2020 Regular Session

HOUSE BILL NO. 212

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BY REPRESENTATIVE MARINO

2	To amend and reenact R.S. 14:2(B)(48) and (49), 34.9(J), (K), (L), and (M), 35.3(B)(4) and
3	(N), and 37.7(B)(1), R.S. 46:2132(4), and Code of Evidence Article 412.4(D)(3) and
4	(4) and to enact R.S. 14:34.9(N), (O), and (P) and 35.3(O) and (P), relative to
5	domestic abuse; to provide relative to the crimes of domestic abuse battery and
6	battery of a dating partner; to provide specific penalties when the battery is
7	committed with a dangerous weapon and when committed with a dangerous weapon
8	when the offender intentionally inflicts serious bodily injury; to designate as
9	domestic abuse any felony crime of violence committed by one dating partner
10	against the person of another dating partner; to amend the definition of "family
11	member" for the crimes of domestic abuse battery and domestic abuse aggravated
12	assault and for purposes of the Domestic Abuse Assistance Act; to amend the
13	definitions of "family member" and "household member" for purposes of certain
14	evidentiary provisions applicable in domestic abuse cases; and to provide for related
15	matters.
16	Be it enacted by the Legislature of Louisiana:
17	Section 1. R.S. 14:2(B)(48) and (49), 34.9(J), (K), (L), and (M), 35.3(B)(4) and (N),
18	and 37.7(B)(1) are hereby amended and reenacted and R.S. 14:34.9(N), (O), and (P) and
19	35.3(O) and (P) are hereby enacted to read as follows:

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

10 * * *

- (48) Domestic abuse battery punishable under R.S. 14:35.3(L), (M)(2), or (N), (O), or (P).
- (49) Battery of a dating partner punishable under R.S. 14:34.9(L)(2) R.S. 14:34.9(L), (M)(2), (N), (O), or (M)(P).

* * *

§34.9. Battery of a dating partner

17 * * *

J. Any felony crime of violence, as defined by R.S. 14:2(B), against a person committed by one dating partner against another dating partner, shall be designated as an act of domestic abuse for consideration in any civil or criminal proceeding.

J.K. Notwithstanding any provision of law to the contrary, if the victim of the offense is pregnant and the offender knows that the victim is pregnant at the time of the commission of the offense, the offender, in addition to any other penalties imposed pursuant to this Section, shall be imprisoned at hard labor for not more than three years.

K.L. Notwithstanding any provision of law to the contrary, if the offense involves strangulation, the offender, in addition to any other penalties imposed pursuant to this Section, shall be imprisoned at hard labor for not more than three years.

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1	$\underline{\text{L.M.}}(1)$ Notwithstanding any provision of law to the contrary, if the offense
2	is committed by burning, the offender, in addition to any other penalties imposed
3	pursuant to this Section, shall be imprisoned at hard labor for not more than three
4	years.
5	(2) If the burning results in serious bodily injury, the offense shall be
6	classified as a crime of violence, and the offender, in addition to any other penalties
7	imposed pursuant to this Section, shall be imprisoned at hard labor for not less than
8	five nor more than fifty years without benefit of probation, parole, or suspension of
9	sentence.
10	\underline{M} . Except as provided in Paragraph $\underline{(L)(2)}$ $\underline{(M)(2)}$ and Subsection P of this
11	Section, if the offender intentionally inflicts serious bodily injury, the offender, in
12	addition to any other penalties imposed pursuant to this Section, shall be imprisoned
13	at hard labor for not more than eight years.
14	O. Except as provided in Subsection P of this Section, if the intentional use
15	of force or violence is committed with a dangerous weapon, the offender, in addition
16	to any other penalties imposed pursuant to this Section, shall be imprisoned at hard
17	labor for not more than ten years.
18	P. Notwithstanding any provision of law to the contrary, if the intentional
19	use of force or violence is committed with a dangerous weapon when the offender
20	intentionally inflicts serious bodily injury, the offender, in addition to other penalties
21	imposed pursuant to this Section, shall be imprisoned at hard labor for not more than
22	fifteen years.
23	* * *
24	§35.3. Domestic abuse battery
25	* * *
26	B. For purposes of this Section:
27	* * *
28	(4) "Family member" means spouses, former spouses, parents, children,
29	stepparents, stepchildren, foster parents, and foster children, other ascendants, and

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1	other descendants. "Family member" also means the other parent or foster parent of
2	any child or foster child of the offender.
3	* * *
4	N. Except as provided in Paragraph (M)(2) and Subsection P of this Section,
5	if the offender intentionally inflicts serious bodily injury, the offender, in addition
6	to any other penalties imposed pursuant to this Section, shall be imprisoned at hard
7	labor for not more than eight years.
8	O. Except as provided in Subsection P of this Section, if the intentional use
9	of force or violence is committed with a dangerous weapon, the offender, in addition
10	to any other penalties imposed pursuant to this Section, shall be imprisoned at hard
11	labor for not more than ten years.
12	P. Notwithstanding any provision of law to the contrary, if the intentional
13	use of force or violence is committed with a dangerous weapon when the offender
14	intentionally inflicts serious bodily injury, the offender, in addition to other penalties
15	imposed pursuant to this Section, shall be imprisoned at hard labor for not more than
16	fifteen years.
17	* * *
18	§37.7. Domestic abuse aggravated assault
19	* * *
20	B. For purposes of this Section:
21	(1) "Family member" means spouses, former spouses, parents, children,
22	stepparents, stepchildren, foster parents, and foster children, other ascendants, and

other descendants. "Family member" also means the other parent or foster parent of

any child or foster child of the offender.

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1	Section 2. R.S. 46:2132(4) is hereby amended and reenacted to read as follows:
2	§2132. Definitions
3	As used in this Part:
4	* * *
5	(4) "Family members" means spouses, former spouses, parents and children,
6	stepparents, stepchildren, foster parents, and foster children, other ascendants, and
7	other descendants. "Family member" also means the other parent or foster parent of
8	any child or foster child of the offender. "Household members" means any person
9	presently or formerly living in the same residence with the defendant and who is
10	involved or has been involved in a sexual or intimate relationship with the defendant
11	and who is seeking protection under this Part. "Dating partner" means any person
12	protected from violence under R.S. 46:2151 who is seeking protection under this
13	Part. If a parent or grandparent is being abused by an adult child, adult foster child,
14	or adult grandchild, the provisions of this Part shall apply to any proceeding brought
15	in district court.
16	Section 3. Code of Evidence Article 412.4(D)(3) and (4) is hereby amended and
17	reenacted to read as follows:
18	Art. 412.4. Evidence of similar crimes, wrongs, or acts in domestic abuse cases and
19	cruelty against juveniles cases
20	* * *
21	D. For purposes of this Article:
22	* * *
23	(3) "Family member" means spouses, former spouses, parents and children,
24	stepparents, stepchildren, foster parents, and foster children, other ascendants, and
25	other descendants. "Family member" also means the other parent or foster parent of
26	any child or foster child of the offender.

(4) "Household member" means any person having reached the age of majority presently or formerly living in the same residence with the offender as a spouse, whether married or not and who is involved or has been involved in a sexual or intimate relationship with the offender, or any child presently or formerly living in the same residence with the offender, or any child of the offender regardless of where the child resides.

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SPEAKER OF THE	E HOUSE OF REPRESENTATI	VES
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APPROVED: