed in accordance with Paragraphs (1) and (2) 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.

(4) 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.

(5) 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.

(6) 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.

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. 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.

(1) 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.

(2) 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.

(3) - (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.

(1) 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.

(2) 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.

(3) 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 parole, probation, or suspension of sentence, age or older.

B. Lack of knowledge of the victim's age shall not be a defense.

C. 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.

(1) 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

(2) 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.

Domestic Violence: The term “domestic violence” means:

(1) Felony or misdemeanor crimes of violence committed—

(i) By a current or former spouse or intimate partner of the victim;

(ii) By a person with whom the victim shares a child in common;

(iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;

(iv) 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

(v) 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.

2) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

14§35-3. Domestic abuse battery

A. Domestic abuse battery is the intentional use of force or violence committed by one household member upon the person of another household 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) “Household member” means any person of the opposite sex presently living in the same residence or living in the same residence within five years of the occurrence of the domestic abuse battery with the defendant as a spouse, whether married or not, or any child presently living in the same residence or living in the same residence within five years immediately prior to the occurrence of domestic abuse battery, or any child of the offender regardless of where the child resides.

(4) “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.

(5) “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 occur:

(1) The offender is placed on probation with a minimum condition that he serve four days in jail and participate in a court-approved domestic abuse prevention 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 participate in a court-approved domestic abuse prevention 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 for not less than sixty days nor more than six months. 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 participate in a court-approved domestic abuse prevention program. Imposition or execution of the remainder of the sentence shall not be suspended unless either of the following occur:

(1) The offender is placed on probation with a minimum condition that he serve thirty days in jail and participate in a court-approved domestic abuse prevention 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 participate in a court-approved domestic abuse prevention 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 a defendant 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 upon another household member of the opposite sex presently or formerly living in the same residence with the defendant as a spouse, whether married or not, 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 defendant 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 participate in a domestic abuse prevention 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". 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, of the sentence imposed by the court, the execution of the minimum mandatory sentence

provided by Subsection C or D of this Section, as appropriate, shall not be suspended, the minimum mandatory sentence imposed under Subsection E of this Section shall be two years without suspension of sentence, and the minimum mandatory sentence imposed under Subsection F of this Section shall be four years without suspension of sentence.

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 violence.

K. 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, who is sentenced under the provisions of this Section, shall be required to serve a minimum of forty-five days without benefit of suspension of sentence for a first conviction, upon a second conviction shall serve a minimum of one year imprisonment without benefit of suspension of sentence, upon a third conviction shall serve a minimum of two years with or without hard labor without benefit of probation, parole, or suspension of sentence, and upon a fourth and subsequent offense shall serve a minimum of four years at hard labor without benefit of probation, parole, or suspension of sentence.

L. Notwithstanding any other provision of law to the contrary, if the domestic abuse battery involves strangulation, the offender shall be imprisoned at hard labor for not more than three years.

M. Notwithstanding any other provision of law to the contrary, if the domestic abuse battery is committed by burning that results in serious bodily injury, the offense shall be classified as a crime of violence, and the offender 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.

14§37.7. Domestic abuse aggravated assault

A. Domestic abuse aggravated assault is an assault with a dangerous weapon committed by one household member upon another household member.

B. For purposes of this Section, "household member" means any person of the opposite sex presently living in the same residence, or living in the same residence

within five years of the occurrence of the domestic abuse aggravated assault, with the defendant as a spouse, whether married or not, or any child presently living in the same residence or living in the same residence within five years immediately prior to the occurrence of the domestic abuse aggravated assault, 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.

Dating Violence:

A. 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) The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

B. For the purposes of this definition:

- (1) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- (2) Dating violence does not include acts covered under the definition of domestic violence. Dating violence is not specifically defined in Louisiana state criminal law. Dating violence would require a subjective termination by an investigating officer to inquire about the dating/relationship status at all crimes against persons which could include murder, rape, robbery aggravated assault, home invasion, burglary, as well as misdemeanor crimes of simple assault, harassment,

disorderly conduct, and other depending on the totality of the circumstance and the definition of "violence."

(3) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

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 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. 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.

(1) 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) 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.

(3) 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.

(4) 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.

(5) 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.

(6) 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.

(7) 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.

(a) 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 intent to inflict a continuity of emotional distress upon the person. Constitutionally protected activity is not included within the meaning of pattern of conduct.

(3) Repealed by Acts 1993, No. 125, §2.

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) "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.

(a) "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 object on, or delivering an object to, property occupied by that child.

(6) "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. 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.

- (1) Any protective order granted pursuant to the provisions of this Subsection shall be served on the defendant at the time of sentencing.
- (2) 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.
- (a) 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.
- (3) 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.

(a) 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.

(b) 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.

G. 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.

H. The provisions of this Section shall not apply to

DEFINITIONS

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.

J. A conviction for stalking shall not be subject to expungement as provided for by R.S. 44:9.

14§40.3 Cyber stalking

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. Cyber stalking 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. Whoever commits the crime of cyber stalking shall be fined not more than two thousand dollars, or imprisoned for not more than one year, or both.

(1) Upon a second conviction occurring within seven years of the prior conviction for cyber stalking, 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.

(2) 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.

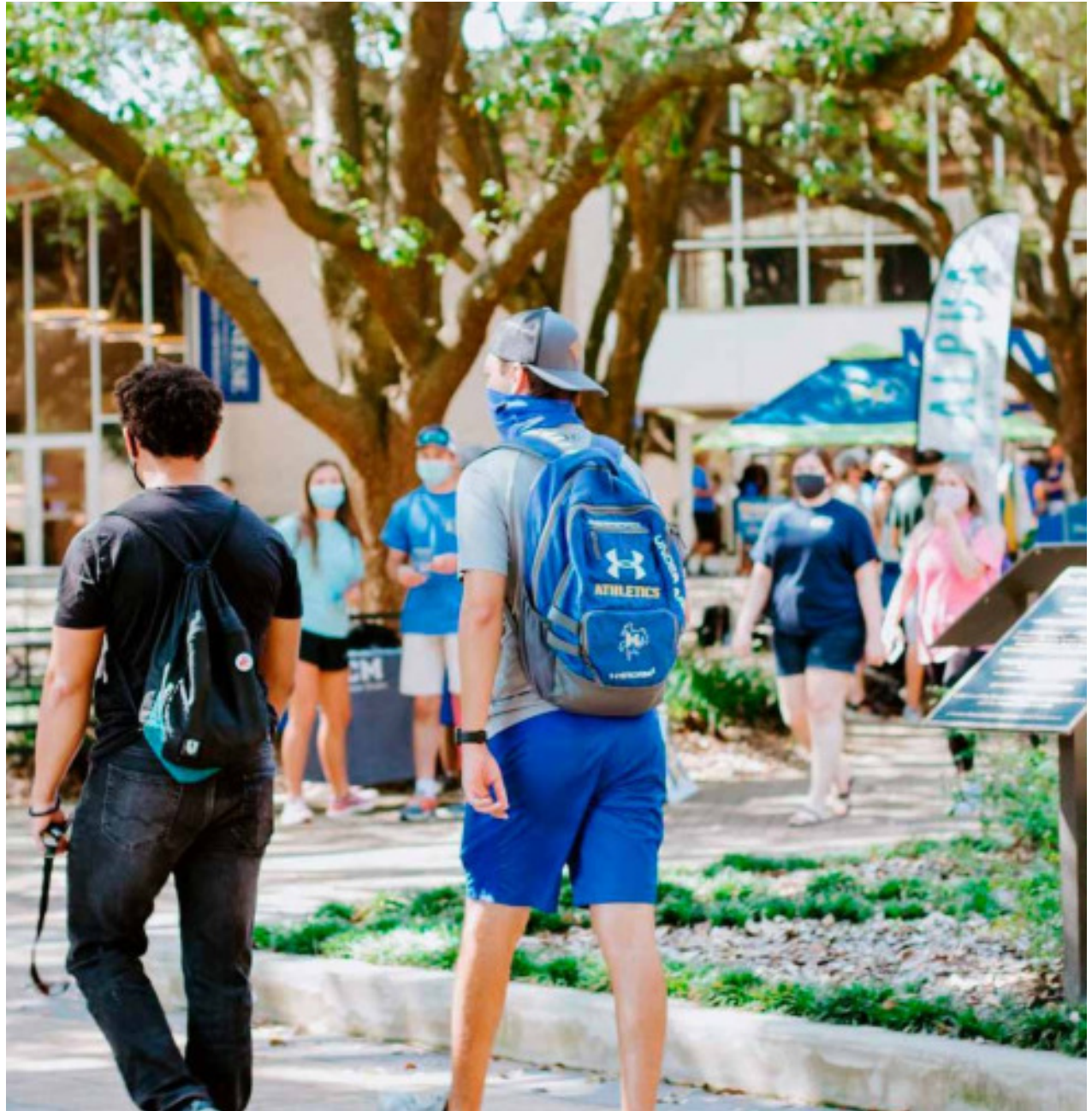
(3) In addition, the court shall order that the personal property used in the commission of the offense shall be seized and impounded, and after conviction, sold at public sale or public auction by the district attorney in accordance with R.S. 15:539.1.

(a) 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.





Campus Fire Safety Report

The following information is the 2016 Annual Fire Safety Report for student housing facilities at McNeese State

University. The student housing facilities at McNeese State University include the King, Watkins, Zigler, Burton, and Collette Halls as well as Sallier/Bel Gardens.

Fire Drills

Fire drills in the student housing facilities are performed once per semester, or twice per calendar year. The drill is conducted within the first two weeks of each semester. This is in compliance with the Louisiana State Fire Marshal and records of the drills are kept in the University's Environmental, Health & Safety Officer's office. For more information concerning fire drills, refer to the handbook provided to resident students.

Policies on Portable Electrical Appliances, Smoking, and Open Flames

Air conditioners, space heaters, halogen lamps with an exposed bulb, or any appliance with an open heating element (including toasters, toaster ovens, hot plates, grilling appliances, sandwich makers, etc.) are not permitted in the residence halls. However, slow cookers that are 3 ½ quarts or less are allowed. Smoking is not permitted in any University building and within 25-feet of a marked entrance, including residence halls. Open flames or any devices that produce an open flame are not allowed in the residence halls. This includes candles, incense and incense burners.

Housing Emergency Evacuation Procedures in Case of Fire

Building evacuation will occur upon notification by McNeese Police or other authority.

- Be aware of all marked exits in your area of the building.
- Leave by the nearest exit and alert others to do the same.
- Do not change the light switch settings.
- Leave all doors open.

- Do not use elevators as they may not be operational.
- Refrain from using any electronic devices such as cell phones until told it is safe to do so.
- Assist the disabled in exiting the building. Encourage others to do the same.
- Housing and Residence Life personnel will be located outside the building exits to direct you to a safe assembly point where officials will obtain an accurate head count and provide you with further information.
- No one will be allowed re-entry into the affected building for any reason until an "all clear" is given by authorities.
- An emergency command post may be set up near the site. Keep clear of this area unless you have important information to report.

In the event of a bomb threat, all evacuation orders and instructions will be given via word of mouth to avert possible accidental detonation through the use of electronic devices.

