

2018 Regular Session

SENATE BILL NO. 78

BY SENATOR GATTI

CRIME/PUNISHMENT. Creates the crime of battery of a utility service employee. (gov sig)

1 AN ACT

2 To enact R.S. 14:34.5.2, relative to the crime of battery; to create the crime of battery of a
3 utility service employee; to provide definitions; to provide penalties; and to provide
4 for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:34.5.2 is hereby enacted to read as follows:

7 **§34.5.2. Battery of a utility service employee**

8 **A. Battery of a utility service employee is a battery committed without**
9 **the consent of the victim when the offender has reasonable grounds to believe**
10 **the victim is a utility service employee acting in the performance of his**
11 **employment duties.**

12 **B. For purposes of this Section:**

13 **(1) "Utility service" means any electricity, gas, water, broadband, cable**
14 **television, or telecommunications service.**

15 **(2) "Utility service employee" means any uniformed, readily identifiable**
16 **employee of any utility service.**

17 **C.(1) Except as provided in Paragraph (2) of this Subsection, whoever**

1 **commits the crime of battery of a utility service employee shall be fined not**
 2 **more than five hundred dollars, or imprisoned for not less than fifteen days nor**
 3 **more than six months, or both. At least seventy-two hours of any sentence of**
 4 **imprisonment imposed shall be served without benefit of suspension of sentence.**

5 **(2) Whoever commits the crime of battery of a utility service employee**
 6 **when the battery produces an injury that requires medical attention shall be**
 7 **fined not more than five thousand dollars, or imprisoned, with or without hard**
 8 **labor, for not less than one year nor more than five years, or both.**

9 Section 2. This Act shall become effective upon signature by the governor or, if not
 10 signed by the governor, upon expiration of the time for bills to become law without signature
 11 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 12 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 13 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 78 Original

2018 Regular Session

Gatti

Proposed law creates the crime of battery of a utility service employee. Proposed law defines battery of a utility service employee as a battery committed without the consent of the victim when the offender has reasonable grounds to believe the victim is a utility service employee acting in the performance of his employment duties.

Proposed law provides the following definitions:

- (1) "Utility service" means any electricity, gas, water, broadband, cable television, or telecommunications service.
- (2) "Utility service employee" means any uniformed, readily identifiable employee of any utility service.

Proposed law provides that whoever commits the crime of battery of a utility service employee is to be fined up to \$500, or imprisoned for between 15 days and six months, or both. Proposed law further provides that at least 72 hours of any sentence of imprisonment must be served without benefit of suspension of sentence. However, proposed law provides that if the battery produces an injury requiring medical attention, the offender is to be fined up to \$5,000, or imprisoned with or without hard labor for between one and five years, or both.

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

(Adds R.S. 14:34.5.2)