

GREEN SHEET REDIGEST

HB 446

2018 Regular Session

Falconer

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

CRIME/MISDEMEANOR: Provides relative to the failure to seek medical assistance when reckless behavior results in serious bodily injury

DIGEST

Proposed law requires the following:

- (1) Any person at the scene of an emergency who knows that another person has suffered serious bodily injury shall, to the extent that the person can do so without danger or peril to self or others, give reasonable assistance to the exposed or injured person.
- (2) Any person who engages in reckless behavior that results in the serious bodily injury of any person shall, to the extent that the person can do so without danger or peril to self or others, give reasonable assistance to the person.

Proposed law provides that reasonable assistance includes immediately seeking or reporting the need for medical assistance from an appropriate authority which is defined by proposed law to include any state or local law enforcement agency, a 911 Public Safety Answering Point, and emergency medical personnel.

Proposed law provides that any person who intentionally or knowingly fails to immediately seek or report the need for assistance pursuant to the provisions of proposed law shall be subject to a fine of up to \$1,000, imprisonment for up to six months, or both.

Proposed law provides for definitions of "reckless behavior" and "serious bodily injury".

(Adds R.S. 14:502)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

- 1. Remove from proposed law the requirement that any person who is in the presence of and associated with another person or persons who are engaged in reckless behavior that results in the serious bodily injury of another person immediately seek or report the need for medical assistance from an appropriate authority.

The House Floor Amendments to the engrossed bill:

- 1. Amend the elements of the proposed law crime to provide as follows:
 - (a) Any person at the scene of an emergency who knows that another person is exposed to or has suffered serious bodily injury shall, to the extent that the person can do so without danger or peril to self or others, give reasonable assistance to the exposed or injured person.
 - (b) Any person who engages in reckless behavior that results in the serious bodily injury of any person shall, to the extent that the person can do so without danger or peril to self or others, give reasonable assistance to the exposed person.

2. Provide that reasonable assistance includes immediately seeking or reporting the need for medical assistance from an "appropriate authority" as defined by proposed law.
3. Amend the definition of "reckless behavior" to define the activity or behavior on the basis of the standard of a reasonable person and to provide that excessive consumption of alcohol and consumption of any controlled dangerous substance are included in the definition of "reckless behavior".
4. Define "serious bodily injury" as 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, death, or a substantial risk of death.
5. Increase the proposed maximum fine from \$500 to \$1,000.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the reengrossed bill

1. Delete application of proposed law when a person has merely been "exposed" to serious bodily injury.