Policies Students and Employees Should Follow In Case of a Fire

Your worst enemy during a fire is smoke. If you're surrounded by smoke, get down on the floor and crawl to safety. Hold your breath and close your eyes. Close doors behind you as you escape. Always use stairs to escape. Never use an elevator. Here are a few simple safety tips:

- Learn the location of fire exits and alarm pull stations near you and know the emergency number for assistance – 9-1-1.
- Sound the fire alarm if you see smoke or detect a burning odor.
- Have a prepared escape plan and know your escape route.
- Remember to remain calm.
- Use exit stairs. Never use elevators.
- Close doors behind you as you escape. In most cases, this will prevent smoke damage and fire from entering the room you are exiting.

- Do not re-enter a fire-damaged building until it has been declared safe.
- If you become trapped, seal off cracks around doors and vents with cloth or rugs. (Soak them in water if possible.)
- Shut off fans and air conditioners.
- Signal for help from a window. If a campus phone is still operational, call extension 5711 or Police Emergency at 9-1-1. If you are using a cell phone, call 337-475-5711.

Fire Safety Education and Training Policies

Fire safety in student housing facilities is a very serious matter. Students, faculty and staff are expected to learn fire safety policies and guidelines. To assist in this learning process, McNeese State University has several training programs and policies for fire safety education including:

1. Formal training at the beginning of the fall semester for residential Community Assistants.
2. Educational bulletin boards.
3. Professional and volunteer staff training on building fire safety systems.
4. Training for campus-wide Campus Community Emergency Response Teams (C-CERT) on fire safety, extraction, first aid and traffic control as part of the police department.

Reporting Fires

In the event of a fire in student housing, the McNeese Police Dispatch should be contacted immediately by telephone at either 475-5711 or 9-1-1.

Campus Fire Statistics

The following table contains the fire statistics for all on-campus, student housing facilities at McNeese State University. The information contains the date, time, location, description, and estimated cost of damage for each fire incident in 2020, 2019 and 2018.

| 2020 Fires Summary | | | | | |
|-----------------------|-------|----------|--------|-----------------|-------|
| Name of Facility | Fires | Injuries | Deaths | Property Damage | Cause |
| Bel | 0 | 0 | 0 | 0 | N/A |
| Sallier | 0 | 0 | 0 | 0 | N/A |
| Collette | 0 | 0 | 0 | 0 | N/A |
| King | 0 | 0 | 0 | 0 | N/A |
| Watkins | 0 | 0 | 0 | 0 | N/A |
| Zigler | 0 | 0 | 0 | 0 | N/A |
| Burton | 0 | 0 | 0 | 0 | N/A |
| Farm Bunkhouse | 0 | 0 | 0 | 0 | N/A |
| President's Residence | 0 | 0 | 0 | 0 | N/A |
| 2019 Fires Summary | | | | | |
| Name of Facility | Fires | Injuries | Deaths | Property Damage | Cause |
| Bel | 0 | 0 | 0 | 0 | N/A |
| Sallier | 0 | 0 | 0 | 0 | N/A |
| Collette | 0 | 0 | 0 | 0 | N/A |
| King | 0 | 0 | 0 | 0 | N/A |
| Watkins | 0 | 0 | 0 | 0 | N/A |
| Zigler | 0 | 0 | 0 | 0 | N/A |
| Burton | 0 | 0 | 0 | 0 | N/A |
| Farm Bunkhouse | 0 | 0 | 0 | 0 | N/A |
| President's Residence | 0 | 0 | 0 | 0 | N/A |
| 2018 Fires Summary | | | | | |
| Name of Facility | Fires | Injuries | Deaths | Property Damage | Cause |
| Bel | 0 | 0 | 0 | 0 | N/A |
| Sallier | 0 | 0 | 0 | 0 | N/A |
| Collette | 0 | 0 | 0 | 0 | N/A |
| King | 0 | 0 | 0 | 0 | N/A |
| Watkins | 0 | 0 | 0 | 0 | N/A |
| Zigler | 0 | 0 | 0 | 0 | N/A |
| Burton | 0 | 0 | 0 | 0 | N/A |
| Farm Bunkhouse | 0 | 0 | 0 | 0 | N/A |
| President's Residence | 0 | 0 | 0 | 0 | N/A |

Future Improvement Plans

There are several future plans and goals for improvement in fire safety in residence life at McNeese State University. First, McNeese Police Department intends to continue to expand the C-CERT Program on campus to train professionals and student staff on fire safety systems and procedures, disaster response, extrication, traffic control, and first aid.

Second, the University's Environmental Health and Safety Office wants to expand active and passive educational programs to include more information about fire safety in the residence halls. Third, we plan to continue to conduct the required fire drills.

Fire Safety Systems

The following tables offer a description of the fire safety systems in each on-campus student housing facility. The tables illustrate if each building has emergency lights, exit signs, fire alarm systems, fire extinguishers, fire-rated corridors and fire doors, fire-rated exit stairs, smoke detection systems, sprinkler systems, and standpipe systems. The ratings are Yes (the entire building has the feature), No (the entire

building does not have the feature), Partial (some parts of the building have the feature), or N/A (the feature is not applicable for this building).

| 2020 FIRE SAFETY SYSTEMS | | | | | | | | |
|--------------------------|------------|-----------|-------------------|------------|--------------------|-----------------|-----------------|-------------|
| Name of Facility | Fire Alarm | Monitored | Partial Sprinkler | Sprinklers | Fire Extinguishers | Smoke Detectors | Evacuation Maps | Fire Drills |
| Bel Gardens | Y | Y | | Y | Y | Y | | 1 |
| Sallier Gardens | Y | Y | | Y | Y | Y | | 1 |
| Collette Hall | Y | Y | | | Y | Y | Y | 1 |
| King Suites | Y | Y | | Y | Y | Y | | 1 |
| Watkins Suites | Y | Y | | Y | Y | Y | | 1 |
| Zigler Suites | Y | Y | | Y | Y | Y | | 1 |
| Burton Hall | Y | Y | | Y | Y | Y | Y | 1 |
| Farm Bunkhouse | | | | | Y | Y | | |

*Under construction in 2018.



Appendix A - McNeese State University Policy on Harassment

Incidents of harassment often first come to the attention of McNeese Police even though there are various avenues of addressing these types of issues. The information on this page is provided to assist members of the community in understanding the different types of harassment and how and to whom to report such incidents.

There are two kinds of harassment recognized by civil law: harassment by creation of a hostile environment and sexual harassment which amounts to coercion of an individual. Harassment by creation of a hostile environment is typically not predicated by a single incident unless it is unusually severe. There generally needs to be several incidents, properly documented to include time, place, specific actions and the reactions of the victim. Although these incidents may not be criminal in nature, McNeese Police can take the necessary information and make sure that the proper referrals are made to appropriate University administrators including the McNeese Office of Equal Opportunity.

Some kinds of harassment which are often passed over as just something you have to put up with may actually involve violations of criminal laws and McNeese administrative policies. Examples might be:

- epithets shouted on campus
- damage to property or graffiti
- epithets or threats written on dorm property
- threats or epithets made by phone or left as voice mail or email messages
- threats made against individuals or their property
- assaults and/or batteries against a person whether or not there is a serious injury

Any incident that is in progress or that involves danger or threats to a person should be reported immediately. Use any campus emergency phone or dial 9-1-1. The dispatcher will ask for your name and where the incident is occurring. Stay on the line with the dispatcher until the police arrive or the dispatcher terminates the call.

Incidents such as larceny or vandalism should be reported as soon as it comes to your attention. You may use an emergency phone, 9-1-1, or call 475-5711 and ask for an officer to take a report.

All information in reports concerning victims or witnesses is kept confidential. That information will not be given to the press or to the suspects unless required by a court proceeding or with the victim/witness' permission. However, this information is made known to certain University administrators with a legitimate need to know (i.e. University Services personnel for matters involving student judicial proceedings) and to other police personnel, as necessary. If you are especially concerned about your identity being known, you can provide McNeese Police with as much information as you are comfortable. You don't have to provide your name unless you want to.

The McNeese Office of Equal Opportunity has the primary responsibility for investigating harassment. Phone 337-475-5428.

University Policy on Sexual Misconduct

http://www.mcneese.edu/policy/sexual_misconduct_policy

Authority: Chief Diversity Officer

Date enacted or revised: July 22, 2013

Introduction

Members of the McNeese State University community, guests, visitors and authorized users of the University's facilities should be able to enjoy a campus environment free from sexual misconduct. This policy is intended to define community expectations with respect to this right and to establish a mechanism for addressing behavior that violates these expectations. Three forms of sexual misconduct are addressed by this policy: (1) Criminal Sexual Misconduct; (2) Sexual Harassment; and (3) Problematic Consensual Relationships.

All students, faculty, staff, administrators, and contracted personnel will be held accountable for compliance with this policy and any violation of this policy may lead to disciplinary action which, in

serious cases, may include suspension, expulsion, termination, and/or removal. Every member of the University community is hereby apprised that certain forms of sexual misconduct may subject an individual not only to institutional discipline but also to criminal prosecution or civil liability.

It is incumbent upon all members of the University community to report instances of sexual misconduct. Failure to do so could result in disciplinary action up to and including suspension or termination. Any person who receives or becomes aware of a complaint of sexual misconduct or other violation of this policy should report the complaint to the Chief Diversity Officer as soon as possible and preferably within two work days. All complaints of sexual misconduct, investigation documents, and documents relative to the resolution of the complaint will be maintained in a confidential file in the Office of the Chief Diversity Officer; however, the extent to which information can remain confidential may be subject to state and federal laws relating to the required reporting of crimes or other information. In cases where it is determined that sexual misconduct has been committed, the University may take appropriate disciplinary action with or without the concurrence of the victim or person bringing the complaint.

The health, safety, and well-being of students, employees, and campus visitors are the University's primary concern. If you or someone you know may be the victim of any form of sexual misconduct, you are strongly urged to seek immediate assistance. Assistance can be obtained 24-hours-a-day, seven days a week from:

McNeese State University Police, 9-1-1, emergency; Ext 5711 when calling from a campus landline; 337 475-5711 when calling from other landlines or cell phones.

1. CRIMINAL SEXUAL MISCONDUCT

Any sexual conduct prohibited by the Louisiana Criminal Code and committed by a person on the McNeese campus or against any McNeese student,

employee, or visitor shall be considered a violation of this policy and shall be immediately reported to the University Police. Such offenses may include various forms of stalking, cyberstalking, rape, attempted rape, sexual battery, incest, and unlawful sexual behavior involving juveniles or adults, and may include other types of behavior prohibited by state law. Failure to report violations of criminal law may result in the individual and/or the University facing sanctions under the federal Clery Act, which, among other things, requires key university employees to report crimes occurring in and around campus and in connection with campus activities.

Many administrative employees fall within the definition of a "Campus Security Authority" (CSA) under federal law, and thereby be required to report to University Police specific crimes that are defined in the Clery Act including murder, sex offenses (both forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson, and drug, liquor and weapons violations. It is the responsibility of all employees to determine whether they fall within the important definition of being a "Campus Security Authority." The reporting of any crime which comes to the attention of a CSA must be reported to University Police immediately. Federal law may require a timely warning be given to the university community if there is the potential of a continuing risk to the university population. Because the classification of an alleged crime requires technical expertise, and since the University Police may be aware of other extenuating factors or incidents of criminal behavior, employees should not try to resolve an issue, delay the reporting of an issue, or mitigate a report on their own. Instead, the University Police should be notified without delay so that they can conduct an investigation, seek support for the victim, and interact with other agencies in accordance with state and federal laws.

