

2022 Regular Session

SENATE BILL NO. 36

BY SENATOR HENRY

CRIME/PUNISHMENT. Provides relative to penalties for the crime of simple assault.
(8/1/22)

1 AN ACT

2 To amend and reenact R.S. 14:38(B) and to enact R.S. 14:38(C), relative to the crime of
3 simple assault; to provide for increased penalties when the offense is committed
4 upon a store's employee during a theft; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:38(B) is hereby amended and reenacted and R.S. 14:38(C) is
7 hereby enacted to read as follows:

8 §38. Simple assault

9 * * *

10 **B. Except as provided in Subsection C of this Section, whoever** ~~Whoever~~
11 commits a simple assault shall be fined not more than two hundred dollars, or
12 imprisoned for not more than ninety days, or both.

13 **C. If the offense is committed upon a store's or merchant's employee**
14 **who is acting in the course and scope of his employment duties, while the**
15 **offender is engaged in the perpetration or attempted perpetration of theft, the**
16 **offender shall be fined not more than five hundred dollars and shall be**
17 **imprisoned for not less than fifteen days nor more than six months without the**

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benefit of suspension of sentence.

The original instrument was prepared by Whitney Kauffeld. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

DIGEST

SB 36 Reengrossed

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Henry

Present law defines simple assault as an assault committed without a dangerous weapon. Present law further provides that whoever commits the simple assault is to be fined not more than \$200, or imprisoned for not more than 90 days, or both.

Proposed law retains present law and adds that when the present law crime is committed upon a store's or merchant's employee who is acting in the course and scope of his employment duties while the offender is engaged in the perpetration or attempted perpetration of theft, the offender is to be fined not more than \$500 and imprisoned for not less than 15 days nor more than six months without the benefit of suspension of sentence.

Effective August 1, 2022.

(Amends R.S. 14:38(B); enacts R.S. 14:38(C))

Summary of Amendments Adopted by SenateSenate Floor Amendments to engrossed bill

1. Deletes "principal of the offense".
2. Technical changes.