

Regular Session, 2012

HOUSE BILL NO. 18

BY REPRESENTATIVE JAY MORRIS AND SENATOR KOSTELKA

CRIME/BATTERY: Increases penalties for certain crimes of battery when committed on U.S. servicemen and disabled veterans

1 AN ACT

2 To amend and reenact R.S. 14:34, 34.1(B) and (C), and 34.7, relative to the crime of battery;
3 to provide for increased penalties for certain crimes of battery when the victim is an
4 active member of the United States Armed Forces or a disabled veteran of the United
5 States Armed Forces; to provide for definitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:34, 34.1(B) and (C), and 34.7 are hereby amended and reenacted
8 to read as follows:

9 §34. Aggravated battery

10 A. Aggravated battery is a battery committed with a dangerous weapon.

11 B. Whoever commits an aggravated battery shall be fined not more than five
12 thousand dollars, imprisoned with or without hard labor for not more than ten years,
13 or both. At least one year of the sentence imposed shall be served without benefit
14 of parole, probation, or suspension of sentence if the offender knew or should have
15 known that the victim is an active member of the United States Armed Forces or is
16 a disabled veteran and the aggravated battery was committed because of that status.

17 C. For purposes of this Section, the following words shall have the following
18 meanings:

19 (1) "Active member of the United States Armed Forces" shall mean an active
20 member of the United States Army, the United States Marine Corps, the United
21 States Navy, the United States Air Force, the United States Coast Guard, or the
22 National Guard.

1 §34.7. Aggravated second degree battery

2 A.~~(1)~~ Aggravated second degree battery is a battery committed with a
3 dangerous weapon when the offender intentionally inflicts serious bodily injury.

4 ~~(2)~~B. For purposes of this Section, the following words shall have the
5 following meanings:

6 (1) "Active member of the United States Armed Forces" shall mean an active
7 member of the United States Army, the United States Marine Corps, the United
8 States Navy, the United States Air Force, the United States Coast Guard, or the
9 National Guard.

10 (2) "Disabled veteran" shall mean a veteran member of the United States
11 Army, the United States Marine Corps, the United States Navy, the United States Air
12 Force, the United States Coast Guard, or the National Guard who is disabled as
13 determined by the United States Department of Veteran Affairs.

14 (3) ~~serious~~ Serious bodily injury" means bodily injury which involves
15 unconsciousness, extreme physical pain or protracted and obvious disfigurement, or
16 protracted loss or impairment of the function of a bodily member, organ, or mental
17 faculty, or a substantial risk of death.

18 B.~~C.~~ Whoever commits the crime of aggravated second degree battery shall
19 be fined not more than ten thousand dollars or imprisoned, with or without hard
20 labor, for not more than fifteen years, or both. At least one year of the sentence
21 imposed shall be served without benefit of parole, probation, or suspension of
22 sentence if the offender knew or should have known that the victim is an active
23 member of the United States Armed Forces or is a disabled veteran and the
24 aggravated second degree battery was committed because of that status.

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)]

Jay Morris

HB No. 18

Abstract: Increases penalties for certain crimes of battery when the victim is an active member of the armed forces or a disabled veteran.

Present law provides for the crimes of aggravated battery, second degree battery, and aggravated second degree battery.

Proposed law retains present law and adds to each of these crimes a minimum mandatory sentence of one year if the offender knew or should have known that the victim is an active member of the United States Armed Forces or is a disabled veteran and the battery was committed because of that status.

Proposed law defines "active member of the United States Armed Forces" and "disabled veteran".

(Amends R.S. 14:34, 34.1(B) and (C), and 34.7)

Summary of Amendments Adopted by House

1. Changed the intent provisions of proposed law to provide that the offender knew or should have known that the victim was an active member of the U.S. Armed Forces or a disabled veteran.
2. Added requirement that the battery occurred as a result of the status of the victim as an active member of the U.S. Armed Forces or a disabled veteran.