

2016 Regular Session

HOUSE BILL NO. 582

BY REPRESENTATIVES JACKSON AND HOFFMANN

CRIME/ASSAULT: Provides for the crime of aggravated assault upon a peace officer

1 AN ACT

2 To amend and reenact R.S. 14:2(B)(32) and 37.2 and R.S. 15:642(2)(b), relative to
3 aggravated assault upon a peace officer; to amend the crime of aggravated assault
4 upon a peace officer with a firearm; to remove the element that the offense be
5 committed with a firearm; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:2(B)(32) and 37.2 are hereby amended and reenacted to read as
8 follows:

9 §2. Definitions

10 * * *

11 B. In this Code, "crime of violence" means an offense that has, as an
12 element, the use, attempted use, or threatened use of physical force against the
13 person or property of another, and that, by its very nature, involves a substantial risk
14 that physical force against the person or property of another may be used in the
15 course of committing the offense or an offense that involves the possession or use
16 of a dangerous weapon. The following enumerated offenses and attempts to commit
17 any of them are included as "crimes of violence":

18 * * *

19 (32) Aggravated assault upon a peace officer ~~with a firearm.~~

20 * * *

1 §37.2. Aggravated assault upon a peace officer ~~with a firearm~~

2 A. Aggravated assault upon a peace officer ~~with a firearm~~ is an assault
3 committed upon a peace officer who is acting in the course and scope of his duties
4 ~~with a firearm.~~

5 B. ~~For purposes of this Section, "firearm" is defined as an instrument used~~
6 ~~in the propulsion of shot, shell, or bullets by the action of gunpowder exploded~~
7 ~~within it.~~

8 C. Whoever commits an aggravated assault upon a peace officer ~~with a~~
9 ~~firearm~~ shall be fined not more than five thousand dollars, or imprisoned for not less
10 than one year nor more than ten years, with or without hard labor, or both.

11 Section 2. R.S. 15:642(2)(b) is hereby amended and reenacted to read as follows:

12 §642. Definitions

13 For the purposes of this Chapter, the following words have the following
14 meanings ascribed to them:

15 * * *

16 (2) "Offense against a peace officer" means any of the following:

17 * * *

18 (b) Aggravated assault upon a peace officer ~~with a firearm.~~

19 * * *

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 582 Engrossed 2016 Regular Session Jackson

Abstract: Removes requirement that aggravated assault on a peace officer must be committed with a firearm.

Present law provides for the crime of aggravated assault upon a peace officer with a firearm.

Proposed law removes element of the offense specifying that the aggravated assault must be created with a firearm. Makes changes in other provisions of present law to provide for consistency.

(Amends R.S. 14:2(B)(32) and 37.2 and R.S. 15:642(2)(b))