

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 or
15 firefighter: first or second degree murder; manslaughter; battery; aggravated battery;
16 second degree battery; aggravated assault with a firearm; terrorizing; mingling
17 harmful substances; simple or third degree rape, forcible or second degree rape, or
18 aggravated or first degree rape; sexual battery, second degree sexual battery; oral
19 sexual battery; carnal knowledge of a juvenile; indecent behavior with juveniles;
20 molestation of a juvenile or a person with a physical or mental disability; simple,

1 second degree, or aggravated kidnapping; simple or aggravated arson;
2 communicating of false information of planned arson; simple or aggravated criminal
3 damage to property; contamination of water supplies; simple or aggravated burglary;
4 criminal trespass; simple, first degree, or armed robbery; purse snatching; extortion;
5 theft; desecration of graves; institutional vandalism; or assault by drive-by shooting.

6 * * *

7 E. As used in this Section:

8 (1) "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, or any volunteer fireman of the state of Louisiana or certified emergency
11 medical practitioner as defined in R.S. 40:1131.

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

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 or firefighter.

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 or firefighter. Defines "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))