Regular Session, 2011

HOUSE BILL NO. 199

BY REPRESENTATIVE BURFORD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana. CRIME: Provides with respect to assault and battery of a utility service employee

1	AN ACT
2	To amend and reenact R.S. 14:37.5(C) and to enact R.S. 14:34.5.2, relative to crimes
3	committed against utility service employees; to create the crime of battery of a utility
4	service employee; to provide for definitions; to provide criminal penalties; to provide
5	for increased penalties for aggravated assault upon a utility service employee; and
6	to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 14:37.5(C) is hereby amended and reenacted and R.S. 14:34.5.2 is
9	hereby enacted to read as follows:
10	<u>§34.5.2. Battery of a utility service employee</u>
11	A. Battery of a utility service employee is a battery committed without the
12	consent of the victim when the offender has reasonable grounds to believe the victim
13	is a utility service employee acting in the performance of his employment duties.
14	B. For purposes of this Section:
15	(1) "Utility service" means any electricity, gas, water, broadband, cable
16	television, or telecommunications service.
17	(2) "Utility service employee" means any uniformed, readily identifiable
18	employee of any utility service.
19	C. Whoever commits the crime of battery of a utility service employee shall
20	be fined not more than five hundred dollars, imprisoned for not less than fifteen days

1	nor more than six months, or both. At least seventy-two hours of the sentence
2	imposed shall be served without benefit of suspension of sentence. If the battery
3	produces an injury which requires medical attention, the offender shall be fined not
4	more than five thousand dollars, imprisoned with or without hard labor for not less
5	than one year nor more than five years, or both.
6	* * *
7	§37.5. Aggravated assault upon a utility service employee with a firearm
8	* * *
9	C. Whoever commits an aggravated assault upon a utility service employee
10	with a firearm shall be fined not more than two five thousand dollars, or imprisoned
11	for not less than one year two years nor more than three five years, with or without
12	hard labor, or both.

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)]

Burford

HB No. 199

Abstract: Creates the crime of battery on a utility service employee and increases the penalties for the crime of aggravated assault with a firearm upon a utility service employee.

<u>Present law</u> provides for the elements of the crime of aggravated assault upon a utility service employee with a firearm.

Proposed law retains present law.

<u>Present law</u> provides penalties of a fine of not more than \$2,000, imprisonment for not less than one year nor more than three years, with or without hard labor, or both.

<u>Proposed law</u> increases the penalty provisions <u>from</u> a fine of not more than \$2,000 to a fine of not more than \$5,000 and imprisonment <u>from</u> not less than one year to more than three years to not less than two years to more than five years.

Proposed law creates the crime of battery of a utility service employee.

Proposed law defines "utility service" and "utility service employee".

<u>Proposed law</u> provides penalties including a fine of not more than \$500, imprisonment for not less than 15 days nor more than six months, or both. At least 72 hours of the sentence imposed shall be served without benefit of suspension of sentence. If the battery produces an injury which requires medical attention, the offender shall be fined not more than \$5,000,

imprisoned with or without hard labor for not less than one year nor more than five years, or both.

(Amends R.S. 14:37.5(C); Adds R.S. 14:34.5.2)