

CONFERENCE COMMITTEE REPORT
House Bill No. 227 By Representative Henry

May 27, 2014

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 227 by Representative Henry, recommend the following concerning the Engrossed bill:

1. That Senate Committee Amendment No. 1 proposed by the Senate Committee on Judiciary C and adopted by the Senate on April 30, 2014, be adopted.
2. That Senate Floor Amendment Nos. 1 through 3 proposed by Senator Murray and adopted by the Senate on May 13, 2014, be adopted.
3. That Senate Floor Amendment No. 4 proposed by Senator Murray and adopted by the Senate on May 13, 2014, be rejected.
4. That Senate Floor Amendment No. 1 proposed by Senator Claitor and adopted by the Senate on May 13, 2014, be rejected.
5. That the Engrossed bill be amended as follows:

AMENDMENT NO. 1

On page 1, delete line 9 in its entirety and insert the following:

"A.(1) Battery of a school or recreation athletic contest official is a battery committed without the consent of the victim when the offender has reasonable grounds to believe the victim is a school athletic or recreation contest official actively engaged in the conducting, supervising, refereeing, or officiating of a school sanctioned interscholastic athletic contest or a sanctioned recreation athletic contest.

(2) For purposes of this Section, "school athletic contest official" means any referee, umpire, coach, instructor, administrator, staff person, or school or school board employee of any public or private elementary and secondary school ~~while actively engaged in the conducting, supervising, refereeing, or officiating of a school sanctioned interscholastic athletic contest.~~

(3) For purposes of this Section, "recreation athletic contest official" means any referee, umpire, coach, instructor, administrator, staff person, or recreation employee of any public or quasi public recreation program ~~while actively engaged in the conducting, supervising, refereeing, or officiating of a sanctioned recreation athletic contest.~~"

AMENDMENT NO. 2

On page 1, delete line 16 in its entirety and insert "contest official which results in serious bodily injury to the victim as defined in R.S. 14:34.1(B)(3)"

Respectfully submitted,

Representative Cameron Henry

Senator Robert W. "Bob" Kostelka

Representative Joseph P. Lopinto

Senator Edwin R. Murray

Representative Lowell C. Hazel

Senator Jonathan Perry

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)]

CONFERENCE COMMITTEE REPORT DIGEST

House Bill No. 227 by Representative Henry

Keyword and oneliner of the instrument as it left the House

CRIME/BATTERY: Amends penalties for the crime of battery of a school or recreation athletic contest official

Report adopts Senate amendments to:

1. Amend the proposed law penalties to provide that the offender shall be imprisoned for not less than five days nor more than six months without benefit of suspension of sentence.

Report rejects Senate amendments which would have:

1. Amended the crime to provide that the provisions of the offense shall only apply if the battery occurs while the school athletic contest official or the recreation athletic contest official is actively engaged in the conducting, supervising, refereeing, or officiating of a school sanctioned interscholastic athletic contest.
2. Amended the proposed law provisions which provide for increased penalties when a battery results in an injury to the victim that requires medical attention to provide that the increased penalties shall only apply if the battery results in "serious bodily injury" as defined by present law.

Report amends the bill to:

1. Retain the substance of, but make a technical correction to, the amendment that would provide for increased penalties when a battery results in "serious bodily injury" to the victim.
2. Remove language from the definitions of "school athletic contest official" and "recreational athletic contest official" which requires the official to be actively engaged in the conducting, supervising, refereeing, or officiating a school sanctioned interscholastic athletic contest or a sanctioned recreation athletic contest, and retains present law by including this language as an element of the offense.

Digest of the bill as proposed by the Conference Committee

Present law defines the crime of battery of a school or recreation athletic contest official as battery committed without the consent of the victim when the offender has reasonable grounds to believe the victim is a school athletic or recreation contest official.

Present law defines "school athletic contest official" and "recreation athletic contest official" to provide that the provisions of this offense shall only apply if the battery occurs while the official is actively engaged in the conducting, supervising, refereeing, or officiating of a school sanctioned interscholastic or recreation athletic contest.

Present law provides that any person convicted of this offense shall be fined not more than \$500 and shall be imprisoned for not less than 48 hours nor more than six months. This

sentence may only be suspended by the court if the offender is placed on probation with a minimum condition that he perform five days of community service work.

Proposed law amends the penalties as follows:

- (1) Fine of not less than \$1,000 nor more than \$5,000, and imprisonment for not less than five days nor more than six months without benefit of suspension of sentence.
- (2) If the offense results in serious bodily injury, as defined by present law, to the victim: fine of not less \$1,000 nor more than \$5,000, and imprisonment for not less than 10 days nor more than six months, which may be suspended.
- (3) In addition to the penalties provided in (1) and (2) above, the offender shall perform 40 hours of court-approved community service and participate in a court-approved counseling program which may include anger management, abusive behavior intervention groups, or any other type of counseling deemed appropriate by the court.

Proposed law further provides that participation in community service and the counseling program required by proposed law shall not be suspended and that the cost of participation in the counseling program shall be borne by the offender.

Proposed law otherwise retains present law.

(Amends R.S. 14:34.4)