The University Police may elect to follow their normal procedures in the investigation and enforcement of offenses within their jurisdiction or they may refer the case to other appropriate local, state, or federal law enforcement authorities. In cases where the facts

upon which an alleged criminal offense are based also constitute a violation of one or more University policies, the Student Code of Conduct, and/or the Faculty/Staff Handbook, the offender may be subject to sanctions under those provisions independent of any sanctions which may be imposed by the criminal justice system. No provision of this policy shall be construed in any manner which would impede, limit, or delay the legitimate investigatory responsibilities of any agent of law enforcement or the rights of any victim of sexual misconduct.

2. SEXUAL HARASSMENT

Sexual harassment means unwelcome conduct, based on sex or gender stereotypes, which is so severe or pervasive that it unreasonably interferes with a person's University employment, academic performance or participation in University programs or activities and creates an atmosphere or environment that a reasonable person would find intimidating, hostile or offensive.

Sexual harassment includes, but is not limited to, unsolicited, deliberate, or repeated:

- Touching, sexual flirtation, advances or propositions which are not welcomed and/or desired;
- Unwelcome jokes, stories, comments, innuendos, or other sexually oriented statements which are specifically designed to embarrass or humiliate through their sexual subject matter content;
- Unwelcome sexual communication such as graphic or degrading comments about one's gender related to personal appearance;
- Unwelcome sexual advances, requests for sexual favors, or other offensive verbal or physical contact of a sexual nature;
- Unwelcome display of sexually explicit materials, objects or pictures in an individual's place of work or study;
- Creating or arranging situations specifically designed to violate privacy in an unwelcome and undesired manner.

Procedure for the Reporting and Resolving Claims of Sexual Harassment:

Any claim which may involve a violation of the Louisiana Criminal Code shall be referred in the first instance to the University Police in accordance with the Criminal Sexual Misconduct paragraph, above.

Should any member of the University community (student, employee, or visitor) believe that the sexual harassment portion of this policy has been broken by any member of the University community, he/she should prepare a written statement detailing the allegations on the University's Discrimination Complaint Form in the Office of the Chief Diversity Officer in Room 404 of Burton Business Center. This form can also be downloaded from the University's website and brought to Room 404 of Burton Business Center or mailed to Box 93248, Lake Charles, LA 70609. VOICE: (337) 475-5610; FAX (337) 475-5960; TDD/TTY, Hearing Impaired (337) 562-4227. Email: knicholas@mcneese.edu Mail: Chief Diversity Officer, Box 93248, Lake Charles, LA 70609.

The Chief Diversity Officer may, in his or her professional judgment, attempt to resolve the matter through alternative dispute resolution, which may include attempts to mediate, conciliate, or otherwise resolve differing claims. Information explaining alternative dispute resolution is available from the Office of the Chief Diversity Officer. The Chief Diversity Officer shall determine the appropriateness of alternative dispute resolution methods within ten (10) days of its receipt of the grievance. If the Chief Diversity Officer determines that the matter is not appropriate for mediation, conciliation, or other less formal methods of dispute resolution, or if, after attempting such methods for a period of time not to exceed sixty (60) days, the Chief Diversity Officer determines that further attempts are not likely to achieve an outcome consistent with the goals of this policy. Decisions rendered by the Chief Diversity Officer as described in the above paragraphs shall be delivered in writing to the following parties:

- the person(s) filing the grievance;
- the person(s) against whom the grievance was filed;

- the supervisor(s) of the office or administrative unit(s) most responsible for the environment in which the alleged actions occurred, said supervisor(s) to be charged with keeping a copy of the grievance and its disposition on file and available for appeal; and
- the President of the University.

Any party may, within ten (10) working days of delivery of a notice of a decision by the Chief Diversity Officer, appeal the decision to the Vice President responsible for overseeing the person(s) against whom the original grievance was filed. The Vice President shall render a decision on the appeal within ten (10) working days after receiving the appeal. The Vice President's appeal decision shall be limited to one of the following: (a) to affirm the decision of the Chief Diversity Officer; (b) to reverse or amend all or any portion of the decision; or (c) to ask the Chief Diversity Officer to reconsider its decision based on reasons given in the Vice President's written decision, in which case reconsideration must be completed and reported to the Vice President within ten (10) working days of the Vice President's request. After any such reconsideration, the Vice President shall render a final decision to affirm, reverse, or amend all or any portion of the reconsidered decision. Any party may, within ten (10) working days of delivery of notice of the Vice President's final decision, request a reconsideration of the case by the President of the University. The President's reconsideration shall be limited to a determination of whether the Vice President's decision was reached via a process that provided all parties with adequate notice, a fair and unbiased process, and opportunity to be heard. The President shall issue a final ruling on the matter within fifteen (15) business days after the request for reconsideration has been received.

If an employee or student makes an appeal to the Board of Supervisors, the administrative proceedings from the institution will be reviewed in accordance with the Board's rules and procedures. The purpose of this review will be to determine only if appropriate processes has been provided to the grievant, not to conduct a new hearing or review the factual details of the case. Following this review, the grievant will be

notified of the Board's decision.

Problematic Consensual Relationships

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions of authority. On a university campus, such unequal positions can occur between a teacher and a student, between a coach and a player, and between a supervisor and an employee. These relationships may be less consensual than initially perceived by the individuals involved or by third parties who may be affected directly or indirectly by the relationship. The relationship may also result in negative consequences to third parties. For example, students in a class taught by a professor involved in a romantic relationship with one of the students may believe that the favored student will receive a higher grade than he or she would otherwise deserve. Players on a team where one member of the team is involved in a romantic relationship with a coach or administrator may believe that the favored player will receive better treatment in practice and during games. Likewise, employees aware of a romantic relationship involving their supervisor may come to believe that employee evaluations determined by that supervisor are less than objective.

While McNeese has no interest in interfering in the personal matters of its employees, it has no choice but to address situations that impede the legitimate interests and necessary work of innocent students and employees and that cast doubt on the integrity of our academic standards and employee evaluations. For this reason, this policy discourages all romantic relationships between members of the McNeese community in cases where one party to the relationship holds, or could potentially hold, a supervisory or evaluative position over the other. The fact that the relationship may have begun innocently or without any apparent negative consequences to third parties will be deemed irrelevant once either party to the relationship knows, or has reason to know, that the relationship has progressed to the point where it could reasonably be perceived by third parties as being in violation of this policy.

Because of the inherent dangers involved in relationships involving members of the McNeese community holding positions of unequal positions of authority, and regardless of whether the parties to such a relationship believe the relationship to be secret or confidential in nature, this policy requires that any member of the McNeese community who becomes involved in such a relationship must report the existence of the relationship to his or her immediate supervisor. Upon receipt of a self-report, the University may reassign the party in the superior position of authority to other work duties, which may involve a demotion in rank or the elimination of supervisory duties-which may result in corresponding adjustments of salary and benefits-in order to limit or reduce negative consequences to third parties. Failure to self-report such a relationship will result in disciplinary action. For the party in the position of superior authority such disciplinary action may include a warning or other reprimand, reassignment of duties, suspension, or termination, depending on the circumstances.

Reporting Sanctions Under the Clery Act

Under federal law, the Clery Act, the University is required to statistically report all allegations of forcible and non-forcible sexual offenses involving students, staff, faculty and/or visitors. The Clery Act goes even further in requiring a statistical report even if only a sanction results and no criminal charges are filed. This would include all forms of employee discipline connected to a forcible or non-forcible sex offense.

Appendix B - McNeese Policy Statement Prohibiting Sexual Violence

On college campuses, acquaintance and date rape are more apt to occur than rape by strangers. Research on college women indicates as many as 20% of the female population may at some point be sexually coerced by acquaintances.

While some students may not think of forced sexual relations as rape, such action constitutes a serious crime and is a felony under Section 14:42 of the

Louisiana Revised Statutes.

If You Are the Victim of Sexual Assault

Contact a friend to help you collect your thoughts and focus on your needs. If the assault occurred on campus, call McNeese Police at 337-475-5711 or at 9-1-1. If the assault occurred off campus, call the Lake Charles Police

Department, the Calcasieu Parish Sheriff's Office (911), the nearest law enforcement agency or the Rape Crisis Center at 494-7273.

Obtain Medical Care - Quickly obtain medical care from a hospital emergency room. Do not bath, shower, douche or change clothes before seeking medical attention. The treatment for rape may require an examination at a designated hospital, testing for sexually transmitted diseases, medication to prevent pregnancy and documenting evidence so you can decide whether to pursue prosecution.

Assist in the Investigation - It is a personal decision whether to report a rape or sexual assault to police, but you are strongly encouraged to do so. The primary concern of the police is your safety and well-being; the second and third concerns are apprehending the assailant and preserving the evidence of the crime.

Seek Counseling - Whether or not you report the assault or pursue prosecution, you should consult a trained counselor for help in dealing with the emotional aftermath of a rape. Trained counselors are available at the McNeese Counseling Center and the Calcasieu Women's Center. Talking with a counselor or psychologist in no way compels a victim to take further action.

A victim may choose to pursue action through the campus judicial system if the offense was committed by another student. The Office of Student Services (337-475-5609) is available to advise victims of their rights under the Student Code of Conduct. Even if you choose not to pursue disciplinary action, you are encouraged to report your experience to the Office of University Services.

For more information or assistance with resources, please contact:

McNeese University Police 337-475-5711
Office of University Services 337-475-5706
Student Health Center 337-475-5748
Counseling Center 337-475-5136
Rape Crisis Center 337-494-7273

Appendix C - Alcohol and Other Drug Policies of McNeese

Alcohol and Other Drug Policies

Authority: Business Affairs and University Services

Date enacted: Revised January, 2016 Purpose

The primary purpose of the Alcohol and Other Drug Policy is to comply with Title IV requirements, the Drug Free Schools and Communities Act Amendments of 1989, Public Law 101-226, Executive Order 12564, Public Law 100-71 and subsequent regulations including the Drug-Free Workplace Act. This policy is also intended to align with the University of Louisiana System regulations regarding alcohol and other drugs. McNeese strives to foster a healthy campus community.

The Office of University Services coordinates the university's Alcohol and Drug Prevention Programming in partnership with Human Resources and Student Employment, University Police and Institutional Research and Effectiveness.

Annual Notification of Code of Student Conduct and Substance Abuse Health Risks

McNeese annually notifies students and staff regarding the Code of Student Conduct as well as the Alcohol and Other Drug Policy. Included in the notification are applicable federal, state, local, and institutional sanctions regarding violation of the Code of Student Conduct and University policies, a description of the long and short-term health risks of substance abuse, and a list of prevention and treatment programs available to students, staff, and faculty. The annual notification for students is conducted through the University electronic communication digest and coincides with the official

census dates for each term. The annual notification for employees is conducted through Human Resources and Student Employment and the University electronic communication digest.

Further information is available online in the Annual Security Report (ASR) in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The ASR contains policy statements, resources regarding alcohol and drug prevention, health risks and sanctions for violation of related policies.

General Overview of Alcohol Use on Campus

1. The University prohibits the unlawful use or sale of alcoholic beverages and the possession or consumption in any form on the University campus except in those areas or instances where the President or the President's designee has authorized in writing the serving or sale of legal beverages in accordance with the provisions of state and local law and ordinances and prescribed University regulations.
2. The University may authorize alcoholic beverages on campus for properly registered/sanctioned events, which demonstrate compliance with state and local law. (Student events must be registered with University Services; faculty/staff/alumni/visitor events must be registered with the President's office and University Events Officer). Specific requirements for gaining approval to serve alcoholic beverages include, but may not be limited to, the following:
 - a. When alcohol is served, alternate non-alcoholic beverages and food must be served and displayed in equal prominence along with alcoholic beverages.
 - b. Only appropriately licensed personnel may be authorized to sell alcoholic beverages.
 - c. Alcohol may not be served to underage persons. To prohibit underage drinking, proper identification is required to be shown when alcohol is served.
 - d. The purchase, sale, and delivery of alcoholic beverages without proper administrative

written permission and approval by the President's Office is prohibited.

