

Regular Session, 2009

HOUSE BILL NO. 155

BY REPRESENTATIVE HARDY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME: Amends the definition of negligent injuring and negligent homicide to include attacks by dogs or other animals

1 AN ACT

2 To amend and reenact R.S. 14:32(A) and 39 and to enact R.S. 14:32(C)(3), relative to
3 certain crimes involving criminal negligence; to amend the definition of negligent
4 homicide to include the killing of a human being by a dog or other animal; to amend
5 the definition of negligent criminal injuring to include an injury caused by a dog or
6 other animal; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. The ownership of dangerous dogs has become an increasing problem in
9 Louisiana with many people injured or killed as a result of an encounter with a dangerous
10 dog. The Louisiana Legislature hereby finds that owners of dangerous dogs who fail to
11 properly confine or restrain them should be criminally responsible for the injuries their
12 animals cause to the citizens of this state. This Act shall be known as the "Luna McDaniel
13 Act" in honor of Mrs. Luna McDaniel, a resident of Ville Platte, Louisiana, who was killed
14 by an attack from a pit bull dog.

15 Section 2. R.S. 14:32(A) and 39 are hereby amended and reenacted and R.S.
16 14:32(C)(3) is hereby enacted to read as follows:

17 §32. Negligent homicide

18 A. Negligent homicide is either of the following:

19 (1) ~~the~~ The killing of a human being by criminal negligence.

20 (2) The killing of a human being by a dog or other animal.

21 * * *

1 C.

2 * * *

3 (3) If the victim was killed by a dog or other animal, the owner of the dog
4 or other animal shall be imprisoned with or without hard labor for not more than five
5 years, and fined not more than five thousand dollars, or both.

6 * * *

7 §39. Negligent injuring

8 A. Negligent injuring is either of the following:

9 (1) ~~the~~ The inflicting of any injury upon the person of another by criminal
10 negligence.

11 (2) The inflicting of any injury upon the person of another by a dog or other
12 animal.

13 B. The violation of a statute or ordinance shall be considered only as
14 presumptive evidence of such negligence.

15 C. Whoever commits the crime of negligent injuring shall be fined not more
16 than five hundred dollars, or imprisoned for not more than six months, or both.

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)]

Hardy

HB No. 155

Abstract: Amends negligent injuring and negligent homicide to include injury or death caused by dogs or other animals.

Present law provides that negligent homicide is the killing of a human being by criminal negligence.

Proposed law retains the provisions of present law and further provides that negligent homicide is the killing of a human being by a dog or other animal.

Present law provides that negligent injuring is the inflicting of any injury upon the person of another by criminal negligence.

Proposed law retains the provisions of present law and further provides that negligent injuring is the inflicting of any injury upon the person of another by a dog or other animal.

(Amends R.S. 14:32(A) and 39; Adds R.S. 14:32(C)(3))