The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

DIGEST 2017 Regular Session

Ward

Present law provides that the crime of cruelty to juveniles is any of the following:

- (1) The intentional or criminally negligent mistreatment or neglect by anyone 17 years of age or older of any child under the age of 17 years whereby unjustifiable pain or suffering is caused to the child. Lack of knowledge of the child's age is not a defense.
- The intentional or criminally negligent exposure by anyone 17 years of age or older of any child under the age of 17 years to a clandestine laboratory operation as defined by <u>present law</u> in a situation where it is foreseeable that the child may be physically harmed. Lack of knowledge of the child's age is not a defense.
- (3) The intentional or criminally negligent allowing of any child under the age of 17 years by any person over the age of 17 years to be present during the manufacturing, distribution, or purchasing or attempted manufacturing, distribution, or purchasing of a controlled dangerous substance in violation of <u>present law</u> (Uniform Controlled Dangerous Substances Law). Lack of knowledge of the child's age is not a defense.

Proposed law retains present law.

SB 122 Original

<u>Present law</u> provides that whoever commits the crime of cruelty to juveniles is to be fined up to \$1,000, or imprisoned with or without hard labor for up to 10 years, or both.

<u>Proposed law</u> retains <u>present law</u> and adds that if the offender is an owner, employee, volunteer, or agent of an early learning center, including a child day care center, as defined in <u>present law</u>, acting in the course and scope of the performance of his duties, he is to be fined between \$500 and \$1,000, or imprisoned with or without hard labor for between one year and 10 years, or both.

<u>Present law</u> provides that the crime of second degree cruelty to juveniles is the intentional or criminally negligent mistreatment or neglect by anyone over the age of 17 years to any child under the age of 17 years that causes serious bodily injury or neurological impairment to that child. <u>Present law</u> defines "serious bodily injury" as bodily injury involving protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or substantial risk of death.

<u>Proposed law</u> retains <u>present law</u>.

<u>Present law</u> provides that whoever commits the crime of second degree cruelty to juveniles is to be imprisoned at hard labor for not more than 40 years.

<u>Proposed law</u> retains <u>present law</u> and adds that if the offender is an owner, employee, volunteer, or agent of an early learning center, including a child day care center, as defined in <u>present law</u>, acting in the course and scope of the performance of his duties, he is to be imprisoned at hard labor for not less than five years nor more than 40 years.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:93(D) and 93.2.3(C))