- e. The University or its representatives reserve the right to refuse to serve alcoholic beverages to any patron whose behavior is disorderly. Additionally, the event itself may be terminated if safety is endangered due to disorderly conduct or the presence of inebriated attendees.
- f. Any approved advertising of alcohol shall promote responsible and legal use of the products represented.
- g. Other restrictions may apply.

Related Policies and Protocols

There are system-wide, university, and departmental policies regarding alcohol and other drugs on campus. The chart below identifies some of the related policies:

| Policy | Access | Who receives? |
|---|--|--|
| Recognized Student Organizations Handbook | http://www.mcneese.edu/studentlife/student_organizations , click on Student Organization Handbook (Version July 2015) http://www.mcneese.edu/f/c/dccg5238 | Students involved in student organizations |
| McNeese Drug Testing Policy | http://www.mcneese.edu/policy/drug_testing_policy | All state employees |
| McNeese Policy Awareness Acknowledgement Statement | (includes drug-free workplace/alcohol and drug policy) Can be found in the Employee Training section on the Employee tab in the MyMcNeese portal | All employees, including student workers |
| Student Handbook/ Code of Student Conduct | http://www.mcneese.edu/policy/student_handbook | All students |
| Student Rights and Responsibilities | http://www.mcneese.edu/policy/student_handbook and Academic Catalog | All students |
| Housing regulations | Housing office on campus/RISE Management Company | All students who sign a lease with housing |
| University of Louisiana System PPM: Alcohol and Illegal Controlled Substances | http://ulsystem.edu/assets/docs/searchable/boards/S-II.XX-VII.-1%20Alcohol%20and%20Illegal%20Controlled%20Substances.pdf | Available to all |

It is the responsibility of every student and employee of McNeese State University to comply with all federal, state, local, institutional, and University of Louisiana System regulations regarding alcohol and other drug use.

Applicable Laws

McNeese complies with and upholds federal, state, and local laws that regulate or prohibit possession, use, or distribution of alcoholic beverages or illicit drugs.

The following is a summary of certain Louisiana laws:

1. It is unlawful to falsify or permit someone else to use one's driver's license or other identification document in order to obtain or attempt to obtain any alcoholic beverages.
2. It is unlawful for any person under 21 to purchase or publicly possess any alcoholic beverages.
3. It is unlawful for any person, other than a parent, spouse, or legal guardian, to purchase on behalf of a person under 21 any alcoholic beverages.
4. It is unlawful for any person under 21 to purchase alcoholic beverages or be in possession of alcoholic beverages.

5. It is unlawful to sell to or share any alcohol beverages with any person under 21.
6. The possession, use, or distribution of controlled substances or illegal drugs is unlawful and strictly prohibited on campus and in campus housing.

Amnesty Program

The University maintains an amnesty program for reporting focuses that upon the safety of victims first. Under the university's Amnesty Program the following persons reporting to McNeese officials will not be subject to conduct violations of alcohol and/or drug use policies occurring at or near the time of sexual violence, or the seeking of assistance for severe intoxication of alcohol or drugs:

- a bystander reporting sexual violence in good faith
- a victim/survivor reporting sexual violence
- a bystander in good faith seeking medical assistance for someone else with significant

intoxication of alcohol or other substances

- a victim seeking medical assistance for themselves for significant intoxication of alcohol or other substances

Educational and Prevention Programs

The McNeese Counseling Center, in coordination with the Office of Institutional Research and Effectiveness, administers the CORE Institute's National Drug and Alcohol Survey to students on a biennial basis. The survey data is used to understand the drug/alcohol rates for the McNeese campus and to inform future educational programming needs. Other data gathering surveys or tools may be used as needed.

Drug and substance abuse educational and prevention programs are offered through the unit of Student Health and Development (McNeese Counseling Center and Health Services) as a means to foster a healthy campus

community. Programs include screening events, awareness/educational tabling events, classroom presentations upon request and professionally contracted speaking engagements available to the entire student body. Additionally, various other on- and off-campus resources are invited to collaborate on educational events for the campus community.

The campus Wellness Coordinator is available for faculty/staff consultation regarding alcohol and other drug educational materials.

Annual Educational Campaign for Substance Abuse
The University maintains an annual educational campaign for students and employees coordinated through the Office of University Services, which

consists of activities that include distribution of educational materials to new students; participating in and presenting information and materials during new employee orientation; and the delivery of ongoing awareness and educational programs to all employees and students throughout the year. The University offers the following primary alcohol and drug prevention and awareness programs for all incoming students:

| Program | Timeline | Location |
|---|-------------------------|--------------------|
| Student Orientation | Fall & Winter Semesters | Bulber Auditorium |
| Housing/Resident Student Orientation | Fall & Winter Semesters | Bulber Auditorium |
| Campus Safety Month Wellness Wednesday | 1st Week of September | Student Union |
| Homecoming Week Safety | October | Quad/Student Union |
| Mid-Semester Prevention (Pre-Mardi Gras Prevention) | March | Quad/Student Union |

Enforcement

All University employees and students are responsible for adhering to the Alcohol and Other Drug Policy. Faculty and staff members who violate this policy are referred to the appropriate unit administrator. Students are referred to the Assistant Vice President for University Services for disciplinary action. The University President and designees are the ultimate

authority responsible for enforcing this policy. Student employees may be held to the standards set for employees of the University.

The University will impose sanctions for violations of state and federal laws, Code of Student Conduct, and University policies. Violators may be punishable by sanctions including referral to counseling and/

or a designated rehabilitation program, referral for prosecution, expulsion, disciplinary action, and/or termination of employment.

Communication

This policy is distributed via the Senior Staff, Academic Advisory Council, Administrative Advisory Council, and the University Policy Page.

Appendix D - Relevant State and Federal Laws

Intoxication

RS 14:15 Intoxication

The fact of an intoxicated or drugged condition of the offender at the time of the commission of the crime is immaterial, except as follows:

- (1) Where the production of the intoxicated or drugged condition has been involuntary, and the circumstances indicate this condition is the direct cause of the commission of the crime, the offender is exempt from criminal responsibility.
- (2) Where the circumstances indicate that an intoxicated or drugged condition has precluded the presence of a specific criminal intent or of special knowledge required in a particular crime, this fact constitutes a defense to a prosecution for that crime.

Underage Drinking

Purchase and public possession of alcoholic beverages; exceptions; penalties

RS 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 or imprisoned for not more than six months, or both.

| Penalty | 1st Offense |
|--------------------|---|
| Fine | No more than \$100 |
| Jail | Not more than 6 months, or both Fine & jail |
| License Suspension | may be suspended upon conviction, plea of guilty, or nolo contendere for a period of 180 days |

- (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.

- (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.

Selling or Furnishing Alcohol to Minors

| Penalty | 1st Offense |
|--------------------|--|
| Fine | No more than \$500 |
| Jail | Not more than 30 days, or both Fine & jail |
| License Suspension | may be suspended upon conviction, plea of guilty, or nolo contendere for a period of 180 days. |

RS 14:93.13 Unlawful purchase of alcoholic beverages by persons on behalf of persons under twenty-one

§93.13. Unlawful purchase of alcoholic beverages by persons on behalf of persons under twenty-one

A. It is unlawful for any person, other than a parent, spouse, or legal guardian, as specified in R.S. 14:93.10(2)(a)(ii), to purchase on behalf of a person under twenty-one years of age any alcoholic beverage.

B.(1) Whoever violates the provisions of this Section shall be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both.

(2) 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 suspension of his driving privileges will deprive him or his family of the necessities of life or prevent him from earning a livelihood. Such restrictions shall be determined by the court.

Alcoholic beverage vaporizer; prohibitions

RS 14:93.15 Alcoholic beverage vaporizer; prohibitions

A. It is unlawful for any person to sell, deliver, give away, purchase, possess, or use an alcoholic beverage vaporizer.

B. This Section shall not apply to any other vaporizer device used for purposes other than vaporizing alcoholic beverages.

C. Whoever violates the provisions of this Section shall be fined not more than five hundred dollars or

imprisoned for not more than six months, or both. Acts 2006, No. 147, §1.

Disturbing the peace by intoxication

It is illegal to appear in any public place manifestly under the influence of alcohol to the degree that you may endanger yourself or other persons or property, or annoy others in your vicinity. Disturbing the peace by intoxication is a crime when a person appears in any public place manifestly under the influence of alcohol or a controlled substance to the degree that he may endanger himself or other persons or property, or annoy persons in his vicinity. Public drunkenness also leads to other behaviors and important health concerns. Often, public drunkenness contributes to many criminal mischiefs and disorderly conducts on campus. People must be responsible for their own actions and know their limits and tolerance levels before consuming alcohol.

| Penalty | 1st Offense |
|---------|---------------------------------|
| Fine | not more than \$100 |
| Jail | not more than 90 days, or both. |

RS 14:103 Disturbing the peace

§103. Disturbing the peace

A. Disturbing the peace is the doing of any of the following in such manner as would (

- (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...

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...

False I.D.

| Penalty | 1st Offense |
|--------------------|---------------------|
| Fine | not more than \$200 |
| Community Service | Up to 32 hours |
| License Suspension | 90 days |

Misrepresentation of age to obtain alcoholic beverages or gain entry to licensed premises prohibited; penalties

§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.

Open Container Law**Possession of alcoholic beverages in motor vehicles**

RS 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: 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:
- It is open or has a broken seal.
 - Its contents have been partially removed.
 - "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.

In Louisiana, the illegal level for DUI is .08 percent Blood Alcohol Content (BAC) and .02 percent BAC for minors.

