

Regular Session, 2014

HOUSE BILL NO. 256

BY REPRESENTATIVE ARMES

CRIME/BATTERY: Creates the crime of battery of emergency room personnel, emergency services personnel, or a healthcare professional

1 AN ACT

2 To enact R.S. 14:34.5.2, relative to the crime of battery; to create the crime of battery of  
3 emergency room personnel, emergency services personnel, or a healthcare  
4 professional; to provide for definitions; to provide for criminal penalties; and to  
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:34.5.2 is hereby enacted to read as follows:

8 §34.5.2. Battery of emergency room personnel, emergency services personnel, or  
9 a healthcare professional

10 A. Battery of emergency room personnel, emergency services personnel, or  
11 a healthcare professional is a battery committed without the consent of the victim  
12 when the offender has reasonable grounds to believe the victim is emergency room  
13 personnel, emergency services personnel, or a healthcare professional acting in the  
14 performance of employment duties.

15 B. For purposes of this Section:

16 (1) "Emergency room personnel" means a person in a hospital emergency  
17 department who, in the course and scope of his employment or as a volunteer,  
18 provides services for the benefit of the general public during emergency situations.

1           (2) "Emergency services personnel" means all persons defined as  
2           "emergency medical services personnel" by R.S. 40:1300.103 and all persons defined  
3           as "emergency medical services practitioners" by R.S. 40:1231.

4           (3) "Healthcare professional" means a person licensed or certified by this  
5           state to provide health care or professional services as a physician, dentist, registered  
6           or licensed practical nurse or certified nurse assistant, certified emergency medical  
7           technician, paramedic, certified registered nurse anesthetist, nurse practitioner,  
8           respiratory therapist, clinical nurse specialist, pharmacist, optometrist, podiatrist,  
9           chiropractor, physical therapist, occupational therapist, licensed radiologic  
10           technologist, licensed clinical laboratory scientist, or psychologist.

11           C. Whoever commits the crime of battery of emergency room personnel,  
12           emergency services personnel, or a healthcare professional shall be fined not more  
13           than one thousand dollars, imprisoned for not less than fifteen days nor more than  
14           six months, or both. If the battery produces an injury which requires medical  
15           attention, the offender shall be fined not more than five thousand dollars, imprisoned  
16           with or without hard labor for not less than one year nor more than five years, or  
17           both.

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#### 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)]

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Armes

HB No. 256

**Abstract:** Creates the crime of battery of emergency room personnel, emergency services personnel, or a healthcare professional and provides penalties for the commission of the offense.

Proposed law creates the crime of battery of emergency room personnel, emergency services personnel, or a healthcare professional and defines the offense as a battery committed without the consent of the victim when the offender has reasonable grounds to believe the victim is emergency room personnel, emergency services personnel, or a healthcare professional acting in the performance of employment duties.

Proposed law provides for the following definitions:

(1) "Emergency room personnel" means a person in a hospital emergency department who, in the course and scope of his employment or as a volunteer, provides services for the benefit of the general public during emergency situations.

- (2) "Emergency services personnel" means all persons defined as "emergency medical services personnel" by R.S. 40:1300.103 and all persons defined as "emergency medical services practitioners" by R.S. 40:1231.
- (3) "Healthcare professional" means a person licensed or certified by this state to provide health care or professional services as a physician, dentist, registered or licensed practical nurse or certified nurse assistant, certified emergency medical technician, paramedic, certified registered nurse anesthetist, nurse practitioner, respiratory therapist, clinical nurse specialist, pharmacist, optometrist, podiatrist, chiropractor, physical therapist, occupational therapist, licensed radiologic technologist, licensed clinical laboratory scientist, or psychologist.

Proposed law provides for the following penalties:

- (1) A fine of not more than \$1,000, imprisonment for not less than 15 days nor more than six months, or both.
- (2) If the battery produces an injury which requires medical attention - A fine of not more than \$5,000, imprisonment with or without hard labor for not less than one year nor more than five years, or both.

(Adds R.S. 14:34.5.2)