
DIGEST

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LeBas

HB No. 1077

Abstract: Creates the crime of battery of emergency room personnel, emergency services personnel, or a healthcare professional, and amends the crime of obstructing a fireman to include emergency services personnel.

Proposed law creates the crime of battery of emergency room personnel, emergency services personnel, or a healthcare professional and defines the offense as:

- (1) Battery committed without the consent of the victim when the offender has reasonable grounds to believe that the victim is emergency room personnel, emergency services personnel, or a healthcare professional acting in the performance of his employment duties.
- (2) Includes the use of force or violence upon the person of emergency room personnel, emergency services personnel, or a healthcare professional by throwing feces, urine, blood, saliva, or any form of human waste by an offender while the offender is transported to or from a medical facility or while being evaluated in a medical facility.

Proposed law defines "emergency room personnel," "emergency services personnel," and "healthcare professional".

Proposed law provides for the following penalties for commission of the offense:

- (1) A fine of not more than \$1,000 and imprisonment for not less than 15 days nor more than six months. At least 48 hours shall be served without benefit of suspension of sentence.
- (2) If the battery produces an injury that requires medical attention, a fine of not more than \$5,000 and imprisonment with or without hard labor for not less than one year nor more than five years. At least five days of the sentence imposed shall be without benefit of suspension of sentence.

Present law provides for the crime of obstruction of a fireman which is the intentional hindering, delaying, hampering, interfering with, or impeding the progress of any regularly employed member of a fire department of any municipality, parish, or fire protection district of the state of La. or any volunteer fireman of the state of La. while in the performance of his official duties; or cursing, reviling, or using any opprobrious language directed at any such fireman while in the performance of his official duties.

Present law defines "fireman" as any certified first responders, certified emergency medical technicians, and any firefighter regularly employed by a fire department of any municipality, parish, or fire protection district of the state of La., or any volunteer fireman of the state of La.

Proposed law retains the present law definition as it relates to firefighters, but amends the definition to apply to all persons defined by present law as "emergency medical services personnel" or "emergency medical services practitioners" which includes licensed emergency medical responders, licensed emergency medical technicians, licensed advanced emergency medical technicians, licensed paramedics, and any person trained and certified or licensed to provide emergency medical care, whether on a paid or volunteer basis, as part of a basic life support or advanced life support pre-hospital emergency care service or in an emergency department or pediatric critical care or specialty unit in a licensed hospital.

(Amends R.S. 14:327(A)(2); Adds R.S. 14:34.8)