Drivers with any amount of a Schedule I, II, III, or IV controlled substance not medically prescribed may not drive, operate, or be in actual physical control of a vehicle.

| Penalty | 1st Offense | 2nd Offense |
|--------------------|---|--|
| Fine | not less than \$300 nor more than \$1000 | not less than \$750 nor more than \$1000 |
| Jail | 2 days–6 months | not less than 30 days nor more than 6 months |
| License Suspension | 90 days | 6 months |
| Other | Perform no less than 32 hours of court-approved community service activities Participate in a court-approved substance abuse program Participate in court-approved driver improvement program | Participate in a court-approved substance abuse program Participate in a court-approved driver improvement program Ignition interlock device |

Operating a vehicle while intoxicatedRS 14:98 Operating a vehicle while intoxicated

- A.(1) The crime of operating a vehicle while intoxicated is the operating of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance when any of the following conditions exist:
- (a) The operator is under the influence of alcoholic beverages.
 - (b) The operator's blood alcohol concentration is 0.08 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood.
 - (c) The operator is under the influence of any controlled dangerous substance listed in Schedule I, II, III, IV, or V as set forth in R.S. 40:964.
 - (d)(i) The operator is under the influence of a combination of alcohol and one or more drugs that are not controlled dangerous substances and that are legally obtainable with or without a prescription.
 - (ii) It shall be an affirmative defense to any charge under this Subparagraph that the label on the container of the prescription drug or the manufacturer's package of the drug does not contain a warning against combining the medication with alcohol.
 - (e)(i) The operator is under the influence of one or more drugs that are not controlled dangerous substances and that are legally obtainable with or without a prescription.
 - (ii) It shall be an affirmative defense to any charge under this Subparagraph that the operator did not knowingly consume quantities of the drug or drugs that substantially exceed the dosage prescribed by the physician or the dosage recommended by the manufacturer of the drug.
 - (2) A valid driver's license shall not be an element of the offense, and the lack thereof shall not be a defense to a prosecution for operating a vehicle while intoxicated.
 - B.(1) This Subsection shall be cited as the "Child Endangerment Law".
 - (2) 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 was a passenger in the motor vehicle, aircraft, watercraft, vessel, or other means of motorized conveyance at the time of the commission of the offense:

- (a) Except as provided in Subparagraphs (b) and (c) of this Paragraph, the execution of the minimum mandatory sentence provided by R.S. 14:98.1 or 98.2, as appropriate, shall not be suspended.
- (b) Notwithstanding any provision of law to the contrary, if imprisonment is imposed pursuant to the provisions of R.S. 14:98.3, the execution of the minimum mandatory sentence shall not be suspended.
- (c) Notwithstanding any provision of law to the contrary, if imprisonment is imposed pursuant to the provisions of R.S. 14:98.4, the execution of the minimum mandatory sentence shall not be suspended.
- C.(1) For purposes of determining whether a defendant has a prior conviction for a violation of this Section, a conviction under any of the following shall constitute a prior conviction:
 - (a) R.S. 14:32.1, vehicular homicide.
 - (b) R.S. 14:32.8, third degree feticide.
 - (c) R.S. 14:39.1, vehicular negligent injuring.
 - (d) R.S. 14:39.2, first degree vehicular negligent injuring.
 - (e) A law of any state or an ordinance of a municipality, town, or similar political subdivision of another state that prohibits the operation of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance while intoxicated, while impaired, or while under the influence of alcohol, drugs, or any controlled dangerous substance.
- (2) The determination under this Subsection shall be made by the court as a matter of law.
- (3) For purposes of this Section, a prior conviction shall not include a conviction for an offense under this Section, a conviction for an offense under R.S. 14:39.1, 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 operation of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance while intoxicated, while impaired, or while under the influence of alcohol, drugs, or any controlled dangerous substance if committed more than ten years prior to the commission of the crime for which the defendant is being tried, and such conviction shall not be considered in the assessment of penalties in this Section. However, periods of time during

which the offender was awaiting trial, under an order of attachment for failure to appear, or on probation or parole for an offense described in this Paragraph, or periods of time during which an offender was incarcerated in a penal institution in this or any other state for any offense, including an offense described in Paragraph (1) of this Subsection, shall be excluded in computing the ten-year period.

- D.(1) On a conviction of a first offense violation of the provisions of this Section, notwithstanding any other provision of law to the contrary, the offender shall be sentenced under the provisions of R.S. 14:98.1.
- (2)(a) Except as provided by Subparagraph (b) of this Paragraph, on a conviction of a second offense violation of the provisions of this Section, notwithstanding any other provision of law to the contrary and regardless of whether the second offense occurred before or after the first conviction, the offender shall be sentenced under the provisions of R.S. 14:98.2.
- (b) If the conviction of a second offense violation of the provisions of this Section when the first offense was for the crime of vehicular homicide in violation of R.S. 14:32.1, third degree feticide in violation of R.S. 14:32.8, or first degree vehicular negligent injuring in violation of R.S. 14:39.2, the offender shall be sentenced under the provisions of R.S. 14:98.2(D).
- (3) On a conviction of a third offense violation of the provisions of this Section, 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 sentenced under the provisions of R.S. 14:98.3.
- (4) On a conviction of a fourth or subsequent offense violation of the provisions of this Section, notwithstanding any other provision of law to the contrary and regardless of whether the fourth or subsequent offense occurred before or after an earlier conviction, the offender shall be sentenced under the provisions of R.S. 14:98.4.
- E. The legislature hereby finds and declares that conviction of a third or subsequent offense of operating while intoxicated is presumptive evidence of the existence of a substance abuse disorder that poses a serious threat to the health and safety of the public. Further, the legislature finds that there are successful treatment methods available for

treatment of addictive disorders.

- F.(1) On a third or subsequent conviction of operating while intoxicated pursuant to this Section, in addition to any other sentence, the court shall order, upon motion of the prosecuting district attorney, that the vehicle being operated by the offender at the time of the offense be seized and impounded, and be sold at auction in the same manner and under the same conditions as executions of writs of seizure and sale as provided in Book V, Title II, Chapter 4 of the Code of Civil Procedure.
- (2) The vehicle shall be exempt from sale if it was stolen, or if the driver of the vehicle at the time of the violation was not the owner and the owner did not know that the driver was operating the vehicle while intoxicated. If this exemption is applicable, the vehicle shall not be released from impoundment until such time as towing and storage fees have been paid. In addition, the vehicle shall be exempt from sale if all towing and storage fees are paid by a valid lienholder.
- (3) If the district attorney elects to forfeit the vehicle, he shall file a written motion at least five days prior to sentencing, stating his intention to forfeit the vehicle. When the district attorney elects to forfeit the vehicle, the court shall order it forfeited.
- (4) The proceeds of the sale shall first be used to pay court costs and towing and storage costs, and the remainder shall be allocated as follows:
- (a) Sixty percent of the funds shall go to the arresting agency.
 - (b) Twenty percent of the funds shall go to the prosecuting district attorney.
 - (c) Twenty percent of the funds shall go to the Louisiana Property and Casualty Insurance Commission for its use in studying ways to reduce drunk driving and insurance rates.
- G. (1) If an offender placed on probation for a conviction of a violation of this Section fails to complete the required substance abuse treatment, or fails to participate in a driver improvement program, or violates any other condition of probation, including conditions of home incarceration, his probation may be revoked, and he may be ordered to serve the balance of the sentence of imprisonment, without credit for time served under home incarceration.
- (2) If the offender is found to be in violation of both the terms of his release for good behavior by the

Department of Public Safety and Corrections, committee on parole, and in violation of his probation by the court, then the remaining balance of his diminution of sentence shall be served first, with the previously suspended sentence imposed by the court to run consecutively thereafter.

Underage driving under the influence

RS 14:98.1 Operating while intoxicated; first offense; penalties

- A.(1) Except as modified by the provisions of Paragraphs (2) and (3) of this Subsection, on a conviction of a first offense violation of R.S. 14:98, 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 ten days nor more than six months. Imposition or execution of sentence under this Paragraph shall not be suspended unless the offender is placed on probation with the minimum conditions that he complete all of the following:
- (a) Serve forty-eight hours in jail, which shall not be suspended, or in lieu thereof, perform no less than thirty-two hours of court-approved community service activities, at least half of which shall consist of participation in a litter abatement or collection program.
 - (b) Participate in a court-approved substance abuse program, which may include an assessment by a licensed clinician to determine if the offender has a diagnosis of substance abuse disorder. Nothing herein shall prohibit the court from modifying the portions of the program as may be applicable and appropriate to an individual offender as shown by the assessment.
 - (c) Participate in a court-approved driver improvement program.
 - (d) Except as provided by Subparagraph (3)(c) of this Subsection, the court may order that the offender not operate a motor vehicle during the period of probation, or such shorter time as set by the court, unless any vehicle, while being operated by the offender, is equipped with a functioning ignition interlock device in compliance with the requirements of R.S. 14:98.5(C) and R.S. 32:378.2.
- (2) If the offender had a blood alcohol concentration of 0.15 percent or more but less than 0.20 percent by

- weight based on grams of alcohol per one hundred cubic centimeters of blood, at least forty-eight hours of the sentence imposed pursuant to Paragraph (1) of this Subsection shall be served without the benefit of parole, probation, or suspension of sentence, and is to be served in addition to any sentence of imprisonment imposed pursuant to Subparagraph (1) (a) of this Subsection, provided that the total period of imprisonment upon conviction of the offense, including imprisonment for default in payment of a fine or costs, shall not exceed six months.
- (3)(a) If the offender had a blood alcohol concentration of 0.20 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, the offender shall be fined not less than seven hundred fifty dollars nor more than one thousand dollars and at least forty-eight hours of the sentence imposed pursuant to Paragraph (1) of this Subsection shall be served without the benefit of parole, probation, or suspension of sentence, and is to be served in addition to any sentence of imprisonment imposed pursuant to Subparagraph (1) (a) of this Subsection, provided that the total period of imprisonment upon conviction of the offense, including imprisonment for default in payment of a fine or costs, shall not exceed six months.
- (b) In addition to any penalties imposed under this Section, upon conviction of a first offense, if the offender had a blood alcohol concentration of 0.20 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, the driver's license of the offender shall be suspended for two years.
- (c) The court shall require that the offender not operate a motor vehicle during the period of probation unless any vehicle, while being operated by the offender, is equipped with a functioning ignition interlock device in compliance with the requirements of R.S. 14:98.5(C) and R.S. 32:378.2. The ignition interlock device shall remain installed and operative on his vehicle during the first twelve-month period of suspension of his driver's license following the date of conviction.
- B. Nothing in this Section shall prohibit a court from sentencing an offender to serve any portion of the sentence under home incarceration pursuant to R.S. 14:98.5, either in lieu of, or in addition to, a

term of imprisonment if otherwise allowed under the provisions of Code of Criminal Procedure Article 894.2 and R.S. 14:98.5(B).

- C. An offender may apply for a restricted driver's license to be in effect during the entire period of suspension upon proof to the Department of Public Safety and Corrections that his motor vehicle has been equipped with a functioning ignition interlock device in compliance with the requirements of R.S. 32:378.2.

Operating while intoxicated; second offense

RS 14:98.2 Unlawful refusal to submit to chemical tests; arrests for driving while intoxicated

§98.2. Operating while intoxicated; second offense; penalties

- A.(1) Except as modified by the provisions of Paragraphs (2), (3), and (4) of this Subsection, or as provided by Subsection D of this Section, on a conviction of a second offense violation of R.S. 14:98, 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 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 sentence shall not be suspended unless the offender is placed on probation with the minimum conditions that he complete all of the following:
- (a) Serve at least fifteen days in jail, without benefit of parole, probation, or suspension of sentence, or in lieu thereof, perform two hundred forty hours of court-approved community service activities, at least half of which shall consist of participation in a litter abatement or collection program. If imprisonment is imposed under this Subparagraph, the sentence is to be served in addition to the sentence of imprisonment imposed pursuant to Paragraph (1) of this Subsection, provided that the total period of imprisonment upon conviction of the offense, including imprisonment for default in payment of a fine or costs, shall not exceed six months.
- (b) Participate in a court-approved substance abuse program, which may include an assessment by a licensed clinician to determine if the offender has a diagnosis of substance abuse disorder. Nothing in

this Section shall prohibit the court from modifying the portions of the program as may be applicable and appropriate to an individual offender as shown by the assessment.

