

2020 Regular Session

HOUSE BILL NO. 150

BY REPRESENTATIVE BACALA

CRIME/BATTERY: Amends the crime of battery of a police officer to include the throwing of water, other liquids, or human waste

1 AN ACT

2 To amend and reenact R.S. 14:34.2(A)(3), relative to battery of a police officer; to provide
3 relative to the elements of the crime of battery of a police officer; to specify that the
4 crime includes the throwing of water and other liquids; to remove the requirement
5 that the offender be incarcerated or detained at the time of the throwing; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:34.2(A)(3) is hereby amended and reenacted to read as follows:

9 §34.2. Battery of a police officer

10 A.

11 * * *

12 (3) For purposes of this Section, "battery of a police officer" includes the use
13 of force or violence upon the person of the police officer by throwing water or any
14 other liquid, feces, urine, blood, saliva, or any form of human waste ~~by an offender~~
15 ~~while the offender is incarcerated by a court of law and is being detained in any jail,~~
16 ~~prison, correctional facility, juvenile institution, temporary holding center, halfway~~
17 ~~house, or detention facility.~~

18 * * *

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 150 Original

2020 Regular Session

Bacala

Abstract: Expands the crime of battery of a police officer to include the throwing of water or other liquids and removes the requirement that the offender be incarcerated or detained at the time of the throwing for the offense to apply.

Present law provides for the crime of battery of a police officer and defines the offense as a battery committed without the consent of the victim when the offender has reasonable grounds to believe the victim is a police officer acting in the performance of his duty.

Present law provides that, for purposes of present law, "battery of a police officer" includes the use of force or violence upon the person of the police officer by throwing feces, urine, blood, saliva, or any form of human waste by an offender while the offender is incarcerated by a court of law and is being detained in any jail, prison, correctional facility, juvenile institution, temporary holding center, halfway house, or detention facility.

Proposed law expands the definition of "battery of a police officer" to include the throwing of water or other liquids and removes the requirement that the offender be incarcerated or detained at the time of the throwing for the offense to apply.

Proposed law otherwise retains present law including the penalties which include a fine of not more than \$500 and imprisoned not less than 15 days nor more than six months without benefit of suspension of sentence; and if the battery produces an injury that requires medical attention, a fine of not more than \$1,000 or imprisoned with or without hard labor for not less than one year nor more than five years (with a 30-day minimum mandatory), or both.

(Amends R.S. 14:34.2(A)(3))