

2026 Regular Session

HOUSE BILL NO. 102

BY REPRESENTATIVE WILEY

CRIME: Creates the crime of second degree cruelty to elderly and persons with infirmities

1 AN ACT

2 To enact R.S. 14:2(B)(63) and 93.3.1, relative to offenses affecting the health and safety of
3 persons with infirmities; to create the crime of second degree cruelty to elderly and
4 persons with infirmities; to provide for definitions; to provide for an affirmative
5 defense; to provide for penalties; to designate the crime of second degree cruelty to
6 elderly and persons with infirmities as a crime of violence; and to provide for related
7 matters

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:2(B)(63) and 93.3.1 are hereby enacted to read as follows:

10 §2. Definitions

* * *

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

* * *

20 (63) Second degree cruelty to elderly and persons with infirmities.

* * *

1 §93.3.1. Second degree cruelty to elderly and persons with infirmities2 A. Second degree cruelty to elderly and persons with infirmities is the
3 intentional or criminally negligent mistreatment or neglect by any person or
4 caregiver which causes serious bodily injury to a person with an infirmity, an adult
5 with a disability, or a person who is elderly, including but not limited to a person
6 who is a resident of a nursing home, facility for persons with intellectual disabilities,
7 mental health facility, hospital, or any other residential facility.8 B. For the purposes of this Section, the following terms have the following
9 meanings:10 (1)(a) "Caregiver" means any person who is temporarily or permanently
11 responsible, whether such care is voluntarily assumed or is assigned, for the care of
12 a person with an infirmity, an adult with a physical or mental disability, or a person
13 who is elderly.14 (b) "Caregiver" includes but is not limited to any of the following individuals
15 or entities who have voluntarily assumed the care of, been assigned the care of, or
16 have voluntarily assumed a residence with a person who is elderly, a person with an
17 infirmity, or an adult with a disability:18 (i) Adult children.19 (ii) Parents.20 (iii) Relatives.21 (iv) Neighbors.22 (v) Daycare institutions and facilities.23 (vi) Adult congregate living facilities.24 (vii) Nursing homes.25 (2) "Elderly" means any individual who is sixty years of age or older.26 C. It shall be an affirmative defense to prosecution pursuant to this Section
27 that a caregiver provided treatment in accordance with a well-recognized spiritual
28 method of healing in lieu of medical treatment.

1 D.(1) Except as provided in Paragraph (2) of this Subsection, whoever
2 violates the provisions of this Section shall be imprisoned at hard labor for not more
3 than forty years.

4 (2) If the violation results in the death of an elderly or infirmed person, the
5 offender shall be imprisoned at hard labor for not less than five years nor more than
6 forty years. Five years of the sentence of imprisonment imposed shall be served
7 without benefit of parole, probation, or suspension of sentence.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 102 Original

2026 Regular Session

Wiley

Abstract: Creates the crime of second degree cruelty to elderly and persons with infirmities and designates this offense as a crime of violence.

Present law (R.S. 14:2(B)) provides for a list of offenses that are designated as crimes of violence.

Proposed law retains present law and adds the proposed law offense of second degree cruelty to elderly and persons with infirmities.

Proposed law creates the crime of second degree cruelty to elderly and persons with infirmities and provides for elements, definitions, exceptions, and penalties.

Proposed law provides an affirmative defense to a caregiver who provided treatment in accordance with a well-recognized spiritual method of healing in lieu of medical treatment.

Proposed law provides for the following penalties:

- (1) Imprisonment at hard labor for not more than 40 years.
- (2) If the violation results in the death of an elderly or infirmed person, imprisonment at hard labor for not less than five years nor more than 40 years with five years of the sentence of imprisonment being served without benefit of parole, probation, or suspension of sentence.

(Adds R.S. 14:2(B)(63) and 93.3.1)