# SLS 17RS-217

### ORIGINAL

2017 Regular Session

SENATE BILL NO. 122

BY SENATOR WARD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME/PUNISHMENT. Provides relative to cruelty to juveniles committed by an employee of a child day care center. (gov sig)

1	AN ACT
2	To amend and reenact R.S. 14:93(D) and 93.2.3(C), relative to cruelty to juveniles; to
3	provide enhanced penalties for an offender who is an employee of a child day care
4	center; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 14:93(D) and 93.2.3(C) are hereby amended and reenacted to read
7	as follows:
8	§93. Cruelty to juveniles
9	* * *
10	D.(1) Whoever Except as provided in Paragraph (2) of this Subsection,
11	whoever commits the crime of cruelty to juveniles shall be fined not more than one
12	thousand dollars or imprisoned with or without hard labor for not more than ten
13	years, or both.
14	(2) Whoever commits the crime of cruelty to juveniles when the offender
15	is an owner, employee, volunteer, or agent of an early learning center, including
16	a child day care center, as defined in R.S. 17:407.33, acting in the course and
17	scope of the performance of his duties, shall be fined not less than five hundred

Page 1 of 3 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	<u>dollars nor more than one thousand dollars, or imprisoned with or without hard</u>
2	labor for not less than one year nor more than ten years, or both.
3	* * *
4	§93.2.3. Second degree cruelty to juveniles
5	* * *
6	C.(1) Whoever Except as provided in Paragraph (2) of this Subsection,
7	whoever commits the crime of second degree cruelty to juveniles shall be
8	imprisoned at hard labor for not more than forty years.
9	(2) Whoever commits the crime of second degree cruelty to juveniles
10	when the offender is an owner, employee, volunteer, or agent of an early
11	learning center, including a child day care center, as defined in R.S. 17:407.33,
12	acting in the course and scope of the performance of his duties, shall be
13	<u>imprisoned at hard labor for not less than five years nor more than forty years.</u>
4	Section 2. This Act shall become effective upon signature by the governor or, if not
15	signed by the governor, upon expiration of the time for bills to become law without signature
16	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
17	vetoed by the governor and subsequently approved by the legislature, this Act shall become
18	effective on the day following such approval.
	The original instrument and the following digest, which constitutes no part

of the legislative instrument, were prepared by Alden A. Clement Jr.

## SB 122 Original

#### DIGEST 2017 Regular Session

Ward

Present law provides that the crime of cruelty to juveniles is any of the following:

- (1) The intentional or criminally negligent mistreatment or neglect by anyone 17 years of age or older of any child under the age of 17 years whereby unjustifiable pain or suffering is caused to the child. Lack of knowledge of the child's age is not a defense.
- (2) The intentional or criminally negligent exposure by anyone 17 years of age or older of any child under the age of 17 years to a clandestine laboratory operation as defined by <u>present law</u> in a situation where it is foreseeable that the child may be physically harmed. Lack of knowledge of the child's age is not a defense.
- (3) The intentional or criminally negligent allowing of any child under the age of 17 years by any person over the age of 17 years to be present during the manufacturing, distribution, or purchasing or attempted manufacturing, distribution, or purchasing of a controlled dangerous substance in violation of present law (Uniform Controlled

Page 2 of 3

Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

Dangerous Substances Law). Lack of knowledge of the child's age is not a defense.

## Proposed law retains present law.

<u>Present law</u> provides that whoever commits the crime of cruelty to juveniles is to be fined up to \$1,000, or imprisoned with or without hard labor for up to 10 years, or both.

<u>Proposed law</u> retains <u>present law</u> and adds that if the offender is an owner, employee, volunteer, or agent of an early learning center, including a child day care center, as defined in <u>present law</u>, acting in the course and scope of the performance of his duties, he is to be fined between \$500 and \$1,000, or imprisoned with or without hard labor for between one year and 10 years, or both.

<u>Present law</u> provides that the crime of second degree cruelty to juveniles is the intentional or criminally negligent mistreatment or neglect by anyone over the age of 17 years to any child under the age of 17 years that causes serious bodily injury or neurological impairment to that child. <u>Present law</u> defines "serious bodily injury" as bodily injury involving protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or substantial risk of death.

## Proposed law retains present law.

<u>Present law</u> provides that whoever commits the crime of second degree cruelty to juveniles is to be imprisoned at hard labor for not more than 40 years.

<u>Proposed law</u> retains <u>present law</u> and adds that if the offender is an owner, employee, volunteer, or agent of an early learning center, including a child day care center, as defined in <u>present law</u>, acting in the course and scope of the performance of his duties, he is to be imprisoned at hard labor for not less than five years nor more than 40 years.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:93(D) and 93.2.3(C))