



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 forty-five 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 sixty 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 ninety 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 healthcare facility

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

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

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

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

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

7 B. For purposes of this Section:

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

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

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

15 (4) "Healthcare professional" shall have the same definitions as in R.S.  
 16 14:34.8.

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

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The original instrument was prepared by Whitney Kauffeld. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cathy R. Wells.

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DIGEST

SB 136 Reengrossed

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 45 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 five days of which must be served without benefit of parole, probation, or suspension of sentence.

Proposed law provides that at least 60 days 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 90 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 healthcare facility, 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 healthcare facility 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 healthcare facility, 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 healthcare facility, and a reasonable person would have known that his actions could cause serious disruption to the operation of a healthcare facility.

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)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Changes certain proposed law references from "hospital" to "healthcare facility".

##### Senate Floor Amendments to engrossed bill

1. Increases sentence from 15 days to 45 days that must be served without benefit of parole, probation, or suspension of sentence for a second offense of battery of emergency room personnel, emergency services personnel or a healthcare professional.
2. Increases minimum sentence from 30 days to 60 days that must be served without benefit of parole, probation, or suspension of sentence for a first offense of battery if the battery produces an injury that requires medical attention.
3. Increases the minimum sentence from 60 days to 90 days that must be served without benefit of parole, probation or suspension of sentence for a second or subsequent offence of battery if the battery produces an injury that requires medical attention.