HLS 16RS-257 ORIGINAL

2016 Regular Session

HOUSE BILL NO. 73

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BY REPRESENTATIVE RICHARD

CRIME: Amends second degree cruelty to a juvenile to include prenatal exposure to drugs

AN ACT

2 To amend and reenact R.S. 14:93.2.3(A), relative to cruelty to juveniles; to amend the crime 3 of second degree cruelty to juveniles; to add as an element of the offense the prenatal 4 exposure of a child to a controlled dangerous substance; and to provide for related 5 matters. 6 Be it enacted by the Legislature of Louisiana: 7 Section 1. R.S. 14:93.2.3(A) is hereby amended and reenacted to read as follows: 8 §93.2.3. Second degree cruelty to juveniles 9 A.(1)(a) Second degree cruelty to juveniles is the intentional or criminally 10 negligent mistreatment or neglect by anyone over the age of seventeen to any child 11 under the age of seventeen which causes serious bodily injury or neurological 12 impairment to that child. 13 (2)(b) For purposes of this Section, "serious bodily injury" means bodily 14 injury involving protracted and obvious disfigurement or protracted loss or 15 impairment of the function of a bodily member, organ, or mental faculty, or 16 substantial risk of death. 17 (2) Second degree cruelty to juveniles shall also include the intentional or 18 criminally negligent prenatal exposure of an unborn child to a controlled dangerous 19 substance in violation of the Uniform Controlled Dangerous Substances Law which 20 results in any of the following:

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1 (a) Observable and harmful effects to the physical appearance or functioning
2 of the newborn resulting from exposure to the controlled dangerous substance.
3 (b) The presence of a controlled dangerous substance or metabolite thereof
4 in the body, blood, urine, or meconium of the newborn that is not the result of
5 medical treatment.
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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)]

HB 73 Original

2016 Regular Session

Richard

Abstract: Amends the crime of second degree cruelty to juveniles to include the prenatal exposure to controlled dangerous substances.

<u>Present law</u> defines the crime of second degree cruelty to juveniles as the intentional or criminally negligent mistreatment or neglect by anyone over the age of 17 years to any child under age 17 which causes serious bodily injury or neurological impairment. Penalties consist of imprisonment at hard labor for not more than 40 years.

<u>Proposed law</u> retains <u>present law</u> and adds that the crime shall also include the intentional or criminally negligent prenatal exposure of an unborn child to a controlled dangerous substance which results in: (1) observable and harmful effects to the physical appearance or functioning, or (2) the presence of a controlled dangerous substance found in the newborn that is not the result of medical treatment.

(Amends R.S. 14:93.2.3(A))