- (c) Participate in a court-approved driver improvement program.
- (d) Except as the period of time may be increased in accordance with Subparagraph (3)(c) of this Subsection, the court shall order that the offender not operate a motor vehicle during the period of probation unless any vehicle, while being operated by the offender, is equipped with a functioning ignition interlock device in compliance with the requirements of R.S. 14:98.5(C), R.S. 15:306, and R.S. 32:378.2, which requirement shall remain in effect for a period of not less than six months from the date of conviction. In addition, the device shall remain installed and operative during any period that the offender's driver's license is suspended under law and for any additional period as determined by the court.
- (2) If the offender had a blood alcohol concentration of 0.15 percent or more but less than 0.20 percent by weight based on grams of alcohol per one hundred cubic centimeters of blood, at least ninety-six hours of the sentence imposed pursuant to Paragraph (1) of this Subsection shall be served without the benefit of parole, probation, or suspension of sentence.
- (3)(a) If the offender had a blood alcohol concentration of 0.20 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, the offender shall be fined one thousand dollars and at least ninety-six hours of the sentence imposed pursuant to Paragraph (1) of this Subsection shall be served without the benefit of parole, probation, or suspension of sentence.
- (b) In addition to any penalties imposed under this Section, upon conviction of a second offense violation of R.S. 14:98, if the offender had a blood alcohol concentration of 0.20 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, the driver's license of the offender shall be suspended for four years.
- (c) The court shall require that the offender not operate a motor vehicle during the period of probation unless any vehicle, while being operated by the offender, is equipped with a functioning ignition interlock device in compliance with the requirements of R.S.

14:98.5(C), R.S. 15:306, and R.S. 32:378.2. The ignition interlock device shall remain installed and operative on his vehicle during the first three years of the four-year period of the suspension of his driver's license.

- (4) If the arrest for the second offense occurs within one year of the commission of the first offense, at least thirty days of the sentence imposed pursuant to Paragraph (1) of this Subsection shall be served without benefit of parole, probation, or suspension of sentence. In addition, if the offender had a blood alcohol concentration of 0.20 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, he shall be fined one thousand dollars and also be subject to the provisions of Subparagraphs (3)(b) and (c) of this Subsection.
- B. Nothing in this Section shall prohibit a court from sentencing an offender to serve any portion of the sentence under home incarceration pursuant to R.S. 14:98.5, either in lieu of, or in addition to, a term of imprisonment if otherwise allowed under the provisions of Code of Criminal Procedure Article 894.2 and R.S. 14:98.5(B).
- C. An offender may apply for a restricted driver's license to be in effect during the entire period of suspension upon proof to the Department of Public Safety and Corrections that his motor vehicle has been equipped with a functioning ignition interlock device in compliance with the requirements of R.S. 32:378.2.
- D. Notwithstanding any other provision of law to the contrary, on a conviction of a second offense violation of R.S. 14:98, and regardless of whether the second offense occurred before or after the first conviction, when the first offense was for the crime of vehicular homicide in violation of R.S. 14:32.1, third degree feticide in violation of R.S. 14:32.8, or first degree vehicular negligent injuring in violation of R.S. 14:39.2, the offender shall be fined two thousand dollars and imprisoned, with or without hard labor, for not less than one year nor more than five years. At least six months of the sentence of imprisonment imposed shall be without benefit of parole, probation, or suspension of sentence except in compliance with R.S. 14:98.5(B)(1), the mandatory minimum sentence cannot be served on home incarceration.
- (1) Imposition or execution of the remainder of the sentence shall not be suspended unless the offender

is placed on probation with the minimum conditions that he complete all of the following:

- (a) Perform two hundred forty hours of court-approved community service activities, at least one-half of which shall consist of participation in a litter abatement or collection program.
- (b) Participate in a court-approved substance abuse program, which may include an assessment by a licensed clinician to determine if the offender has a diagnosis of substance abuse disorder. Nothing in this Section shall prohibit the court from modifying the portions of the program as may be applicable and appropriate to an individual offender as shown by the assessment.
- (c) Participate in a court-approved driver improvement program.
- (2) In accordance with the provisions of R.S. 14:98.5(B), any offender placed on probation pursuant to the provisions of this Subsection shall be placed in a home incarceration program approved by the division of probation and parole for a period of time not less than six months and not more than the remainder of the sentence of imprisonment.
- (3) Except as the period of time may be increased in accordance with Subparagraph (A)(3)(b) and (c) of this Section, in addition to any penalties imposed under this Section, the court shall order that the offender not operate a motor vehicle during the period of probation unless any vehicle, while being operated by the offender, is equipped with a functioning ignition interlock device in compliance with the requirements of R.S. 14:98.5(C), R.S. 15:306, and R.S. 32:378.2, which requirement shall remain in effect for a period of not less than six months from the date of conviction. In addition, the device shall remain installed and operative during any period that the offender's driver's license is suspended under law and for any additional period as determined by the court.

Underage operating while intoxicated

RS 14:98.6 Underage operating while intoxicated

- A. The crime of underage operating a vehicle while intoxicated is the operating of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance when the operator's blood alcohol

concentration is 0.02 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, if the operator is under the age of twenty-one.

| Penalty | 1st Offense | 2nd Offense |
|--------------------|---|---|
| Fine | not less than \$100 nor more than \$250 | not less than \$250 nor more than \$500 |
| Jail | 10 days–3 months | not less than 30 days nor more than 6 months |
| License Suspension | 90 days | |
| Other | Perform no less than 32 hours of court-approved community service activities Participate in a court- approved substance abuse program Participate in court- approved driver improvement program | Participate in a court-approved substance abuse program Participate in a court- approved driver improvement program Ignition interlock device |

- B. Any underage person whose blood alcohol concentration is found to be in violation of R.S. 14:98(A)(1)(b) shall be charged under the provisions of that Subparagraph rather than under this Section.
- C.(1) On a first conviction, the offender shall be fined not less than one hundred dollars nor more than two hundred fifty dollars, and imprisoned for not less than ten days nor more than three months. Imposition or execution of sentence shall not be suspended unless the offender is placed on probation with the minimum conditions that he:
 - (a) Perform thirty-two hours of court-approved community service activities, at least half of which shall consist of participation in a litter abatement or

collection program.

- (b) Participate in a court-approved substance abuse and driver improvement program.
- (2) On a second or subsequent conviction, regardless of whether the second offense occurred before or after the first conviction, the offender shall be fined not less than two hundred fifty dollars nor more than five hundred dollars, and imprisoned for not less than thirty days nor more than six months. Imposition or execution of sentence under this Paragraph shall not be suspended unless the offender is placed on probation with the minimum conditions that he:
 - (a) Serve forty-eight hours in jail without benefit of parole, probation, or suspension of sentence, or in lieu thereof, perform no less than eighty hours of court-approved community service activities, at least half of which shall consist of participation in a litter abatement or collection program.
 - (b) Participate in a court-approved substance abuse program.
 - (c) Participate in a court-approved driver improvement program.
- (3) Nothing in this Section shall prohibit a court from sentencing an offender to serve any portion of the sentence under home incarceration either in lieu of, or in addition to, a term of imprisonment if otherwise allowed under the provisions of Code of Criminal Procedure Article 894.2 and R.S. 14:98.5(B).
- (4) The court may require that the offender not operate a motor vehicle during the period of probation unless any vehicle, while being operated by the offender, is equipped with a functioning ignition interlock device in accordance with R.S. 14:98.5(C).
- D. Court programs regarding substance abuse as provided for by Subsection C of this Section shall include a screening procedure to determine the portions of the program that may be applicable and appropriate for individual offenders.

Refusal to submit to chemical tests; arrests for driving while intoxicated

| Penalty | 1st offense |
|---------|---|
| Fine | not less than \$300 nor more than \$1000 |
| Jail | not less than 10 days nor more than 6 months. |

Unlawful refusal to submit to chemical tests; arrests for driving while intoxicated

RS 14:98.7 Unlawful refusal to submit to chemical tests; arrests for driving while intoxicated

A. No person under arrest for a violation of R.S. 14:98, or 98.6, or any other law or ordinance that prohibits operating a vehicle while intoxicated, may refuse to submit to a chemical test when requested to do so by a law enforcement officer if he has refused to submit to such test on two previous and separate occasions of any such violation.

B. (1) Whoever violates the provisions of this Section shall be fined not less than three hundred dollars nor more than one thousand dollars, and shall be imprisoned for not less than ten days nor more than six months.

(2) Imposition or execution of sentence shall not be suspended unless one of the following occurs:

(a) The offender is placed on probation with the minimum conditions that he serve two days in jail and participate in a court-approved substance abuse program and participate in a court-approved driver improvement program.

(b) The offender is placed on probation with the minimum conditions that he perform thirty-two hours of court-approved community service activities, at least half of which shall consist of participation in a litter abatement or collection program, participate in a court-approved substance abuse program, and participate in a court-approved driver improvement program. An offender who participates in a litter abatement or collection program pursuant to this Subparagraph shall have no cause of action for damages against the entity conducting the program or supervising his participation therein, as provided by R.S. 14:98.5(D).

Louisiana Medical Amnesty Law

Alcohol consumption; emergency assistance and cooperation; immunity

RS 14:403.9 Alcohol consumption; emergency assistance and cooperation; immunity

A. A peace officer shall not take a person into custody based solely on the commission of an offense involving alcohol described in Subsection B of this Section if the peace officer, after making a

reasonable determination and considering the facts and surrounding circumstances, reasonably believes that all of the following apply:

(1) The law enforcement officer has contact with the person because the person acting in good faith requested emergency medical assistance for an individual who reasonably appeared to be in need of medical assistance due to alcohol consumption and the person did not illegally provide alcohol to the individual.

(2) The person:

(a) Provided his full name and any other relevant information requested by the peace officer.

(b) Remained at the scene with the individual who reasonably appeared to be in need of medical assistance due to alcohol consumption until emergency medical assistance arrived.

(c) Cooperated with emergency medical assistance personnel and peace officers at the scene.

B. A person who meets the criteria of Subsection A of this Section shall be immune from criminal prosecution for any offense related solely to the possession and consumption of alcohol.

C. A person shall not initiate or maintain an action against a peace officer or the employing state agency or political subdivision based on the officer's compliance or failure to comply with this Section.

D. For the purposes of this Section, "peace officer" shall have the same meaning as defined in R.S. 14:112.1.

Schedules of controlled dangerous substances

RS 40:963 Schedules of controlled dangerous substances

There are established five schedules of controlled substances, to be known as Schedules I, II, III, IV, and V. Such schedules shall initially consist of the substances listed in R.S. 40:964. In determining that a substance is to be added to these schedules, the secretary of the Department of Health and Hospitals shall find the following:

A. As to Schedule I:

(1) The drug or other substance has a high potential for abuse.

(2) The drug or other substance has no currently accepted medical use in treatment in the United States, and

(3) There is a lack of accepted safety for use of the drug or other substance under medical supervision.

B. As to Schedule II:

(1) The drug or other substance has a high potential for abuse.

(2) The drug or other substance has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions, and

(3) Abuse of the drug or other substances may lead to severe psychological or physical dependence.

C. As to Schedule III:

(1) The drug or other substance has a potential for abuse less than the drugs or other substances listed in Schedules I and II.

(2) The drug or other substance has a currently accepted medical use in treatment in the United States, and

(3) Abuse of the drug or other substance may lead to moderate or low physical dependence or high psychological dependence.

D. As to Schedule IV:

(1) The drug or other substance has a low potential for abuse relative to the drugs or other substances listed in Schedule III.

(2) The drug or other substance has a currently accepted medical use in treatment in the United States, and

(3) Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances listed in Schedule III.

E. As to Schedule V:

(1) The drug or other substance has a low potential for abuse relative to the drugs or other substances listed in Schedule IV.

