

1 of committing the offense or an offense that involves the possession or use of a
2 dangerous weapon. The following enumerated offenses and attempts to commit any
3 of them are included as "crimes of violence":

4 * * *

5 **(56) Battery of emergency room personnel, emergency services**
6 **personnel, or a healthcare professional.**

7 * * *

8 §34.8. Battery of emergency room personnel, emergency services personnel, or a
9 healthcare professional

10 A.(1) Battery of emergency room personnel, emergency services personnel,
11 or a healthcare professional is battery committed without the consent of the victim
12 when the offender has reasonable grounds to believe that the victim is emergency
13 room personnel, emergency services personnel, or a healthcare professional acting
14 in the performance of his ~~employment~~ duties.

15 * * *

16 B. For purposes of this Section:

17 * * *

18 (3) "Healthcare professional" means a person licensed or certified by this
19 state to provide healthcare or professional services as a physician, physician
20 assistant, dentist, registered or licensed practical nurse or certified nurse assistant,
21 advanced practice registered nurse, certified emergency medical technician,
22 paramedic, certified registered nurse anesthetist, nurse practitioner, respiratory
23 therapist, clinical nurse specialist, pharmacist, optometrist, podiatrist, chiropractor,
24 physical therapist, occupational therapist, licensed radiologic technologist, licensed
25 clinical laboratory scientist, licensed professional counselor, certified social worker,
26 ~~or~~ psychologist, **patient transporter, dietary worker, patient access**
27 **representative, security personnel, patient relations advocate, or any other**
28 **person who otherwise assists in or supports the performance of healthcare**
29 **services.**

1 C.(1)(a) Whoever commits the crime of battery of emergency room
 2 personnel, emergency services personnel, or a healthcare professional shall be fined
 3 not more than one thousand dollars and imprisoned for not less than fifteen days nor
 4 more than six months **without benefit of suspension of sentence.** ~~At least forty-~~
 5 ~~eight hours of the sentence imposed shall be without benefit of suspension of~~
 6 ~~sentence.~~

7 **(b) Whoever commits a second or subsequent offense of battery of**
 8 **emergency room personnel, emergency services personnel, or a healthcare**
 9 **professional shall be fined not more than one thousand dollars and imprisoned,**
 10 **with or without hard labor, for not less than one year nor more than three**
 11 **years. At least fifteen days of the sentence imposed shall be served without**
 12 **benefit of parole, probation, or suspension of sentence.**

13 (2)(a) If the battery produces an injury that requires medical attention, the
 14 offender shall be fined not more than five thousand dollars and imprisoned with or
 15 without hard labor for not less than one year nor more than five years. At least ~~five~~
 16 **thirty** days of the sentence imposed shall be **served** without benefit of **parole,**
 17 **probation, or** suspension of sentence.

18 **(b) If the battery produces an injury that requires medical attention, and**
 19 **the offense is a second or subsequent offense, the offender shall be fined not**
 20 **more than ten thousand dollars, and shall be imprisoned with or without hard**
 21 **labor, for not less than two nor more than five years. At least sixty days of the**
 22 **sentence imposed shall be served without benefit of parole, probation, or**
 23 **suspension of sentence.**

24 * * *

25 **§38.5. Assault on emergency room personnel, emergency services personnel, or**
 26 **a healthcare professional**

27 **A.(1) Assault on emergency room personnel, emergency services**
 28 **personnel, or a healthcare professional is an assault committed when the**
 29 **offender has reasonable grounds to believe the victim is an emergency room**

1 personnel, emergency services personnel, or a healthcare professional acting in
2 the performance of his duties.

3 (2) For purposes of this Section:

4 (a) "Assault" shall have the same definition as in R.S. 14:36 but shall
5 additionally include making statements threatening physical harm to an
6 emergency room personnel, emergency services personnel, or a healthcare
7 professional.

8 (b) "Emergency room personnel" shall have the same definitions as in
9 R.S. 14:34.8.

10 (c) "Emergency services personnel" shall have the same definitions as in
11 R.S. 14:34.8.

12 (d) "Healthcare professional" shall have the same definitions as in R.S.
13 14:34.8.

14 B. Whoever commits the crime of assault on emergency room personnel,
15 emergency services personnel, or a healthcare professional shall be fined not
16 more than one thousand dollars or imprisoned for not less than thirty days nor
17 more than one hundred eighty days, or both.

18 * * *

19 §40.9 Unlawful disruption of the operation of a hospital

20 A. Unlawful disruption of the operation of a hospital is the intentional
21 communication of information that the commission of a crime of violence is
22 imminent or in progress, or that a circumstance dangerous to human life exists
23 or is about to exist, when committed under any one or more of the following
24 circumstances:

25 (1) When the offender's actions cause emergency room personnel,
26 emergency services personnel, or healthcare professionals at a hospital to be in
27 sustained fear for their safety and a reasonable person would have known that
28 his actions could cause sustained fear.

