
HOUSE COMMITTEE AMENDMENTS

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

1 **This document reflects the content of a substitute bill but is not a bill form; page**
 2 **numbers in this document DO NOT correspond to page numbers in the substitute bill**
 3 **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 §34.8. 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 R.S. 40:1231.

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 A.

29 * * *

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 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. 14:34.8)