

2016 Regular Session

SENATE BILL NO. 243

BY SENATOR MILKOVICH

CRIME/PUNISHMENT. Provides relative to battery committed by two or more persons upon a victim. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 14:34.1(A) and (C), relative to second degree battery; to provide

3 that second degree battery is committed when two or more offenders jointly commit

4 a battery and inflict any injury upon the victim; to provide penalties; and to provide

5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:34.1(A) and (C) are hereby amended and reenacted to read as

8 follows:

9 §34.1. Second degree battery

10 A. Second degree battery is a battery **committed** when **either of the**

11 **following occur:**

12 **(1) The** ~~the~~ offender intentionally inflicts serious bodily injury; ~~however,~~

13 **except that** ~~this provision~~ **Paragraph** shall not apply to a medical provider who has

14 obtained the consent of a patient.

15 **(2) Two or more offenders jointly commit a battery and inflict injury**

16 **upon the victim.**

17 * * *

1 C.**(1)** Whoever commits the crime of second degree battery **by a violation**
 2 **of Paragraph (A)(1) of this Section** shall be fined not more than two thousand
 3 dollars or imprisoned, with or without hard labor, for not more than **eight fifteen**
 4 years, or both. At least eighteen months of the sentence imposed shall be served
 5 without benefit of parole, probation, or suspension of sentence if the offender knew
 6 or should have known that the victim is an active member of the United States
 7 Armed Forces or is a disabled veteran and the second degree battery was committed
 8 because of that status.

9 **(2) Whoever commits the crime of second degree battery by a violation**
 10 **of Paragraph (A)(2) of this Section shall be imprisoned, with or without hard**
 11 **labor, for not less than one nor more than five years, and in addition may be**
 12 **fined not more than two thousand dollars.**

13 Section 2. This Act shall become effective upon signature by the governor or, if not
 14 signed by the governor, upon expiration of the time for bills to become law without signature
 15 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 16 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 17 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Alden A. Clement Jr.

DIGEST

SB 243 Original 2016 Regular Session Milkovich

Present law provides relative to the crime of second degree battery. Present law defines second degree battery as a battery committed when the offender intentionally inflicts serious bodily injury, except that this provision of present law does not apply to a medical provider who has obtained the consent of a patient.

Proposed law retains present law and adds that second degree battery is also committed when two or more offenders jointly commit a battery and inflict injury upon the victim.

Present law provides that second degree battery is punishable by a fine of up to \$2,000, or imprisonment with or without hard labor for up to eight years, or both.

Proposed law provides that a second degree battery where serious bodily injury is inflicted is punishable by a fine of up to \$2,000, or imprisonment with or without hard labor for up to 15 years, or both.

Proposed law provides that a second degree battery committed by two or more offenders who inflict any injury upon the victim is punishable by imprisonment with or without hard

labor for between one and five years, and a possible fine of up to \$2,000.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:34.1(A) and (C))