29 (2) When the offender's actions cause the evacuation of a hospital and a

1 reasonable person would have known that his actions could cause an
2 evacuation.

3 (3) When the offender's actions cause any other serious disruption to the
4 operation of a hospital and a reasonable person would have known that such
5 actions could cause serious disruption to the operation of a hospital.

6 B. For purposes of this Section:

7 (1) "Healthcare facility" means any hospital, outpatient clinic,
8 ambulatory surgical center, or other setting where healthcare services are
9 provided.

10 (2) "Emergency room personnel" shall have the same definitions as in
11 R.S. 14:34.8.

12 (3) "Emergency services personnel" shall have the same definitions as
13 in R.S. 14:34.8.

14 (4) "Healthcare professional" shall have the same definitions as in R.S.
15 14:34.8.

16 C. Whoever commits the offense of unlawful disruption of the operation
17 of a hospital shall be fined not more than one thousand dollars or imprisoned
18 with or without hard labor, for not less than one year nor more than five years,
19 or both.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Whitney Kauffeld.

DIGEST

SB 136 Original

2022 Regular Session

Connick

Present law provides relative to crimes of violence and includes an illustrative list of crimes of violence.

Proposed law retains present law and adds the proposed law crime of assault on emergency room personnel, emergency services personnel, and a healthcare professional to the list of crimes of violence.

Present law provides that the crime of battery of emergency room personnel, emergency services personnel or healthcare professional is punishable by a fine of not more than \$1,000 and imprisonment between 15 days and six months. Present law further provides that the crime of battery of emergency room personnel, emergency services personnel, or healthcare professional, if the battery produces an injury that requires medical attention, is punishable by a fine of not more than \$5,000 and imprisonment between one and five years.

Proposed law retains present law and expands the definition of "healthcare professional" to include a patient transporter, dietary worker, patient access representative, security personnel, patient relations advocate, or any other person who otherwise assists in or supports the performance of healthcare services.

Proposed law further provides that imprisonment for a first offense of battery of emergency room personnel, emergency services personnel, or healthcare professional is to be served without benefit of suspension of sentence.

Proposed law further provides that a second or subsequent offense of battery of emergency room personnel, emergency services personnel, or healthcare professional is punishable by a fine of not more than \$1,000 and imprisonment, with or without hard labor, for between one and three years, at least 15 days of which must be served without benefit of parole, probation, or suspension of sentence.

Present law provides that if the battery produces an injury that requires medical attention, the offender is punishable by a fine of not more than \$5,000 and imprisonment between one and five years, at least 30 days of which must be served without benefit of parole, probation, or suspension of sentence.

Proposed law provides that on a second or subsequent offense, if the battery produces an injury that requires medical attention, the offender is punishable by a fine of not more than \$10,000 and imprisonment between two and five years, at least 60 days of which must be served without benefit of parole, probation, or suspension of sentence.

Proposed law otherwise retains present law.

Proposed law creates the crime of assault on emergency room personnel, emergency services personnel, or a healthcare professional, which is defined as an assault committed when the offender has reasonable grounds to believe that the victim is a emergency room personnel, emergency services personnel, or a healthcare professional acting in the performance of his duties.

Proposed law defines "assault," "emergency room personnel," "emergency services personnel," and "healthcare professional" for the purposes of proposed law.

A violation of proposed law is punishable by a fine of not more than \$1,000, or imprisonment between 30 and 180 days, or both.

Proposed law creates the crime of unlawful disruption of the operation of a hospital, defined as the intentional communication of information that the commission of a crime of violence is imminent or in progress, or that a circumstance dangerous to human life exists or is about to exist, when committed under any one or more of the following circumstances:

- (1) When the offender's actions cause emergency room personnel, emergency services personnel, or healthcare professionals at a hospital to be in sustained fear for their safety, and a reasonable person would have known that his actions could cause sustained fear.
- (2) When the offender's actions cause the evacuation of a hospital, and a reasonable person would have known that his actions could cause an evacuation.
- (3) When the offender's actions cause any other serious disruption to the operation of a hospital, and a reasonable person would have known that his actions could cause serious disruption to the operation of a hospital.

Proposed law defines "healthcare facility", "emergency room personnel", "emergency services personnel", and "healthcare professional" for the purposes of proposed law.

A violation of proposed law is punishable by a fine of not more than \$1,000, or imprisonment, with or without hard labor, between one and five years, or both.

Effective August 1, 2022.

(Amends R.S. 14:34.8(A)(1), (B)(3), and (C); adds R.S. 14:2(B)(56), 38.5, and 40.9)