

Regular Session, 2014

HOUSE BILL NO. 897

BY REPRESENTATIVE BILLIOT

CRIME/BATTERY: Creates the crime of battery of emergency services personnel and amends the crime of obstructing a fireman relative to emergency services personnel

1 AN ACT

2 To amend and reenact R.S. 14:327(A)(2) and to enact R.S. 14:34.5.2, relative to the crimes
3 involving emergency services personnel; to create the crime of battery of emergency
4 services personnel; to provide for criminal penalties; to define "emergency services
5 personnel"; to amend the crime of obstructing a fireman to include certain
6 emergency services personnel; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:327(A)(2) is hereby amended and reenacted and R.S. 14:34.5.2
9 is hereby enacted to read as follows:

10 §34.5.2. Battery of emergency services personnel

11 A. Battery of emergency services personnel is a battery committed without
12 the consent of the victim when the offender has reasonable grounds to believe the
13 victim is emergency services personnel acting in the performance of employment
14 duties.

15 B. For purposes of this Section, "emergency services personnel" means all
16 persons defined as "emergency medical services personnel" by R.S. 40:1300.103 and
17 all persons defined as "emergency medical services practitioners" by R.S. 40:1231.

18 C. Whoever commits the crime of battery of emergency services personnel
19 shall be fined not more than one thousand dollars, imprisoned for not less than
20 fifteen days nor more than six months, or both. If the battery produces an injury

1 which requires medical attention, the offender shall be fined not more than five
2 thousand dollars, imprisoned with or without hard labor for not less than one year
3 nor more than five years, or both.

4 * * *

5 §327. Obstructing a fireman

6 A.

7 * * *

8 (2) For the purposes of this Section, "fireman" shall include ~~certified first~~
9 ~~responders as defined in R.S. 40:1231(9), certified emergency medical technicians~~
10 ~~as defined in R.S. 40:1231(5)~~ all persons defined as "emergency medical services
11 personnel" by R.S. 40:1300.103, all persons defined as "emergency medical services
12 practitioners" by R.S. 40:1231, and any firefighter regularly employed by a fire
13 department of any municipality, parish, or fire protection district of the state of
14 Louisiana, or any volunteer fireman of the state of Louisiana.

15 * * *

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)]

Billiot HB No. 897

Abstract: Creates the crime of battery of emergency services personnel and amends the crime of obstructing a fireman to include emergency services personnel.

Proposed law creates the crime of battery of emergency services personnel and defines the offense as a battery committed without the consent of the victim when the offender has reasonable grounds to believe the victim is emergency services personnel acting in the performance of employment duties.

Proposed law provides for the following penalties for commission of the offense:

- (1) A fine of not more than \$1,000, imprisonment for not less than 15 days nor more than six months, or both.
- (2) If the battery produces an injury which requires medical attention, a fine of not more than \$5,000, imprisonment with or without hard labor for not less than one year nor more than five years, or both.

Present law provides for the crime of obstruction of a fireman which is the intentional hindering, delaying, hampering, interfering with, or impeding the progress of any regularly

employed member of a fire department of any municipality, parish, or fire protection district of the state of La. or any volunteer fireman of the state of La. while in the performance of his official duties; or cursing, reviling, or using any opprobrious language directed at any such fireman while in the performance of his official duties.

Present law defines "fireman" as any certified first responders, certified emergency medical technicians, and any firefighter regularly employed by a fire department of any municipality, parish, or fire protection district of the state of La., or any volunteer fireman of the state of La.

Proposed law retains the present law definition as it relates to firefighters, but amends the definition for both battery of emergency services personnel and obstructing a fireman to apply to all persons defined by present law as "emergency medical services personnel" or "emergency medical services practitioners" which includes licensed emergency medical responders, licensed emergency medical technicians, licensed advanced emergency medical technicians, licensed paramedics, and any person trained and certified or licensed to provide emergency medical care, whether on a paid or volunteer basis, as part of a basic life support or advanced life support pre-hospital emergency care service or in an emergency department or pediatric critical care or specialty unit in a licensed hospital.

(Amends R.S. 14:327(A)(2); Adds R.S. 14:34.5.2)