HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Administration of Criminal Justice to Original House Bill No. 1027 by Representative LeBas

1 2 3	This document reflects the content of a substitute bill but is not a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.
4	To amend and reenact R.S. 14:327(A)(2) and to enact R.S. 14:34.8, relative to crimes
5	involving certain medical personnel; to create the crime of battery of emergency room
6	personnel, emergency services personnel, or a healthcare professional; to provide for
7	criminal penalties; to provide for definitions; to amend the crime of obstructing a fireman
8	to include certain emergency services personnel; and to provide for related matters.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. R.S. 14:327(A)(2) is hereby amended and reenacted and R.S. 14:34.8 is
11	hereby enacted to read as follows:
12	<u>§34.8.</u> Battery of emergency room personnel, emergency services personnel, or a
13	healthcare professional
14	A.(1) Battery of emergency room personnel, emergency services personnel,
15	or a healthcare professional is battery committed without the consent of the victim
16	when the offender has reasonable grounds to believe that the victim is emergency
17	room personnel, emergency services personnel, or a healthcare professional acting
18	in the performance of his employment duties.
19	(2) The use of force of violence upon the person of emergency room
20	personnel, emergency services personnel, or a healthcare professional by throwing
21	feces, urine, blood, saliva, or any form of human waste by an offender while the
22	offender is transported to or from a medical facility or while being evaluated in a
23	medical facility shall also constitute battery of emergency room personnel,
24	emergency services personnel, or a healthcare professional.
25	B. For purposes of this Section:
26	(1) "Emergency room personnel" means a person in a hospital emergency
27	department who, in the course and scope of his employment or as a volunteer,

1	provides services or medical care, or who assists in the providing of services or
2	medical care, for the benefit of the general public during emergency situations.
3	"Emergency room personnel" shall include but not be limited to any healthcare
4	professional, emergency department clerk, emergency department technician, and
5	emergency department volunteer working in the hospital emergency department.
6	(2) "Emergency services personnel" means any "emergency medical services
7	personnel" as defined by R.S. 40:1300.103 or any "EMS practitioners" as defined by
8	<u>R.S. 40:1231.</u>
9	(3) "Healthcare professional" means a person licensed or certified by this
10	state to provide health care or professional services as a physician, physician
11	assistant, dentist, registered or licensed practical nurse or certified nurse assistant,
12	advanced practice registered nurse, certified emergency medical technician,
13	paramedic, certified registered nurse anesthetist, nurse practitioner, respiratory
14	therapist, clinical nurse specialist, pharmacist, optometrist, podiatrist, chiropractor,
15	physical therapist, occupational therapist, licensed radiologic technologist, licensed
16	clinical laboratory scientist, or psychologist.
17	C.(1) Whoever commits the crime of battery of emergency room personnel,
18	emergency services personnel, or a healthcare professional shall be fined not more
19	than one thousand dollars and imprisoned for not less than fifteen days nor more than
20	six months without benefit of suspension of sentence.
21	(2) If the battery produces an injury that requires medical attention, the
22	offender shall be fined not more than five thousand dollars and imprisoned with or
23	without hard labor for not less than one year nor more than five years. At least
24	fifteen days of the sentence imposed shall be without benefit of suspension of
25	sentence.
26	* * *
27	§327. Obstructing a fireman
28	Α.
29	* * *

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

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)]

LeBas

HB No. 1027

Abstract: Creates the crime of battery of emergency room personnel, emergency services personnel, or a healthcare professional, and amends the crime of obstructing a fireman to include emergency services personnel.

<u>Proposed law</u> creates the crime of battery of emergency room personnel, emergency services personnel, or a healthcare professional and defines the offense as:

- (1) Battery committed without the consent of the victim when the offender has reasonable grounds to believe that the victim is emergency room personnel, emergency services personnel, or a healthcare professional acting in the performance of his employment duties.
- (2) Includes the use of force or violence upon the person of emergency room personnel, emergency services personnel, or a healthcare professional 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.

<u>Proposed law</u> defines "emergency room personnel," "emergency services personnel," and "healthcare professional".

<u>Proposed law</u> provides for the following penalties for commission of the offense:

- (1) A fine of not more than \$1,000 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 \$5,000 and imprisonment with or without hard labor for not less than one year nor more than five years. At least 15 days of the sentence imposed shall be without benefit of suspension of sentence.

<u>Present law</u> 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

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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.

<u>Present law</u> 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.

<u>Proposed law</u> retains the <u>present law</u> definition as it relates to firefighters, but amends the definition to apply to all persons defined by <u>present law</u> 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. 14:34.8)