

Regular Session, 2014

# ACT No. 664

HOUSE BILL NO. 1077 (Substitute for House Bill No. 1027 by Representative LeBas)

BY REPRESENTATIVES LEBAS, ARMES, BILLIOT, GUILLORY, HUNTER, JEFFERSON, ST. GERMAIN, PATRICK WILLIAMS, AND WILLMOTT AND SENATORS GUILLORY, KOSTELKA, MILLS, AND WHITE

1 AN ACT

2 To amend and reenact R.S. 14:327(A)(2) and to enact R.S. 14:34.8, relative to crimes  
3 involving certain medical personnel; to create the crime of battery of emergency  
4 room personnel, emergency services personnel, or a healthcare professional; to  
5 provide for criminal penalties; to provide for definitions; to amend the crime of  
6 obstructing a fireman to include certain emergency services personnel; and to  
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:327(A)(2) is hereby amended and reenacted and R.S. 14:34.8 is  
10 hereby enacted to read as follows:

11 §34.8. Battery of emergency room personnel, emergency services personnel, or a  
12 healthcare professional

13 A.(1) Battery of emergency room personnel, emergency services personnel,  
14 or a healthcare professional is battery committed without the consent of the victim  
15 when the offender has reasonable grounds to believe that the victim is emergency  
16 room personnel, emergency services personnel, or a healthcare professional acting  
17 in the performance of his employment duties.

18 (2) The use of force of violence upon the person of emergency room  
19 personnel, emergency services personnel, or a healthcare professional by throwing  
20 feces, urine, blood, saliva, or any form of human waste by an offender while the  
21 offender is transported to or from a medical facility or while being evaluated or  
22 treated in a medical facility shall also constitute battery of emergency room  
23 personnel, emergency services personnel, or a healthcare professional.

1                    B. For purposes of this Section:

2                    (1) "Emergency room personnel" includes a person in a hospital emergency  
 3                    department who, in the course and scope of his employment or as a volunteer,  
 4                    provides services or medical care, or who assists in the providing of services or  
 5                    medical care, for the benefit of the general public during emergency situations.  
 6                    "Emergency room personnel" shall include but not be limited to any healthcare  
 7                    professional, emergency department clerk, emergency department technician,  
 8                    student, and emergency department volunteer working in the hospital emergency  
 9                    department.

10                   (2) "Emergency services personnel" means any "emergency medical services  
 11                   personnel" as defined by R.S. 40:1300.103 or any "EMS practitioners" as defined by  
 12                   R.S. 40:1231.

13                   (3) "Healthcare professional" means a person licensed or certified by this  
 14                   state to provide healthcare or professional services as a physician, physician  
 15                   assistant, dentist, registered or licensed practical nurse or certified nurse assistant,  
 16                   advanced practice registered nurse, certified emergency medical technician,  
 17                   paramedic, certified registered nurse anesthetist, nurse practitioner, respiratory  
 18                   therapist, clinical nurse specialist, pharmacist, optometrist, podiatrist, chiropractor,  
 19                   physical therapist, occupational therapist, licensed radiologic technologist, licensed  
 20                   clinical laboratory scientist, licensed professional counselor, certified social worker,  
 21                   or psychologist.

22                   C.(1) Whoever commits the crime of battery of emergency room personnel,  
 23                   emergency services personnel, or a healthcare professional shall be fined not more  
 24                   than one thousand dollars and imprisoned for not less than fifteen days nor more than  
 25                   six months. At least forty-eight hours of the sentence imposed shall be without  
 26                   benefit of suspension of sentence.

27                   (2) If the battery produces an injury that requires medical attention, the  
 28                   offender shall be fined not more than five thousand dollars and imprisoned with or

