

2026 Regular Session

HOUSE BILL NO. 102

BY REPRESENTATIVES WILEY, ADAMS, BOUDREAUX, BOYER, CHENEVERT,
COX, FONTENOT, HORTON, KNOX, LAFLEUR, MOORE, AND VILLIO

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

1 AN ACT

2 To amend and reenact R.S. 14:30(A)(1) and 30.1(A)(2) and to enact R.S. 14:2(B)(63) and
3 93.3.1, relative to offenses affecting the health and safety of persons with infirmities;
4 to create the crime of second degree cruelty to the elderly and persons with
5 infirmities; to provide for definitions; to provide for an affirmative defense; to
6 provide for penalties; to designate the crime of second degree cruelty to the elderly
7 and persons with infirmities as a crime of violence; to add second degree cruelty to
8 the elderly and persons with infirmities as a predicate felony to first and second
9 degree murder; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 14:30(A)(1) and 30.1(A)(2) are hereby amended and reenacted and
12 R.S. 14:2(B)(63) and 93.3.1 are hereby enacted to read as follows:

13 §2. Definitions

14 * * *

15 B. In this Code, "crime of violence" means an offense that has, as an
16 element, the use, attempted use, or threatened use of physical force against the
17 person or property of another, and that, by its very nature, involves a substantial risk
18 that physical force against the person or property of another may be used in the
19 course of committing the offense or an offense that involves the possession or use

1 of a dangerous weapon. The following enumerated offenses and attempts to commit
2 any of them are included as "crimes of violence":

3 * * *

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

5 * * *

6 §30. First degree murder

7 A. First degree murder is the killing of a human being:

8 (1) When the offender has specific intent to kill or to inflict great bodily
9 harm and is engaged in the perpetration or attempted perpetration of aggravated
10 kidnapping, second degree kidnapping, aggravated escape, aggravated arson,
11 aggravated or first degree rape, forcible or second degree rape, aggravated burglary,
12 armed robbery, assault by drive-by shooting, first degree robbery, second degree
13 robbery, simple robbery, terrorism, cruelty to juveniles, second degree cruelty to
14 juveniles, ~~or~~ cruelty to the elderly and persons with infirmities, or second degree
15 cruelty to the elderly and persons with infirmities.

16 * * *

17 §30.1. Second degree murder

18 A. Second degree murder is the killing of a human being:

19 * * *

20 (2) When the offender is engaged in the perpetration or attempted
21 perpetration of aggravated or first degree rape, forcible or second degree rape,
22 aggravated arson, aggravated burglary, aggravated kidnapping, second degree
23 kidnapping, aggravated escape, resisting a police officer with force or violence,
24 assault by drive-by shooting, armed robbery, first degree robbery, second degree
25 robbery, simple robbery, cruelty to juveniles, second degree cruelty to juveniles,
26 cruelty to the elderly and persons with infirmities, second degree cruelty to the
27 elderly and persons with infirmities, or terrorism, even though he has no intent to kill
28 or to inflict great bodily harm.

29 * * *

1 §93.3.1. Second degree cruelty to the elderly and persons with infirmities

2 A. Second degree cruelty to the 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. The providing of treatment by a caregiver in accordance with a
27 well-recognized spiritual method of healing, in lieu of medical treatment, shall not
28 for that reason alone be considered the intentional or criminally negligent
29 mistreatment or neglect of a person with an infirmity, an adult with a disability, or

1 a person who is elderly. The provisions of this Subsection shall be an affirmative
 2 defense to a prosecution pursuant to this Section.

3 D. Whoever violates the provisions of this Section shall be imprisoned at
 4 hard labor for not more than forty years.

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 Engrossed

2026 Regular Session

Wiley

Abstract: Creates the crime of second degree cruelty to the elderly and persons with infirmities and provides for certain designations involving this offense.

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 the elderly and persons with infirmities.

Present law (R.S. 14:30 and 30.1) provides for the offenses of first and second degree murder.

Proposed law retains present law and adds the proposed law offense of second degree cruelty to the elderly and persons with infirmities as a predicate felony to these present law offenses.

Proposed law creates the crime of second degree cruelty to the 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 a penalty of imprisonment at hard labor for not more than 40 years.

(Amends R.S. 14:30(A)(1) and 30.1(A)(2); Adds R.S. 14:2(B)(63) and 93.3.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes.
2. Add the proposed law offense as a predicate felony within the present law offenses of first and second degree murder.
3. Clarify the affirmative defense in proposed law.
4. Remove the proposed law penalty consisting of a range of five to 40 years with a five-year mandatory minimum if the death of an elderly or infirmed person occurs.