(2) The drug or other substance has a currently accepted medical use in treatment in the United States, and

(3) Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances listed in Schedule

Controlled Substances Act (CSA)

The CSA places all substances that are regulated under existing federal law into one of five schedules. The place is based on the substance's medical use, potential for abuse, and safety or dependence ability. Below is a description of the five schedules and examples of drugs in each

schedule. The list is not comprehensive.

| Schedule | Characteristics | Examples |
|--------------|--|---|
| Schedule I | <ul style="list-style-type: none"> •high potential for abuse •no currently accepted medical use in US •lack of accepted safety for use under medical supervision | <ul style="list-style-type: none"> •Heroin •Gamma Hydroxybutyric Acid (GHB) •LSD •Marijuana •MDMA (Ecstasy) •Mescaline (peyote) •Psilocybin/Psilocyn (mushrooms) •Tetrahydrocannabinols (THC) |
| Schedule II | <ul style="list-style-type: none"> •high potential for abuse •currently accepted for medical use or with severe restrictions in US •abuse may lead to severe psychological or physical dependence | <ul style="list-style-type: none"> •Adderall® •Amphetamine •Cocaine •Methadone •Methamphetamine •Morphine •Oxycodone •Phencyclidine (PCP) •Ritalin® |
| Schedule III | <ul style="list-style-type: none"> •less potential for abuse than drugs in Schedules I and II •currently accepted for medical use in US •abuse may lead to moderate or low physical dependence or high psychological dependence | <ul style="list-style-type: none"> •Anabolic Steroids •Codeine compounds •Some barbiturates •Ketamine |

| | | |
|-------------|---|--|
| Schedule IV | <ul style="list-style-type: none"> •low potential for abuse compared to drugs in Schedule III •currently accepted medical use in US •abuse may lead to limited physical dependence or psychological dependence | <ul style="list-style-type: none"> •Ativan® •Rohypnol® (not manufactured or legally marketed in the US) •Valium® •Xanax® |
| Schedule V | <ul style="list-style-type: none"> •low potential for abuse compared to drugs in Schedule IV •currently accepted medical use in US •abuse may lead to limited physical dependence or psychological dependence | <ul style="list-style-type: none"> •Cough medicines with codeine |

Source: U.S. Department of Justice. (2011). Drugs of Abuse. Washington, DC: U.S. Government Printing Office. Retrieved from <http://www.justice.gov/>.

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

RS 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:

- 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;
- To create, distribute, or possess with intent to distribute, a counterfeit controlled dangerous substance classified in Schedule I.

B. Penalties for violation of Subsection A of this Section. Any person who violates Subsection A of this Section

with respect to:

- Except as otherwise provided in Paragraph (4) of this Subsection, a substance classified in Schedule I that is a narcotic drug (all substances in Schedule I preceded by an asterisk "*"), upon conviction shall be sentenced to imprisonment at hard labor for not less than ten nor more than fifty years, at least ten years of which shall be served without benefit of probation or suspension of sentence, and may, in addition, be required to pay a fine of not more than fifty thousand dollars.
- Except as otherwise provided in Paragraph (3) of this Subsection, any other controlled dangerous substance classified in Schedule I, shall upon conviction be sentenced to a term of imprisonment at hard labor for not less than five years nor more than thirty years, at least five years of which shall be served without benefit of parole, probation, or suspension of sentence, and pay a fine of not more than fifty thousand dollars.
- A substance classified in Schedule I which is marijuana, tetrahydrocannabinols, or chemical derivatives of tetrahydrocannabinols, or synthetic cannabinoids shall upon conviction be sentenced to a term of imprisonment at hard labor for not less than five nor more than thirty years, and pay a fine of not more than fifty thousand dollars.
- (a) 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 upon conviction of a first offense shall be sentenced to a term of imprisonment at hard labor for not less than ten nor more than fifty years, at least ten years of which shall be served without benefit of probation or suspension of sentence, and may, in addition, be required to pay a fine of not more than fifty thousand dollars.
- (b) 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 upon conviction of a second or subsequent offense shall be sentenced to a term of imprisonment at hard labor for not less than ten nor more than ninety-nine years, at least ten years of which shall be served without benefit of probation or suspension of sentence, 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) A substance classified in Schedule I which is a narcotic drug (all substances in Schedule I preceded by an asterisk), shall be imprisoned at hard labor for not less than four years nor more than ten years and may, in addition, be required to pay a fine of not more than five thousand dollars.
- (2) Phencyclidine, shall be sentenced to imprisonment with or without hard labor for not less than five nor more than twenty years and may be sentenced to pay a fine of not more than five thousand dollars, or both.
- (3) Any other controlled dangerous substance classified in Schedule I, shall be imprisoned at hard labor for not more than ten years, and may in addition, be required to pay a fine of not more than five thousand dollars.

D. Other penalties for possession. (1) Except as otherwise authorized in this Part:

- (a) Any person who knowingly or intentionally possesses twenty-eight grams or more, but less than two hundred grams, of a narcotic drug (all substances in Schedule I preceded by an asterisk "*"), shall be sentenced to serve a term of imprisonment at hard labor of not less than five years, nor more than thirty years, and to pay a fine of not less than fifty thousand dollars, nor more than one hundred fifty thousand dollars.
- (b) Any person who knowingly or intentionally possesses two hundred grams or more, but less than four hundred grams, of a narcotic drug (all substances in Schedule I preceded by an asterisk "*"), shall be sentenced to serve a term of imprisonment at hard labor of not less than ten years, nor more than thirty years, and to pay a fine of not less than one hundred thousand dollars, nor more than three hundred fifty thousand dollars.
- (c) Any person who knowingly or intentionally possesses four hundred grams or more of a narcotic drug (all substances in Schedule I preceded by an asterisk "*"), shall be sentenced to serve a term of

imprisonment at hard labor of not less than fifteen years, nor more than thirty years, and to pay a fine of not less than two hundred fifty thousand dollars, nor more than six hundred thousand dollars.

E. Possession of marijuana, or synthetic cannabinoids.

- (1) Except as provided in Subsections E and F of this Section, on a first conviction for violation of Subsection C of this Section with regard to marijuana, tetrahydrocannabinol, or chemical derivatives thereof, or synthetic cannabinoids the offender shall be fined not more than five hundred dollars, imprisoned in the parish jail for not more than six months, or both.
- (2)(a) Except as provided in Subsection F or G of this Section, on a second conviction for violation of Subsection C of this Section with regard to marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids, 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.
- (b) 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.
- (3) Except as provided in Subsection F or G of this Section, on a third or subsequent conviction for violation of Subsection C of this Section with regard to marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids the offender shall be sentenced to imprisonment with or without hard labor for not more than twenty years, and may, in addition, be sentenced to pay a fine of not more than five thousand dollars.
- (4) A conviction for the violation of any other statute or ordinance with the same elements as R.S. 40:966(C) prohibiting the possession of 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.
- (5) A conviction for the violation of any other statute or

ordinance with the same elements as R.S. 40:966(B) (3) prohibiting the distributing or dispensing or possession with intent to distribute or dispense marijuana, of marijuana,1 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.

F. Except as otherwise authorized in this Part:

- (1) Any person who knowingly or intentionally possesses sixty pounds or more, but less than two thousand pounds of marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids shall be sentenced to serve a term of imprisonment at hard labor of not less than five years, nor more than thirty years, and to pay a fine of not less than fifty thousand dollars nor more than one hundred thousand dollars.
 - (2) Any person who knowingly or intentionally possesses two thousand pounds or more, but less than ten thousand pounds of marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids shall be sentenced to serve a term of imprisonment at hard labor of not less than ten years nor more than forty years, and to pay a fine of not less than one hundred thousand dollars nor more than four hundred thousand dollars.
 - (3) Any person who knowingly or intentionally possesses ten thousand pounds or more of marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids shall be sentenced to serve a term of imprisonment at hard labor of not less than twenty-five years, nor more than forty years and to pay a fine of not less than four hundred thousand dollars nor more than one million dollars.
- G. With respect to any person to whom the provisions of Subsections D and F are applicable, the adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, nor shall such person be eligible for probation or parole prior to serving the minimum sentences provided by Subsection D or F.
- H. 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.

Synthetic Marijuana

Effective March 1, 2011, the U.S. Drug Enforcement Agency classified synthetic marijuana as an illegal substance. It is also known as Spice, K2, Demon, Wicked, Black Magic, Voodoo Spice, and Ninja Aroma Plus. Individuals found responsible for manufacturing, possessing, importing/exporting, or distributing these substances will face criminal and civil penalties. Students engaging in these activities will also be held responsible under the University's illegal substances policy. It is also against University policy to use synthetic marijuana.

Prohibited acts--Schedule II, penalties

RS 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. Penalties for violation of Subsection A. Except as provided in Subsection F, any person who violates Subsection A with respect to:

- (1) A substance classified in Schedule II which is an amphetamine or methamphetamine or which is a narcotic drug, except 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 and except oxycodone as provided in Schedule II(A)(1)(o) of R.S. 40:964 and except methadone as provided in Schedule II(B)(11) of R.S. 40:964 shall be sentenced to a term of imprisonment at hard labor for not less than two years nor more than thirty years; and may, in addition, be sentenced to pay a fine of not more than fifty thousand dollars.
- (2) Pentazocine, shall be sentenced to imprisonment at

hard labor for not less than two years nor more than ten years, at least two 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 fifteen thousand dollars.

- (3)(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.
- (4)(a) 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)(o) of R.S. 40:964 or methadone as provided in Schedule II(B)(11) 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.
- (b) Distribution, dispensing, or possession with intent to produce, manufacture, distribute, or dispense 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)(o) of R.S. 40:964 or methadone as provided in Schedule II(B)(11) of R.S. 40:964 shall be sentenced to a term of imprisonment at hard labor for not less than two years nor more than thirty years, with the first two years of said sentence being without benefit of parole, probation, or suspension of sentence; and may, in addition, be sentenced to pay a fine of not more than fifty thousand dollars.
- (5) Any other controlled dangerous substance classified

in Schedule II except pentazocine, amphetamine, methamphetamine, cocaine, oxycodone, or methadone shall be sentenced to a term of imprisonment at hard labor for not 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 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.

- (1) Any person who violates this Subsection with respect to pentazocine shall be imprisoned with or without hard labor for not less than two years and for not more than five years and, in addition, may be sentenced to pay a fine of not more than five thousand dollars.
- (2) Any person who violates this Subsection as to any other controlled dangerous substance shall be imprisoned with or without hard labor for not more than five years and, in addition, may be sentenced to pay a fine of not more than five thousand dollars. D, E. Repealed by Acts 1981, No. 800, §4, eff. Aug. 2, 1981.

F. Other penalties for possession.

(1) Except as otherwise authorized in this Part:

- (a) Any person who knowingly or intentionally possesses twenty-eight grams or more, but less than two hundred grams, of cocaine or of a mixture or substance containing a detectable amount of cocaine or of its analogues as provided in Schedule II(A)(4) of R.S. 40:964, shall be sentenced to serve a term of imprisonment at hard labor of not less than five years, nor more than thirty years, and to pay a fine of not less than fifty thousand dollars, nor more than one hundred fifty thousand dollars.
- (b) Any person who knowingly or intentionally possesses two hundred grams or more, but less than four hundred grams, of cocaine or of a mixture or substance containing a detectable amount of cocaine or of its analogues as provided in Schedule II(A)(4) of R.S. 40:964, shall be sentenced to serve a term of imprisonment at hard labor of not less than ten years, nor more than thirty years, and to pay a fine of not less than one hundred thousand dollars, nor more than three hundred fifty thousand dollars.

