

Regular Session, 2014

HOUSE BILL NO. 1027

BY REPRESENTATIVE LEBAS

CRIME/BATTERY: Creates the crime of battery of an emergency medical provider

1 AN ACT

2 To enact R.S. 14:34.8, relative to battery; to create the crime of battery of an emergency  
3 medical provider; to provide for the elements of the offense; to provide for criminal  
4 penalties; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:34.8 is hereby enacted to read as follows:

7 §34.8. Battery of an emergency medical provider

8 A.(1) Battery of an emergency medical provider is battery committed  
9 without the consent of the victim when the victim is an emergency medical provider.

10 (2) The use of force or violence upon the person of an emergency medical  
11 provider by throwing feces, urine, blood, saliva, or any form of human waste by an  
12 offender while the offender is transported to or from a medical facility or while being  
13 evaluated in a medical facility shall also constitute battery of an emergency medical  
14 provider.

15 B. For purposes of this Section, "emergency medical provider" means any  
16 person rendering or assisting in the rendering of medical care in the emergency  
17 department of a hospital or the rendering or assisting in rendering of medical care  
18 while in route to a hospital emergency department. "Emergency medical provider"  
19 shall include but not be limited to the following: physicians, physician assistants,  
20 registered or licensed practical nurses or certified nurse assistants, emergency

1 department clerks, emergency department technicians, emergency department  
2 volunteers, EMS practitioners as defined by R.S. 40:1231(12), advanced practice  
3 registered nurses as defined by R.S. 37:913(1), respiratory therapists, licensed  
4 radiologic technologists, or licensed clinical laboratory scientists.

5 C.(1) Whoever commits the crime of battery of an emergency medical  
6 provider shall be fined not more than five hundred dollars and imprisoned for not  
7 less than fifteen days nor more than six months without benefit of suspension of  
8 sentence.

9 (2) If the battery produces an injury that requires medical attention, the  
10 offender shall be fined not more than one thousand dollars, imprisoned with or  
11 without hard labor for not less than one year nor more than five years, or both.

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#### 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)]

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LeBas

HB No. 1027

**Abstract:** Creates the crime of battery of an emergency medical provider, provides elements for the offense, and provides penalties.

Proposed law creates the crime of battery of an emergency medical provider and provides that battery of an emergency medical provider includes the use of force or violence upon the person of an emergency medical provider by throwing feces, urine, blood, saliva, or any form of human waste by an offender while the offender is transported to or from a medical facility or while being evaluated in a medical facility.

Proposed law defines "emergency medical provider".

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

- (1) A fine of not more than \$500 and imprisonment for not less than 15 days nor more than six months without benefit of suspension of sentence.
- (2) If the battery produces an injury that requires medical attention, a fine of not more than \$1,000, imprisonment with or without hard labor for not less than one year nor more than five years, or both.

(Adds R.S. 14:34.8)