

RÉSUMÉ DIGEST

ACT 129 (SB 136)

2022 Regular Session

Connick

Prior law provide relative to crimes of violence and includes an illustrative list of crimes of violence.

New law retains prior law and adds the prior law crime of battery on emergency room personnel, emergency services personnel, or a healthcare professional to the list of crimes of violence.

Prior law provided 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.

New law retains prior 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.

New law 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.

Prior law provided 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.

New law provides that at least 45 days must be served without benefit of parole, probation, or suspension of sentence.

New 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.

New law otherwise retains prior law.

New 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.

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

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

New 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.

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

A violation of new 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)