(c) Any person who knowingly or intentionally possesses four hundred grams or more of cocaine or of a mixture or substance containing a detectable amount of cocaine or of its analogues as provided in Schedule II(A)(4) of R.S. 40:964, shall be sentenced to serve a term of imprisonment at hard labor of not less than fifteen years, nor more than thirty years and to pay a fine of not less than two hundred fifty thousand dollars, nor more than six hundred thousand dollars.

(2) Except as otherwise authorized in this Part:

(a) Any person who knowingly or intentionally possesses twenty-eight grams or more, but less than two hundred grams, of amphetamine or methamphetamine or of a mixture or substance containing a detectable amount of amphetamine or methamphetamine or any of their analogues as provided in Schedule II(C) of R.S. 40:964, shall be sentenced to serve a term of imprisonment at hard labor of not less than five years, nor more than thirty years, and to pay a fine of not less than fifty thousand dollars, nor more than one hundred fifty thousand dollars.

(b) Any person who knowingly or intentionally possesses two hundred grams or more, but less than four hundred grams, of amphetamine or methamphetamine or of a mixture or substance containing a detectable amount of amphetamine or methamphetamine or any of their analogues as provided in Schedule II(C) of R.S. 40:964, shall be sentenced to serve a term of imprisonment at hard labor of not less than ten years, nor more than thirty years, and to pay a fine of not less than one hundred thousand dollars, nor more than three hundred fifty thousand dollars.

(c) Any person who knowingly or intentionally possesses four hundred grams or more of amphetamine or methamphetamine or of a mixture or substance containing a detectable amount of amphetamine or methamphetamine or any of its analogues as provided in Schedule II(C) of R.S. 40:964, shall be sentenced to serve a term of imprisonment at hard labor of not less than fifteen years, nor more than thirty years, and to pay a fine of not less than two hundred fifty thousand dollars, nor more than six hundred thousand dollars.

(3) Except as otherwise authorized in this Part:

(a) Any person who knowingly or intentionally possesses twenty-eight grams or more, but less than two

hundred grams, of gamma hydroxybutyric acid or of a mixture or substance containing a detectable amount of gamma hydroxybutyric acid or of its analogues shall be sentenced to serve a term of imprisonment at hard labor of not less than five years, nor more than thirty years, and to pay a fine of not less than fifty thousand dollars, nor more than one hundred fifty thousand dollars.

(b) Any person who knowingly or intentionally possesses two hundred grams or more, but less than four hundred grams, of gamma hydroxybutyric acid or of a mixture or substance containing a detectable amount of gamma hydroxybutyric acid or of its analogues shall be sentenced to serve a term of imprisonment at hard labor of not less than ten years, nor more than thirty years, and to pay a fine of not less than one hundred thousand dollars, nor more than three hundred fifty thousand dollars.

(c) Any person who knowingly or intentionally possesses four hundred grams or more of gamma hydroxybutyric acid or of a mixture or substance containing a detectable amount of gamma hydroxybutyric acid or of its analogues shall be sentenced to serve a term of imprisonment at hard labor of not less than fifteen years, nor more than thirty years, and to pay a fine of not less than two hundred fifty thousand dollars, nor more than six hundred thousand dollars.

G. With respect to any person to whom the provisions of Subsection F are applicable, the adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, nor shall such person be eligible for probation or parole prior to serving the minimum sentences provided by Subsection F.

Prohibited acts--Schedule III; penalties

RS 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. Penalties for violation of Subsection A. Any person who violates Subsection A with respect to any

controlled dangerous substance classified in Schedule III shall be sentenced to a term of imprisonment at hard labor for not 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 R.S. 40:1239, 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 more than five years and, in addition, may be required to pay a fine of not more than five thousand dollars.

Prohibited acts--Schedule IV; penalties

RS 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. Penalties for violation of Subsection A. Any person who violates Subsection A with respect to:

- (1) Flunitrazepam shall be sentenced to a term of imprisonment at hard labor for not less than five years nor more than thirty 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 at hard labor for not 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 at hard labor for not 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 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.

Prohibited acts--Schedule V; penalties

RS 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. Penalties for violation of Subsection A. Any person who violates Subsection A with respect to any controlled dangerous substance classified in Schedule V shall be sentenced to a term of imprisonment at hard labor for not 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 section shall be imprisoned with or without hard labor for not more than five years; and in addition, may be required to pay a fine of not more than five thousand dollars.

Prohibited acts; all schedules

RS 40:971 Prohibited acts; all schedules A.(1) It shall be unlawful for any person:

- (a) Who is subject to the requirements of this part to distribute or dispense a controlled dangerous substance in violation of this part; or
 - (b) Who is a licensee to manufacture, distribute, or dispense a controlled dangerous substance to another licensee or other authorized person not authorized by his license; or
 - (c) To omit, remove, alter, or obliterate a symbol required by the Uniform Controlled Dangerous Substances Law; or
 - (d) To refuse or fail to make, keep, or furnish any record, notification, order form, statement, invoice or information required under this part; or
 - (e) To refuse entry into any premise for inspection as authorized by this part; or
 - (f) To keep or maintain any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, which is frequented by persons using controlled dangerous substances in violation of this part for the purpose of using such substances, or which is used for the keeping or selling of the same in violation of this part.
- (2) Any person who violates this subsection shall be fined not more than fifteen thousand dollars. Such proceeding shall be independent, and not in lieu of, other proceedings under this part or any other law of this state. If the violation is prosecuted by a bill of information or an indictment which alleges that the violation was committed knowingly or intentionally, such person, upon conviction, shall be imprisoned for not more than six months; and, in addition, may be sentenced to pay a fine of not more than five hundred dollars.

B.(1) It shall be unlawful for any person knowingly or intentionally:

- (a) To use in the course of the manufacture or distribution of a controlled dangerous substance a

license number which is fictitious, revoked, suspended or issued to another person; or

- (b) To acquire or obtain possession of a controlled dangerous substance by misrepresentation, fraud, forgery, deception or subterfuge; or
- (c) To furnish false or fraudulent material, information in any application, report or other document required to be kept by this part.
- (d) To make, distribute, or possess any punch, die, plate, stone or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another of any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render such drug a counterfeit controlled dangerous substance; or
- (e) To alter any controlled dangerous substance obtained by prescription without prior approval of the department; or
- (f) To alter any prescription for a controlled dangerous substance; provided that this shall not apply to the person issuing the original prescription or the pharmacist pursuant to instructions from the physician; or
- (g) To obtain or attempt to obtain a prescription or prescription blank form from a doctor, dentist, or veterinarian for a controlled dangerous substance and/or legend drug by fraud, theft, misrepresentation, deception or subterfuge.
- (h) To possess a prescription for a controlled dangerous substance and/or legend drugs without the express consent of the party for whom such prescription was written. For the purposes hereof a legend drug is any drug or drug product bearing on the label of the manufacturer or distributor as required by the Federal Food and Drug Administration the statement "Caution: Federal law prohibits dispensing without prescription."
- (i) To obtain or seek to obtain any controlled dangerous substance or a prescription for a controlled dangerous substance from a health care practitioner, while being supplied with any controlled dangerous substance or a prescription for any controlled dangerous substance by another health care practitioner, without disclosing the fact of the existing prescription to the practitioner from whom the subsequent prescription for a controlled dangerous substance is sought. Failure of a

practitioner to request the disclosure is not a violation of this Subsection by the practitioner. The disclosure shall include the name of the controlled dangerous substance, the date of the prescription, the amount of the controlled substance prescribed, and the number of refills if any. The disclosure shall be made in writing by the person obtaining or seeking to obtain the controlled dangerous substance and shall be made a part of the person's medical record by the health care practitioner. As used in this Section, the term "existing" shall mean the period of time within which the prescription was prescribed to be taken.

- (2) Any person who violates this subsection shall be imprisoned, with or without hard labor, for not more than five years; and, in addition may be sentenced to pay a fine of not more than five thousand dollars.
- C.(1) It shall be unlawful for a person, including a physician, dentist, podiatrist, or veterinarian, to prescribe, dispense, or administer legally controlled substances beyond his respective prescribing authority or for a purpose other than accepted medical treatment of a disease, condition, or illness.
- (2) It shall be unlawful for a pharmacist to dispense legally controlled substances beyond his dispensing authority.
- (3) Any person who violates this Subsection shall be subject to the penalties as established for the controlled dangerous substance and the particular criminal act committed in R.S. 40:966 through 967.
- D. Every practitioner, as defined in R.S. 40:961, may, if he has a good faith belief that a crime has been committed on the premises, notify local law enforcement authorities when it is believed that an individual has obtained a fraudulent prescription for any controlled dangerous substance or any person has attempted to obtain a fraudulent prescription for any controlled dangerous substance.
- E. Every pharmacy in which a controlled dangerous substance is physically obtained by a patient or a patient's agent shall require every person purchasing, receiving, or otherwise acquiring any controlled dangerous substance to produce a photo identification card, unless the patient or the patient's agent is known to the pharmacist. The person purchasing, receiving, or otherwise acquiring the controlled dangerous substance prescription does not have to be the specific

patient to whom the prescription is issued.

Prohibited acts; false representation

RS 40:971.1 Prohibited acts; false representation

- A. It shall be unlawful for any person to produce, manufacture, distribute, dispense, transport, deliver, or possess with intent to distribute or dispense any substance which is represented to be a controlled dangerous substance and which is an imitation controlled dangerous substance, or any controlled dangerous substance which is a counterfeit controlled dangerous substance.
 - B. The provisions of this Section shall not apply to a law enforcement officer acting in the course and scope of his employment or to a medical practitioner, pharmacist, or other person authorized to dispense or administer controlled dangerous substances pursuant to Part X of Chapter 4 of Title 40 of the Revised Statutes of 1950.
 - C. Any person who violates the provisions of this Section shall be imprisoned with or without hard labor for not more than five years, and in addition may be fined not more than five thousand dollars.
- Unlawfully prescribing, distributing, dispensing, or assisting in illegally obtaining controlled dangerous substances
- RS 40:971.2 Unlawfully prescribing, distributing, dispensing, or assisting in illegally obtaining controlled dangerous substances
- A. This Section shall be known as and may be cited as the "Pain Management Clinic Drug Abuse and Overdose Prevention Act".
 - B. It shall be unlawful for a physician, other licensed health care practitioner as defined in R.S. 40:961(31), or any other person to knowingly or intentionally commit any of the following acts:
 - (1) Assist a patient or any other person in obtaining a controlled dangerous substance through misrepresentation, fraud, forgery, deception, or subterfuge.
 - (2) Write a prescription for a controlled dangerous substance for a fictitious person.
 - (3) Distribute or dispense a controlled dangerous substance to a fictitious person.
 - (4) Operate any type of business or establishment where the primary purpose of the business or establishment is the sale, exchange, barter, or trade of a controlled dangerous substance for anything of value through

misrepresentation, fraud, forgery, deception, or subterfuge.

- C. Whoever violates the provisions of this Section shall be imprisoned, with or without hard labor, for not more than five years, and in addition may be sentenced to pay a fine of not more than fifty thousand dollars.

Possession of Drug Paraphernalia

RS 40:1023. Prohibited acts

- A. It is unlawful for any person or corporation, knowing, or under circumstances where one reasonably should know, to sell, lend, rent, lease, give, exchange, or otherwise distribute to any person any drug paraphernalia.
- B. It is unlawful for any person or corporation, knowing, or under circumstances where one reasonably should know, to display for sale or possess with the intent to distribute, any drug paraphernalia.
- C. It is unlawful for any person to use, or to possess with intent to use, any drug paraphernalia, to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this Part.

