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

DIGEST

SB 428 Original

2018 Regular Session

Milkovich

Present law provides relative to the crime of second degree battery. 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 and adds that second degree battery is also committed when two or more offenders jointly commit a battery and inflict injury upon the victim.

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 penalties for second degree battery where serious bodily injury is inflicted by providing that the offense is punishable by a fine of up to \$2,500, or imprisonment with or without hard labor for up to 10 years, or both.

Proposed law provides that a second degree battery committed by either one or more blows to the victim's head resulting in serious bodily injury or by two or more offenders who inflict any injury upon the victim is punishable by a fine between \$1,000 and \$2,500, imprisonment with or without hard labor for between one year and 10 years, or both.

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(A) and (C))