The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

DIGEST 2019 Regular Session

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The following present law offenses defined in Title 14 of the La. Revised Statutes of 1950 either require serious bodily injury as an element of the offense, or provide for enhanced penalties when the offense results in serious bodily injury: second degree battery; battery of a school or recreation athletic contest official; aggravated second degree battery; battery of a dating partner; domestic abuse battery; first degree vehicular negligent injury; criminal hazing; second degree sexual battery; human trafficking; negligent arson; second degree robbery; pornography involving juveniles; computer-aided solicitation of a minor; improper supervision of a minor by parent or legal custodian; retaliation by a minor against a parent; legal custodian, witness, or complainant; second degree cruelty to juveniles; hit-and-run driving; unlawful ownership of a vicious dog; harboring or concealing an animal which has bitten or inflicted serious bodily injury on a human; flight from an officer and aggravated flight from an officer; threatening a public official; false communication with the intent to cause an emergency response; terrorism; prohibition on counterfeit and nonfunctional air bags and air bag fraud; riot; inciting to riot; failure to comply with command to disperse; wrongful use of public property; prohibition on interference with educational process; abuse of children; failure to report a missing child; and failure to seek assistance. Present law does not provide a universal definition of "serious bodily injury" for purposes of these present law offenses, but instead defines "serious bodily injury" in the context of each present law offense.

<u>Proposed law</u> defines "serious bodily injury" for the purposes of these <u>present law</u> offenses as bodily injury that 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. <u>Proposed law</u> further provides that for purposes of the <u>present law</u> offense of abuse of children, "serious bodily injury" includes injury resulting from starvation or malnutrition.

Proposed law otherwise retains present law.

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<u>Present law</u> creates within the La. Commission on Law Enforcement and the Administration of Criminal Justice a Uniform Law Enforcement Statewide Reporting Database. <u>Present law</u> further provides that the commission's powers and duties include the preparation and distribution of forms to be used in reporting data to the database, which forms are to provide, among other things, for detailed information regarding final judgments in civil cases related to "serious bodily injury" as defined in present law relative to second degree battery.

<u>Proposed law</u> changes the applicable definition of "serious bodily injury" for purposes of <u>present law</u> <u>from</u> the definition contained in <u>present law</u> relative to second degree battery <u>to</u> the definition contained in <u>proposed law</u> defining "serious bodily injury" for purposes of Title 14 of the La. Revised Statutes of 1950.

Proposed law otherwise retains present law.

The following <u>present law</u> offenses defined in Title 32 of the Louisiana Revised Statutes of 1950 either require serious bodily injury as an element of the offense, or provide for enhanced penalties when the offense results in serious bodily injury: drag racing and racing on public roads and certain property; overtaking and passing school buses; stop sign and yield sign violations; allowing unlicensed persons under the age of 17 to drive; and refusal to submit to chemical test. <u>Present law</u> does not provide a universal definition of "serious bodily injury" for purposes of these <u>present law</u> offenses, but instead defines "serious bodily injury" in the context of each <u>present law</u> offense.

<u>Proposed law</u> defines "serious bodily injury" for the purposes of these <u>present law</u> offenses as bodily injury that 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.

Proposed law otherwise retains present law.

<u>Present law</u> requires the operator of any motor vehicle or watercraft involved in a collision, crash, or other casualty in which a fatality occurs to be administered a chemical test of his blood, urine, or other bodily substance for the purposes of determining the presence of any abused or controlled dangerous substance.

<u>Proposed law</u> extends this <u>present law</u> requirement to the operator of any motor vehicle or watercraft involved in a collision, crash, or other casualty in which a serious bodily injury occurs.

<u>Present law</u> requires that the test or tests to be administered to the operator of any motor vehicle or watercraft involved in a collision, crash, or other casualty in which a fatality occurs be administered at the direction of a law enforcement officer having reasonable grounds to believe the person driving or in actual physical control of a motor vehicle or watercraft involved in a collision, crash, or other casualty in which a fatality occurs.

<u>Proposed law</u> extends this <u>present law</u> requirement to the person driving or in actual physical control of a motor vehicle or watercraft involved in a collision, crash, or other casualty in which a serious bodily injury occurs to determine the presence of any abused substance or controlled dangerous substance.

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

(Amends R.S. 14:34.4(B)(2), 52.2(E) and 92.2(A)(4), R.S. 15:1212(B)(4), and R.S. 32:402(B)(1)(c)(ii), 417(E)(2), 666(A)(1)(a)(i) and 681(A) and (B); adds R.S. 14:2(C) and R.S. 32:1.1; repeals 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) and R.S. 32:65(D)(2)(b), 80(A)(4)(c), and 123(E)(2))