

Regular Session, 2014

HOUSE BILL NO. 1077 (Substitute for House Bill No. 1027 by Representative LeBas)

BY REPRESENTATIVES LEBAS, ARMES, AND BILLIOT

CRIME/BATTERY: Provides with respect to criminal offenses relative to certain medical personnel and emergency services personnel

1 AN ACT

2 To amend and reenact R.S. 14:327(A)(2) and to enact R.S. 14:34.8, relative to crimes
3 involving certain medical personnel; to create the crime of battery of emergency
4 room personnel, emergency services personnel, or a healthcare professional; to
5 provide for criminal penalties; to provide for definitions; to amend the crime of
6 obstructing a fireman to include certain emergency services personnel; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:327(A)(2) is hereby amended and reenacted and R.S. 14:34.8 is
10 hereby enacted to read as follows:

11 §34.8. Battery of emergency room personnel, emergency services personnel, or a
12 healthcare professional

13 A.(1) Battery of emergency room personnel, emergency services personnel,
14 or a healthcare professional is battery committed without the consent of the victim
15 when the offender has reasonable grounds to believe that the victim is emergency
16 room personnel, emergency services personnel, or a healthcare professional acting
17 in the performance of his employment duties.

18 (2) The use of force of violence upon the person of emergency room
19 personnel, emergency services personnel, or a healthcare professional by throwing

1 feces, urine, blood, saliva, or any form of human waste by an offender while the
2 offender is transported to or from a medical facility or while being evaluated in a
3 medical facility shall also constitute battery of emergency room personnel,
4 emergency services personnel, or a healthcare professional.

5 B. For purposes of this Section:

6 (1) "Emergency room personnel" means a person in a hospital emergency
7 department who, in the course and scope of his employment or as a volunteer,
8 provides services or medical care, or who assists in the providing of services or
9 medical care, for the benefit of the general public during emergency situations.
10 "Emergency room personnel" shall include but not be limited to any healthcare
11 professional, emergency department clerk, emergency department technician,
12 student, and emergency department volunteer working in the hospital emergency
13 department.

14 (2) "Emergency services personnel" means any "emergency medical services
15 personnel" as defined by R.S. 40:1300.103 or any "EMS practitioners" as defined by
16 R.S. 40:1231.

17 (3) "Healthcare professional" means a person licensed or certified by this
18 state to provide health care or professional services as a physician, physician
19 assistant, dentist, registered or licensed practical nurse or certified nurse assistant,
20 advanced practice registered nurse, certified emergency medical technician,
21 paramedic, certified registered nurse anesthetist, nurse practitioner, respiratory
22 therapist, clinical nurse specialist, pharmacist, optometrist, podiatrist, chiropractor,
23 physical therapist, occupational therapist, licensed radiologic technologist, licensed
24 clinical laboratory scientist, licensed professional counselor, or psychologist.

25 C.(1) Whoever commits the crime of battery of emergency room personnel,
26 emergency services personnel, or a healthcare professional shall be fined not more
27 than one thousand dollars and imprisoned for not less than fifteen days nor more than
28 six months. At least forty-eight hours of the sentence imposed shall be without
29 benefit of suspension of sentence.

Proposed law defines "emergency room personnel," "emergency services personnel," and "healthcare professional".

Proposed law provides for the following penalties for commission of the offense:

- (1) A fine of not more than \$1,000 and imprisonment for not less than 15 days nor more than six months. At least 48 hours shall be served without benefit of suspension of sentence.
- (2) If the battery produces an injury that requires medical attention, a fine of not more than \$5,000 and imprisonment with or without hard labor for not less than one year nor more than five years. At least five days of the sentence imposed shall be without benefit of suspension of sentence.

Present law provides for the crime of obstruction of a fireman which is the intentional hindering, delaying, hampering, interfering with, or impeding the progress of any regularly employed member of a fire department of any municipality, parish, or fire protection district of the state of La. or any volunteer fireman of the state of La. while in the performance of his official duties; or cursing, reviling, or using any opprobrious language directed at any such fireman while in the performance of his official duties.

Present law defines "fireman" as any certified first responders, certified emergency medical technicians, and any firefighter regularly employed by a fire department of any municipality, parish, or fire protection district of the state of La., or any volunteer fireman of the state of La.

Proposed law retains the present law definition as it relates to firefighters, but amends the definition to apply to all persons defined by present law as "emergency medical services personnel" or "emergency medical services practitioners" which includes licensed emergency medical responders, licensed emergency medical technicians, licensed advanced emergency medical technicians, licensed paramedics, and any person trained and certified or licensed to provide emergency medical care, whether on a paid or volunteer basis, as part of a basic life support or advanced life support pre-hospital emergency care service or in an emergency department or pediatric critical care or specialty unit in a licensed hospital.

(Amends R.S. 14:327(A)(2); Adds R.S. 14:34.8)