

Regular Session, 2012

ACT No. 40

HOUSE BILL NO. 18

BY REPRESENTATIVE JAY MORRIS AND SENATOR KOSTELKA

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.

23 (2) "Disabled veteran" shall mean a veteran member of the United States
24 Army, the United States Marine Corps, the United States Navy, the United States Air

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

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

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____