

2017 Regular Session

SENATE BILL NO. 122

BY SENATOR WARD

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

CRIME/PUNISHMENT. Provides relative to cruelty to juveniles committed by an employee of a child day care center. (gov sig)

AN ACT

To amend and reenact R.S. 14:93(D) and 93.2.3(C), relative to cruelty to juveniles; to provide enhanced penalties for an offender who is an employee of a child day care center; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:93(D) and 93.2.3(C) are hereby amended and reenacted to read as follows:

§93. Cruelty to juveniles

* * *

~~D.(1) Whoever~~ **Except as provided in Paragraph (2) of this Subsection, whoever** commits the crime of cruelty to juveniles shall be fined not more than one thousand dollars or imprisoned with or without hard labor for not more than ten years, or both.

(2) Whoever commits the crime of cruelty to juveniles when the offender is an owner, employee, volunteer, or agent of an early learning center, including a child day care center, as defined in R.S. 17:407.33, acting in the course and scope of the performance of his duties, shall be fined not less than five hundred

Dangerous Substances Law). Lack of knowledge of the child's age is not a defense.

Proposed law retains present law.

Present law provides that whoever commits the crime of cruelty to juveniles is to be fined up to \$1,000, or imprisoned with or without hard labor for up to 10 years, or both.

Proposed law retains present law and adds that if the offender is an owner, employee, volunteer, or agent of an early learning center, including a child day care center, as defined in present law, acting in the course and scope of the performance of his duties, he is to be fined between \$500 and \$1,000, or imprisoned with or without hard labor for between one year and 10 years, or both.

Present law provides that the crime of second degree cruelty to juveniles is the intentional or criminally negligent mistreatment or neglect by anyone over the age of 17 years to any child under the age of 17 years that causes serious bodily injury or neurological impairment to that child. Present law defines "serious bodily injury" as bodily injury involving protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or substantial risk of death.

Proposed law retains present law.

Present law provides that whoever commits the crime of second degree cruelty to juveniles is to be imprisoned at hard labor for not more than 40 years.

Proposed law retains present law and adds that if the offender is an owner, employee, volunteer, or agent of an early learning center, including a child day care center, as defined in present law, acting in the course and scope of the performance of his duties, he is to be imprisoned at hard labor for not less than five years nor more than 40 years.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:93(D) and 93.2.3(C))