The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

DIGEST

SB 215 Original | 2018 Regular Session | Milkovich

Present law defines second degree battery as a battery committed when the offender intentionally inflicts serious bodily injury, except that this provision of present law does not apply to a medical provider who has obtained the consent of a patient.

Proposed law retains present law.

Present law provides that second degree battery is punishable by a fine of up to $2,000, or imprisonment with or without hard labor for up to eight years, or both.

Proposed law increases the possible fine for second degree battery to $2,500 and increases the possible imprisonment term to 12 years. Proposed law further provides that when the second degree battery is committed by one or more blows to the head or when the offense is committed jointly by two or more offenders, it is punishable by imprisonment, with or without hard labor, for between five and 12 years.

Present law provides that at least 18 months of any penalty of imprisonment for a violation of present law must be served without benefit of parole, probation, or suspension of sentence if the offender knew or should have known that the victim is an active member of the U.S. Armed Forces or is a disabled veteran and the second degree battery was committed because of that status.

Proposed law retains present law and also makes present law applicable to proposed law.

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

(Amends R.S. 14:34.1(C))