

2018 Regular Session

HOUSE BILL NO. 446

BY REPRESENTATIVES FALCONER, BILLIOT, TERRY BROWN, CARMODY,
DWIGHT, HODGES, HOFFMANN, NANCY LANDRY, MACK, AND STAGNI

CRIME/MISDEMEANOR: Provides relative to the failure to seek medical assistance when
reckless behavior results in serious bodily injury

1 AN ACT

2 To enact R.S. 14:502, relative to offenses against the person; to provide relative to the
3 failure of a person to seek assistance when another person suffers serious bodily
4 injury; to provide for elements of the offense; to provide for definitions; to provide
5 for criminal penalties; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:502 is hereby enacted to read as follows:

8 §502. Failure to seek assistance

9 A.(1) Any person at the scene of an emergency who knows that another
10 person is exposed to or has suffered serious bodily injury shall, to the extent that the
11 person can do so without danger or peril to self or others, give reasonable assistance
12 to the exposed or injured person. Reasonable assistance includes immediately
13 seeking or reporting the need for medical assistance from an appropriate authority.

14 (2) Any person who engages in reckless behavior that results in the serious
15 bodily injury of any person shall, to the extent that the person can do so without
16 danger or peril to self or others, give reasonable assistance to the exposed person.
17 Reasonable assistance includes immediately seeking or reporting the need for
18 medical assistance from an appropriate authority.

19 B. For purposes of this Section:

- 1 (1) "Appropriate authority" includes:
- 2 (a) Any state or local law enforcement agency.
- 3 (b) A 911 Public Safety Answering Point as defined in Title 33 of the
- 4 Louisiana Revised Statutes of 1950.
- 5 (c) Emergency medical personnel.
- 6 (2) "Reckless behavior" means an activity or behavior in which a reasonable
- 7 person knew or reasonably should have known that the activity or behavior may
- 8 result in injury to another, including but not limited to excessive consumption of
- 9 alcohol, binge drinking, drag racing, consumption of any controlled dangerous
- 10 substance, acts of hazing, or other similar activity, including activity which is
- 11 defined as a criminal offense under this Title.
- 12 (3) "Serious bodily injury" means bodily injury that involves
- 13 unconsciousness, extreme physical pain, or protracted and obvious disfigurement,
- 14 or protracted loss or impairment of the function of a bodily member, organ, or
- 15 mental faculty, death, or a substantial risk of death.
- 16 C. Any person who violates the provisions of this Section shall be fined not
- 17 more than one thousand dollars, imprisoned for not more than six months, or both.

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 446 Reengrossed

2018 Regular Session

Falconer

Abstract: Prohibits the failure to seek medical assistance for a person who has suffered or is exposed to serious bodily injury or when reckless behavior results in serious bodily injury of any person.

Proposed law requires the following:

- (1) Any person at the scene of an emergency who knows that another person is exposed to or has suffered serious bodily injury shall, to the extent that the person can do so without danger or peril to self or others, give reasonable assistance to the exposed or injured person.
- (2) Any person who engages in reckless behavior that results in the serious bodily injury of any person shall, to the extent that the person can do so without danger or peril to self or others, give reasonable assistance to the exposed person.

Proposed law provides that reasonable assistance includes immediately seeking or reporting the need for medical assistance from an appropriate authority which is defined by proposed law to include any state or local law enforcement agency, a 911 Public Safety Answering Point, and emergency medical personnel.

Proposed law provides that any person who intentionally or knowingly fails to immediately seek or report the need for assistance pursuant to the provisions of proposed law shall be subject to a fine of up to \$1,000, imprisonment for up to six months, or both.

Proposed law provides for definitions of "reckless behavior" and "serious bodily injury".

(Adds R.S. 14:502)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Remove from proposed law the requirement that any person who is in the presence of and associated with another person or persons who are engaged in reckless behavior that results in the serious bodily injury of another person immediately seek or report the need for medical assistance from an appropriate authority.

The House Floor Amendments to the engrossed bill:

1. Amend the elements of the proposed law crime to provide as follows:
 - (a) Any person at the scene of an emergency who knows that another person is exposed to or has suffered serious bodily injury shall, to the extent that the person can do so without danger or peril to self or others, give reasonable assistance to the exposed or injured person.
 - (b) Any person who engages in reckless behavior that results in the serious bodily injury of any person shall, to the extent that the person can do so without danger or peril to self or others, give reasonable assistance to the exposed person.
2. Provide that reasonable assistance includes immediately seeking or reporting the need for medical assistance from an "appropriate authority" as defined by proposed law.
3. Amend the definition of "reckless behavior" to define the activity or behavior on the basis of the standard of a reasonable person and to provide that excessive consumption of alcohol and consumption of any controlled dangerous substance are included in the definition of "reckless behavior".
4. Define "serious bodily injury" as bodily injury that involves unconsciousness, extreme physical pain, or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, death, or a substantial risk of death.
5. Increase the proposed maximum fine from \$500 to \$1,000.