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## DIGEST

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HB 25 Original

2019 Regular Session

McMahan

**Abstract:** Provides a universal definition of "serious bodily injury" for purposes of Title 14 of the La. Revised Statutes of 1950.

The following present law crimes either require serious bodily injury as an element of the offense or provide for enhanced penalties when the offense results in serious bodily injury: second degree battery (R.S. 14:34.1), battery of a school or recreation athletic contest official (R.S. 14:34.4), aggravated second degree battery (R.S. 14:34.7), battery of a dating partner (R.S. 14:34.9), domestic abuse battery (R.S. 14:35.3), first degree vehicular negligent injuring (R.S. 14:39.2), criminal hazing (R.S. 14:40.8), second degree sexual battery (R.S. 14:43.2), human trafficking (R.S. 14:46.2), negligent arson (R.S. 14:52.2), second degree robbery (R.S. 14:64.4), pornography involving juveniles (R.S. 14:81.1), computer-aided solicitation of a minor (R.S. 14:81.3), improper supervision of a minor by parent or legal custodian (R.S. 14:92.2), retaliation by a minor against a parent, legal custodian, witness, or complainant (R.S. 14:92.3), second degree cruelty to juveniles (R.S. 14:93.2.3), hit-and-run driving (R.S. 14:100), unlawful ownership of a vicious dog (R.S. 14:102.15), harboring or concealing an animal which has bitten or inflicted serious bodily injury on a human (R.S. 14:102.22), flight from an officer and aggravated flight from an officer (R.S. 14:108.1), threatening a public official (R.S. 14:122.2), false communication with the intent to cause an emergency response (R.S. 14:126.1.1), terrorism (R.S. 14:128.1), prohibition on counterfeit and nonfunctional air bags and air bag fraud (R.S. 14:231), riot (R.S. 14:329.1 and 329.7), inciting to riot (R.S. 14:329.2 and 329.7), failure to comply with command to disperse (R.S. 14:329.3 and 329.7), wrongful use of public property (R.S. 14:329.4 and 329.7), prohibition on interference with educational process (R.S. 14:329.5 and 329.7), abuse of children (R.S. 14:403), failure to report a missing child (R.S. 14:403.7), and failure to seek assistance (R.S. 14:502).

For purposes of the present Title 14 of the La. Revised Statutes of 1950, including these present law offenses, proposed law defines "serious bodily injury" as bodily injury which involves unconsciousness; extreme physical pain; protracted and obvious disfigurement; protracted loss or impairment of the function of a bodily member, organ, or mental faculty; or a substantial risk of death. Proposed law further provides that for purposes of the crime of abuse of children (R.S. 14:403), "serious bodily injury" shall also include injury resulting from starvation or malnutrition.

Proposed law makes a technical correction to a present law provision in Title 15 regarding the La. Uniform Law Enforcement Statewide Reporting Database to reflect the citation to the definition of "serious bodily injury" as provided by proposed law.

(Amends R.S. 14:52.2(E) and 92.2(A)(4) and R.S. 15:1212(B)(4); Adds R.S. 14:2(C); Repeals R.S.

14:34.1(B)(3), 34.7(B)(3), 34.9(B)(4), 35.3(B)(6), 39.2(C), 43.2(B), 64.4(A)(2), 93.2.3(A)(2), 100(B)(2), 102.12(4), 102.22(B)(2), 108.1(E)(2)(b), 231(D)(4), 403(A)(1)(b)(ii), 403.7(B)(4), and 502(B)(3))