

SENATE BILL NO. 136

BY SENATOR CONNICK AND REPRESENTATIVES CARRIER, EDMONSTON, FISHER, FONTENOT, FREEMAN, HORTON, HUGHES, LACOMBE, LARVADAIN, MARINO, DUSTIN MILLER, PIERRE, PRESSLY, SCHLEGEL, SELDERS, STAGNI, THOMPSON AND VILLIO

1 AN ACT

2 To amend and reenact R.S. 14:34.8(A)(1), (B)(3), and (C) and to enact R.S. 14:2(B)(56),
3 38.5, and 40.9, relative to crimes of violence; to provide enhanced penalties for the
4 crime of battery of emergency room personnel, emergency services personnel, or a
5 healthcare professional; to create the crime of assault on emergency room personnel,
6 emergency services personnel, or a healthcare professional; to create the crime of
7 unlawful disruption of the operation of a healthcare facility; to provide definitions;
8 to provide penalties; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 14:34.8(A)(1), (B)(3), and (C) are hereby amended and reenacted and
11 R.S. 14:2(B)(56), 38.5, and 40.9 are hereby enacted to read as follows:

12 §2. Definitions

13 * * *

14 B. In this Code, "crime of violence" means an offense that has, as an element,
15 the use, attempted use, or threatened use of physical force against the person or
16 property of another, and that, by its very nature, involves a substantial risk that
17 physical force against the person or property of another may be used in the course
18 of committing the offense or an offense that involves the possession or use of a
19 dangerous weapon. The following enumerated offenses and attempts to commit any
20 of them are included as "crimes of violence":

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22 **(56) Battery of emergency room personnel, emergency services**
23 **personnel, or a healthcare professional.**

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§34.8. Battery of emergency room personnel, emergency services personnel, or a healthcare professional

A.(1) Battery of emergency room personnel, emergency services personnel, or a healthcare professional is battery committed without the consent of the victim when the offender has reasonable grounds to believe that the victim is emergency room personnel, emergency services personnel, or a healthcare professional acting in the performance of his ~~employment~~ duties.

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B. For purposes of this Section:

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(3) "Healthcare professional" means a person licensed or certified by this state to provide healthcare or professional services as a physician, physician assistant, dentist, registered or licensed practical nurse or certified nurse assistant, advanced practice registered nurse, certified emergency medical technician, paramedic, certified registered nurse anesthetist, nurse practitioner, respiratory therapist, clinical nurse specialist, pharmacist, optometrist, podiatrist, chiropractor, physical therapist, occupational therapist, licensed radiologic technologist, licensed clinical laboratory scientist, licensed professional counselor, certified social worker, ~~or~~ psychologist, patient transporter, dietary worker, patient access representative, security personnel, patient relations advocate, or any other person who otherwise assists in or supports the performance of healthcare services.

C.(1)(a) Whoever commits the crime of battery of emergency room personnel, emergency services personnel, or a healthcare professional shall be fined not more than one thousand dollars and imprisoned for not less than fifteen days nor more than six months. At least forty-eight hours of the sentence imposed shall be without benefit of suspension of sentence.

(b) Whoever commits a second or subsequent offense of battery of emergency room personnel, emergency services personnel, or a healthcare

1 professional shall be fined not more than one thousand dollars and imprisoned,
 2 with or without hard labor, for not less than one year nor more than three
 3 years. At least forty-five days of the sentence imposed shall be served without
 4 benefit of parole, probation, or suspension of sentence.

5 (2)(a) If the battery produces an injury that requires medical attention, the
 6 offender shall be fined not more than five thousand dollars and imprisoned with or
 7 without hard labor for not less than one year nor more than five years. At least ~~five~~
 8 sixty days of the sentence imposed shall be served without benefit of parole,
 9 probation, or suspension of sentence.

10 (b) If the battery produces an injury that requires medical attention, and
 11 the offense is a second or subsequent offense, the offender shall be fined not
 12 more than ten thousand dollars, and shall be imprisoned with or without hard
 13 labor, for not less than two nor more than five years. At least ninety days of the
 14 sentence imposed shall be served without benefit of parole, probation, or
 15 suspension of sentence.

16 * * *

17 §38.5. Assault on emergency room personnel, emergency services personnel, or
 18 a healthcare professional

19 A.(1) Assault on emergency room personnel, emergency services
 20 personnel, or a healthcare professional is an assault committed when the
 21 offender has reasonable grounds to believe the victim is an emergency room
 22 personnel, emergency services personnel, or a healthcare professional acting in
 23 the performance of his duties.

24 (2) For purposes of this Section:

25 (a) "Assault" shall have the same definition as in R.S. 14:36 but shall
 26 additionally include making statements threatening physical harm to an
 27 emergency room personnel, emergency services personnel, or a healthcare
 28 professional.

29 (b) "Emergency room personnel" shall have the same definitions as in
 30 R.S. 14:34.8.

1 (c) "Emergency services personnel" shall have the same definitions as in
2 R.S. 14:34.8.

3 (d) "Healthcare professional" shall have the same definitions as in R.S.
4 14:34.8.

5 B. Whoever commits the crime of assault on emergency room personnel,
6 emergency services personnel, or a healthcare professional shall be fined not
7 more than one thousand dollars or imprisoned for not less than thirty days nor
8 more than one hundred eighty days, or both.

9 * * *

10 §40.9. Unlawful disruption of the operation of a healthcare facility

11 A. Unlawful disruption of the operation of a healthcare facility is the
12 intentional communication of information that the commission of a crime of
13 violence is imminent or in progress, or that a circumstance dangerous to human
14 life exists or is about to exist, when committed under any one or more of the
15 following circumstances:

16 (1) When the offender's actions cause emergency room personnel,
17 emergency services personnel, or healthcare professionals at a healthcare
18 facility to be in sustained fear for their safety and a reasonable person would
19 have known that his actions could cause sustained fear.

20 (2) When the offender's actions cause the evacuation of a healthcare
21 facility and a reasonable person would have known that his actions could cause
22 an evacuation.

23 (3) When the offender's actions cause any other serious disruption to the
24 operation of a healthcare facility and a reasonable person would have known
25 that such actions could cause serious disruption to the operation of a healthcare
26 facility.

27 B. For purposes of this Section:

28 (1) "Healthcare facility" means any hospital, outpatient clinic,
29 ambulatory surgical center, or other setting where healthcare services are
30 provided.

1 (2) "Emergency room personnel" shall have the same definitions as in
2 R.S. 14:34.8.

3 (3) "Emergency services personnel" shall have the same definitions as
4 in R.S. 14:34.8.

5 (4) "Healthcare professional" shall have the same definitions as in R.S.
6 14:34.8.

7 C. Whoever commits the offense of unlawful disruption of the operation
8 of a healthcare facility shall be fined not more than one thousand dollars or
9 imprisoned with or without hard labor, for not less than one year nor more than
10 five years, or both.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____