

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 (3), relative to battery of a police officer; to
3 provide relative to the penalties for battery of a police officer; to increase the
4 penalties for the offense; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:34.2(B)(1) and (3) are hereby amended and reenacted to read as
7 follows:

8 §34.2. Battery of a police officer

9 * * *

10 B.(1)(a) Whoever commits the crime of battery of a police officer shall be
11 fined not more than five hundred dollars and imprisoned not less than fifteen days
12 nor more than six months without benefit of suspension of sentence.

13 (b) Whoever commits a second or subsequent offense of battery of a police
14 officer shall be fined not more than one thousand dollars and imprisoned with or
15 without hard labor for not less than one year nor more than three years. At least
16 fifteen days of the sentence imposed shall be served without benefit of parole,
17 probation, or suspension of sentence.

18 * * *

19 (3)(a) If the battery produces an injury that requires medical attention, the
20 offender shall be fined not more than one thousand dollars or imprisoned with or

1 without hard labor for not less than one year nor more than five years, or both. At
2 least thirty days of the sentence imposed shall be served without benefit of parole,
3 probation, or suspension of sentence.

4 (b) If the battery produces an injury that requires medical attention, and the
5 offense is a second or subsequent violation of the provisions of this Section, the
6 offender shall be fined not more than two thousand dollars and shall be imprisoned
7 with or without hard labor for not less than two years nor more than five years. At
8 least sixty days of the sentence imposed shall be served without benefit of parole,
9 probation, or suspension of sentence.

10 * * *

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 Engrossed

2020 Regular Session

Fontenot

Abstract: Increases the penalties imposed for a second or subsequent offense of battery of a police officer and for a second or subsequent offense that 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) A fine of not more than \$500 and imprisonment 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 - a fine of not more than \$1,000 and imprisonment 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 - a fine of not more than \$1,000, imprisonment 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 retains present law and adds the following penalties:

- (1) For a second or subsequent offense, the offender shall be fined not more than \$1,000 and be imprisoned with or without hard labor for not less than one nor more than

three years. At least 15 days shall be served without benefit of parole, probation, or suspension of sentence.

- (2) If the battery produces an injury that requires medical attention and the offense is a second or subsequent offense, the offender shall be fined not more than \$2,000 and shall be imprisoned with or without hard labor for not less than two years nor more than five years. At least 60 days of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Restore present law penalties for a first offense and for an offense that produces an injury that requires medical attention.
2. Add penalties for a second or subsequent offense and for an offense that produces an injury that requires medical attention and that is a second or subsequent offense of battery of a police officer.