

ACT No. 2

2019 Regular Session

HOUSE BILL NO. 25

BY REPRESENTATIVE MCMAHEN

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AN ACT

To amend and reenact R.S. 14:34.4(B)(2), 52.2(E), and 92.2(A)(4) and R.S. 15:1212(B)(4), to enact R.S. 14:2(C), and to repeal R.S. 14:34.1(B)(3), 34.7(B)(3), 34.9(B)(4), 35.3(B)(6), 39.2(C), 43.2(B), 64.4(A)(2), 93.2.3(A)(2), 100(B)(2), 102.12(4), 102.22(B)(2), 108.1(E)(2)(b), 231(D)(4), 403(A)(1)(b)(ii), 403.7(B)(4), and 502(B)(3), relative to the definition of "serious bodily injury"; to provide a universal definition of "serious bodily injury" for purposes of Title 14 of the Louisiana Revised Statutes of 1950; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:34.4(B)(2), 52.2(E), and 92.2(A)(4) are hereby amended and reenacted and R.S. 14:2(C) is hereby enacted to read as follows:

§2. Definitions

* * *

C. For purposes of this Title, "serious bodily injury" means bodily injury which involves unconsciousness; extreme physical pain; protracted and obvious disfigurement; protracted loss or impairment of the function of a bodily member, organ, or mental faculty; or a substantial risk of death. For purposes of R.S. 14:403, "serious bodily injury" shall also include injury resulting from starvation or malnutrition.

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§34.4. Battery of a school or recreation athletic contest official

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B.

* * *

1 (2) Whoever commits the crime of battery of a school or recreation athletic
 2 contest official which results in serious bodily injury to the victim as defined in R.S.
 3 ~~14:34.1(B)(3)~~ shall be fined not less than one thousand dollars and not more than
 4 five thousand dollars and imprisoned for not less than ten days nor more than six
 5 months.

* * *

7 §52.2. Negligent arson

* * *

9 E. Whoever commits the crime of negligent arson resulting in death or
 10 serious bodily injury to a human being shall be fined not more than five thousand
 11 dollars and imprisoned, with or without hard labor, for not more than five years. In
 12 addition, the offender shall be ordered to pay restitution for damages sustained. ~~For~~
 13 ~~the purposes of this Subsection, "serious bodily injury" means bodily injury that~~
 14 ~~involves unconsciousness, extreme physical pain or protracted and obvious~~
 15 ~~disfigurement, or protracted loss or impairment of the function of a bodily member,~~
 16 ~~organ, or mental faculty, or a substantial risk of death.~~

* * *

18 §92.2. Improper supervision of a minor by parent or legal custodian; penalty

19 A. Improper supervision of a minor by a parent or legal custodian, who has
 20 care and control of the minor, includes any of the following:

* * *

22 (4) Causing or permitting an unlicensed minor to drive a motor vehicle or
 23 power cycle upon any public road or highway in this state, in violation of R.S.
 24 32:416 and 417, when the unlicensed minor is involved in a collision which results
 25 in the serious bodily injury or death of another person. ~~For purposes of this~~
 26 ~~Paragraph, "serious bodily injury" means a bodily injury which involves~~
 27 ~~unconsciousness, protracted and obvious disfigurement, or protracted loss or~~
 28 ~~impairment of the function of a bodily member, organ, or mental faculty, or a~~
 29 ~~substantial risk of death.~~

* * *

1 Section 2. R.S. 15:1212(B)(4) is hereby amended and reenacted to read as follows:

2 §1212. Creation of database; functions

3 * * *

4 B. The commission shall be the central depository for all information
5 submitted for entry into the database by law enforcement agencies, correctional
6 agencies, and institutions and shall have the following functions, powers, and duties:

7 * * *

8 (4) To prepare and distribute, to all such persons and agencies, forms to be
9 used in reporting data to the database. The forms shall provide for detailed
10 information regarding the name of the law enforcement officer, the designated
11 position, the status of all P.O.S.T. certifications and decertifications related to
12 training and qualifications, the hire date, the final disposition of disciplinary actions
13 that result in involuntary termination, resignations in lieu of termination, resignations
14 pending an investigation, final judgments in civil cases related to civil rights
15 violations under the provisions of 42 U.S.C. 1983 or related to serious bodily injury
16 as defined in R.S. ~~14:34.1(B)~~ 14:2(C) or criminal cases related to the duties of a law
17 enforcement officer in the course and scope of his employment when the misconduct
18 of that specific law enforcement officer gave rise to the cause of action, and the date
19 of separation from service.

20 * * *

21 Section 3. R.S. 14:34.1(B)(3), 34.7(B)(3), 34.9(B)(4), 35.3(B)(6), 39.2(C), 43.2(B),
22 64.4(A)(2), 93.2.3(A)(2), 100(B)(2), 102.12(4), 102.22(B)(2), 108.1(E)(2)(b), 231(D)(4),
23 403(A)(1)(b)(ii), 403.7(B)(4), and 502(B)(3) are hereby repealed in their entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____