

2024 Regular Session

HOUSE BILL NO. 208

BY REPRESENTATIVES VILLIO, ADAMS, BACALA, BOYER, HORTON, KNOX,
LAFLEUR, AND MOORE

DOMESTIC ABUSE: Provides relative to additional penalties for certain domestic violence offenses

1 AN ACT

2 To amend and reenact R.S. 14:34.9(L) and (N) and 35.3(L) and (N), relative to certain
3 domestic violence offenses; to provide for additional penalties when the offense
4 involves strangulation; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:34.9(L) and (N) and 35.3(L) and (N) are hereby amended and
7 reenacted to read as follows:

8 §34.9. Battery of a dating partner

9 * * *

10 L.(1) Notwithstanding any provision of law to the contrary, if the offense
11 involves strangulation, the offender, in addition to any other penalties imposed
12 pursuant to this Section, shall be imprisoned at hard labor for not more than three
13 years.

14 (2) If the strangulation results in serious bodily injury, the offender, in
15 addition to any other penalties imposed pursuant to this Section, shall be imprisoned
16 at hard labor for not less than five nor more than fifty years without benefit of
17 probation, parole, or suspension of sentence.

18 * * *

1 N. Except as provided in ~~Paragraph~~ Paragraphs (L)(2) and (M)(2) and
2 Subsection P of this Section, if the offender intentionally inflicts serious bodily
3 injury, the offender, in addition to any other penalties imposed pursuant to this
4 Section, shall be imprisoned at hard labor for not more than eight years.

5 * * *

6 §35.3. Domestic abuse battery

7 * * *

8 L.(1) Notwithstanding any provision of law to the contrary, if the domestic
9 abuse battery involves strangulation, the offender, in addition to any other penalties
10 imposed pursuant to this Section, shall be imprisoned at hard labor for not more than
11 three years.

12 (2) If the strangulation results in serious bodily injury, the offender, in
13 addition to any other penalties imposed pursuant to this Section, shall be imprisoned
14 at hard labor for not less than five nor more than fifty years without benefit of
15 probation, parole, or suspension of sentence.

16 * * *

17 N. Except as provided in ~~Paragraph~~ Paragraphs (L)(2) and (M)(2) and
18 Subsection P of this Section, if the offender intentionally inflicts serious bodily
19 injury, the offender, in addition to any other penalties imposed pursuant to this
20 Section, shall be imprisoned at hard labor for not more than eight years.

21 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 208 Engrossed 2024 Regular Session Villio

Abstract: Provides additional penalties for the domestic violence offenses of battery of a dating partner and domestic abuse battery.

Present law (R.S. 14:34.9) provides for the crime of battery of a dating partner.

Proposed law retains present law.

Present law (R.S. 14:34.9(L)) provides that if the present law offense of battery of a dating partner involves strangulation, the offender, in addition to any other penalties imposed pursuant to present law, shall be imprisoned at hard labor for not more than three years.

Proposed law retains present law and adds that if the strangulation results in serious bodily injury, the offender, in addition to any other penalties imposed pursuant to present law, shall be imprisoned at hard labor for not less than five nor more than 50 years without benefit of probation, parole, or suspension of sentence.

Present law (R.S. 14:34.9(N)) provides that except as provided in present law (R.S. 14:34.9(M)(2) and (P)), if the offender intentionally inflicts serious bodily injury, the offender, in addition to any other penalties imposed pursuant to present law, shall be imprisoned at hard labor for not more than eight years.

Proposed law amends present law to add an exception for proposed law as it relates to strangulation that results in serious bodily injury.

Present law (R.S. 14:35.3) provides for the crime of domestic abuse battery.

Proposed law retains present law.

Present law (R.S. 14:35.3(L)) provides that if the present law offense of domestic abuse battery involves strangulation, the offender, in addition to any other penalties imposed pursuant to present law, shall be imprisoned at hard labor for not more than three years.

Proposed law retains present law and adds that if the strangulation results in serious bodily injury, the offender, in addition to any other penalties imposed pursuant to present law, shall be imprisoned at hard labor for not less than five nor more than 50 years without benefit of probation, parole, or suspension of sentence.

Present law (R.S. 14:35.3(N)) provides that except as provided in present law (R.S. 14:35.3(M)(2) and (P)), if the offender intentionally inflicts serious bodily injury, the offender, in addition to any other penalties imposed pursuant to present law, shall be imprisoned at hard labor for not more than eight years.

Proposed law amends present law to add an exception for proposed law as it relates to strangulation that results in serious bodily injury.

(Amends R.S. 14:34.9(L) and (N) and 35.3(L) and (N))