

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 136

2022 Regular Session

Connick

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

CRIME/PUNISHMENT. Provides protections for emergency room personnel, emergency services personnel, and healthcare professionals. (8/1/22)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Removes provision that conviction for first offense be served without benefit of suspension of sentence.
2. Reinstates that at least 48 hours of the sentence for first offense be imposed without benefit of suspension of sentence.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

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 and that at least 48 hours of the sentence be imposed without benefit of suspension of sentence. 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

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)

Thomas L. Tyler
Senate Counsel