

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 227 by Representative Henry

CRIME/BATTERY: Amends penalties for the crime of battery of a school or recreation athletic contest official

Synopsis of Senate Amendments

1. Amends the crime to provide that the provisions of the offense shall only apply if the battery occurs while the school athletic contest official or the recreation athletic contest official is actively engaged in the conducting, supervising, refereeing, or officiating of a school sanctioned interscholastic athletic contest.
2. Amends the proposed law penalties to provide that the offender shall be imprisoned for not less than five days nor more than six months without benefit of suspension of sentence.
3. Amends the proposed law provisions which provide for increased penalties when a battery results in an injury to the victim that requires medical attention to provide that the increased penalties shall only apply if the battery results in "serious bodily injury" as defined by present law.

Digest of Bill as Finally Passed by Senate

Present law defines the crime of battery of a school or recreation athletic contest official as battery committed without the consent of the victim when the offender has reasonable grounds to believe the victim is a school athletic or recreation contest official.

Present law defines "school athletic contest official" and "recreation athletic contest official" to provide that the provisions of this offense shall only apply if the battery occurs while the official is actively engaged in the conducting, supervising, refereeing, or officiating of a school sanctioned interscholastic or recreation athletic contest.

Proposed law amends the crime to provide that the provisions of the offense shall only apply if the battery occurs while the school athletic contest official or the recreation athletic contest official is actively engaged in the conducting, supervising, refereeing, or officiating of a school sanctioned interscholastic athletic contest.

Present law provides that any person convicted of this offense shall be fined not more than \$500 and shall be imprisoned for not less than 48 hours nor more than six months. This sentence may only be suspended by the court if the offender is placed on probation with a minimum condition that he perform five days of community service work.

Proposed law amends the penalties as follows:

- (1) Fine of not less than \$1,000 nor more than \$5,000, and imprisonment for not less than five days nor more than six months without benefit of suspension of sentence.
- (2) If the offense results in serious bodily injury, as defined by present law, to the victim: fine of not less \$1,000 nor more than \$5,000, and imprisonment for not less than 10 days nor more than six months, which may be suspended.
- (3) In addition to the penalties provided in (1) and (2) above, the offender shall perform 40 hours of court-approved community service and participate in a court-approved counseling program which may include anger management, abusive behavior intervention groups, or any other type of counseling deemed appropriate by the court.

Proposed law further provides that participation in community service and the counseling program required by proposed law shall not be suspended and that the cost of participation in the counseling program shall be borne by the offender.

(Amends R.S. 14:34.4)