

2020 Regular Session

HOUSE BILL NO. 67

BY REPRESENTATIVE FONTENOT

CRIME/BATTERY: Provides relative to the crime of battery of a police officer

1 AN ACT

2 To amend and reenact R.S. 14:34.2(B)(1) and to repeal R.S. 14:34.2(B)(3), relative to
3 battery of a police officer; to provide relative to the penalties for battery of a police
4 officer; to increase the penalties for the offense; to repeal the penalties that apply
5 when the battery produces an injury that requires medical attention; and to provide
6 for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:34.2(B)(1) is hereby amended and reenacted to read as follows:

9 §34.2. Battery of a police officer

10 * * *

11 B.(1) Whoever commits the crime of battery of a police officer shall be fined
12 not more than five ~~hundred~~ thousand dollars and imprisoned with or without hard
13 labor for not less than ~~fifteen days~~ one year nor more than ~~six months~~ five years. At
14 least fifteen days of the sentence imposed shall be served without benefit of parole,
15 probation, or suspension of sentence.

16 * * *

17 Section 2. R.S. 14:34.2(B)(3) is hereby repealed in its entirety.

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 67 Original

2020 Regular Session

Fontenot

Abstract: Increases the penalties imposed for the crime of battery of a police officer and removes the penalties that apply when the battery produces an injury requiring medical attention.

Present law defines battery of a police officer as a battery committed without the consent of the victim when the offender has reasonable grounds to believe the victim is a police officer acting in the performance of his duty.

Present law provides for the following penalties for those who commit the offense:

- (1) Whoever commits the offense shall be fined not more than \$500 and imprisoned for not less than 15 days nor more than six months without benefit of suspension of sentence.
- (2) If the offender is incarcerated at the time of the commission of the offense, the offender shall be fined not more than \$1,000 and imprisoned with or without hard labor without benefit of parole, probation, or suspension of sentence for not less than one year nor more than five years. Present law further provides that such sentence shall be consecutive to any other sentence imposed for violation of the provisions of any state criminal law.
- (3) If the battery produces an injury that requires medical attention, the offender shall be fined not more than \$1,000 or imprisoned with or without hard labor for not less than one year nor more than five years, or both. At least 30 days of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

Proposed law amends the present law penalties as follows:

- (1) Provides that any person who commits the offense shall be fined not more than \$5,000 and imprisoned with or without hard labor for not less than one year nor more than five years. Proposed law further provides that at least 15 days of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.
- (2) Retains the present law penalties which apply to offenses committed by an offender who is incarcerated at the time of the commission of the offense.
- (3) Repeals the present law penalties that apply when the battery produces an injury that requires medical attention.

(Amends R.S. 14:34.2(B)(1); Repeals R.S. 14:34.2(B)(3))