The original instrument was prepared by Whitney Kauffeld. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cathy R. Wells.

DIGEST

SB 136 Reengrossed

2022 Regular Session

Connick

<u>Present law</u> provides relative to crimes of violence and includes an illustrative list of crimes of violence.

<u>Proposed law</u> retains <u>present law</u> and adds the <u>proposed law</u> crime of assault on emergency room personnel, emergency services personnel, and a healthcare professional to the list of crimes of violence.

<u>Present law</u> provides that the crime of battery of emergency room personnel, emergency services personnel or healthcare professional is punishable by a fine of not more than \$1,000 and imprisonment between 15 days and six months. <u>Present law</u> further provides that the crime of battery of emergency room personnel, emergency services personnel, or healthcare professional, if the battery produces an injury that requires medical attention, is punishable by a fine of not more than \$5,000 and imprisonment between one and five years.

<u>Proposed law</u> retains <u>present law</u> and expands the definition of "healthcare professional" to include a patient transporter, dietary worker, patient access representative, security personnel, patient relations advocate, or any other person who otherwise assists in or supports the performance of healthcare services.

<u>Proposed law</u> further provides that imprisonment for a first offense of battery of emergency room personnel, emergency services personnel, or healthcare professional is to be served without benefit of suspension of sentence.

<u>Proposed law</u> further provides that a second or subsequent offense of battery of emergency room personnel, emergency services personnel, or healthcare professional is punishable by a fine of not more than \$1,000 and imprisonment, with or without hard labor, for between one and three years, at least 45 days of which must be served without benefit of parole, probation, or suspension of sentence.

<u>Present law</u> provides that if the battery produces an injury that requires medical attention, the offender is punishable by a fine of not more than \$5,000 and imprisonment between one and five years, at least five days of which must be served without benefit of parole, probation, or suspension of sentence.

<u>Proposed law</u> provides that at least 60 days be served without benefit of parole, probation, or suspension of sentence.

<u>Proposed law</u> provides that on a second or subsequent offense, if the battery produces an injury that requires medical attention, the offender is punishable by a fine of not more than \$10,000 and imprisonment between two and five years, at least 90 days of which must be served without benefit of parole, probation, or suspension of sentence.

Proposed law otherwise retains present law.

<u>Proposed law</u> creates the crime of assault on emergency room personnel, emergency services personnel, or a healthcare professional, which is defined as an assault committed when the offender has reasonable grounds to believe that the victim is a emergency room personnel, emergency services personnel, or a healthcare professional acting in the performance of his duties.

<u>Proposed law</u> defines "assault," "emergency room personnel", "emergency services personnel," and "healthcare professional" for the purposes of <u>proposed law</u>.

A violation of <u>proposed law</u> is punishable by a fine of not more than \$1,000, or imprisonment between 30 and 180 days, or both.

<u>Proposed law</u> creates the crime of unlawful disruption of the operation of a healthcare facility, defined as the intentional communication of information that the commission of a crime of violence is imminent or in progress, or that a circumstance dangerous to human life exists or is about to exist, when committed under any one or more of the following circumstances:

- (1) When the offender's actions cause emergency room personnel, emergency services personnel, or healthcare professionals at a healthcare facility to be in sustained fear for their safety, and a reasonable person would have known that his actions could cause sustained fear.
- (2) When the offender's actions cause the evacuation of a healthcare facility, and a reasonable person would have known that his actions could cause an evacuation.
- (3) When the offender's actions cause any other serious disruption to the operation of a healthcare facility, and a reasonable person would have known that his actions could cause serious disruption to the operation of a healthcare facility.

<u>Proposed law</u> defines "healthcare facility", "emergency room personnel", "emergency services personnel", and "healthcare professional" for the purposes of <u>proposed law</u>.

A violation of <u>proposed law</u> is punishable by a fine of not more than \$1,000, or imprisonment, with or without hard labor, between one and five years, or both.

Effective August 1, 2022.

(Amends R.S. 14:34.8(A)(1), (B)(3), and (C); adds R.S. 14:2(B)(56), 38.5, and 40.9)

Summary of Amendments Adopted by Senate

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

1. Changes certain proposed law references from "hospital" to "healthcare facility".

Senate Floor Amendments to engrossed bill

- 1. Increases sentence from 15 days to 45 days that must be served without benefit of parole, probation, or suspension of sentence for a second offense of battery of emergency room personnel, emergency services personnel or a healthcare professional.
- 2. Increases minimum sentence <u>from</u> 30 days <u>to</u> 60 days that must be served without benefit of parole, probation, or suspension of sentence for a first offense of battery if the battery produces an injury that requires medical attention.
- 3. Increases the minimum sentence <u>from</u> 60 days to 90 days that must be served without benefit of parole, probation or suspension of sentence for a second or subsequent offence of battery if the battery produces an injury that requires medical attention.