

2016 Regular Session

HOUSE BILL NO. 953

BY REPRESENTATIVE LANCE HARRIS

CRIME: Amends the provisions of law regarding hate crimes

1 AN ACT

2 To amend and reenact R.S. 14:107.2(A) and to enact R.S. 14:107.2(E), relative to hate
3 crimes; to provide for the elements of the crime; to provide for definitions; and to
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:107.2(A) is hereby amended and reenacted and R.S. 14:107.2(E)
7 is hereby enacted to read as follows:

8 §107.2. Hate crimes

9 A. It shall be unlawful for any person to select the victim of the following
10 offenses against person and property because of actual or perceived race, age,
11 gender, religion, color, creed, disability, sexual orientation, national origin, or
12 ancestry of that person or the owner or occupant of that property or because of actual
13 or perceived membership or service in, or employment with, an organization, or
14 because of actual or perceived employment as a law enforcement officer, firefighter,
15 or emergency medical services personnel: first or second degree murder;
16 manslaughter; battery; aggravated battery; second degree battery; aggravated assault
17 with a firearm; terrorizing; mingling harmful substances; simple or third degree rape,
18 forcible or second degree rape, or aggravated or first degree rape; sexual battery,
19 second degree sexual battery; oral sexual battery; carnal knowledge of a juvenile;
20 indecent behavior with juveniles; molestation of a juvenile or a person with a
21 physical or mental disability; simple, second degree, or aggravated kidnapping;
22 simple or aggravated arson; communicating of false information of planned arson;
23 simple or aggravated criminal damage to property; contamination of water supplies;

1 simple or aggravated burglary; criminal trespass; simple, first degree, or armed
2 robbery; purse snatching; extortion; theft; desecration of graves; institutional
3 vandalism; or assault by drive-by shooting.

4 * * *

5 E. As used in this Section:

6 (1) "Emergency medical services personnel" shall have the same meaning
7 ascribed to it by R.S. 40:1075.3.

8 (2) "Firefighter" means any firefighter regularly employed by a fire
9 department of any municipality, parish, or fire protection district of the state of
10 Louisiana.

11 (3) "Law enforcement officer" means any active or retired city, parish, or
12 state law enforcement officer, peace officer, sheriff, deputy sheriff, probation or
13 parole officer, marshal, deputy, wildlife enforcement agent, state correctional officer,
14 or commissioned agent of the Department of Public Safety and Corrections, as well
15 as any federal law enforcement officer or employee, whose permanent duties include
16 making arrests, performing search and seizures, execution of criminal arrest
17 warrants, execution of civil seizure warrants, any civil functions performed by
18 sheriffs or deputy sheriffs, enforcement of penal or traffic laws, or the care, custody,
19 control, or supervision of inmates.

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 953 Reengrossed 2016 Regular Session Lance Harris

Abstract: Amends definition of hate crimes to include selection of the victim based upon the status as a law enforcement officer, firefighter, or emergency medical services personnel.

Present law defines hate crimes as certain enumerated criminal offenses in which the victim is selected because of that person's actual or perceived race, age, gender, color, religion, ancestry, national origin, disability, creed, sexual orientation or organizational affiliation.

Proposed law retains present law and adds the victim is selected based upon their actual or perceived employment as a law enforcement officer, firefighter, or emergency medical

services personnel. Defines "emergency medical services personnel", "firefighter", and "law enforcement officer".

Present law provides that if the underlying offense is a misdemeanor, and the victim is selected in the proscribed manner, the offender may receive an additional consecutive sentence of imprisonment for not more than six months, a fine of not more than \$500, or both.

Present law provides that if the underlying offense is a felony, and the victim is selected in the proscribed manner, the offender may receive an additional consecutive sentence of imprisonment with or without hard labor for not more than five years, a fine of not more than \$5,000, or both.

(Amends R.S. 14:107.2(A); Adds R.S. 14:107.2(E))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Add emergency medical services personnel to the list of possible victims of this offense if they are selected based upon their actual or perceived employment.
2. Define "emergency medical services personnel".
3. Clarify language in the definition of "law enforcement officer" relative to the duties of those persons listed in the definition.
4. Make technical corrections.