

Regular Session, 2010

HOUSE BILL NO. 27

BY REPRESENTATIVE HARDY

CRIME/ABUSE: Amends penalties for cruelty to juveniles when the offense involves exposure of children to controlled dangerous substances

1 AN ACT

2 To amend and reenact R.S. 14:93(D), relative to cruelty to juveniles; to amend the penalties
3 for cruelty to juveniles when the offense involves exposure to controlled dangerous
4 substances and the victim is under the age of twelve; to provide for substance abuse
5 treatment; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:93(D) is hereby amended and reenacted to read as follows:

8 §93. Cruelty to juveniles

9 * * *

10 D.(1) ~~Whoever~~ Except as provided for in Paragraph (2) of this Subsection,
11 whoever commits the crime of cruelty to juveniles shall be fined not more than one
12 thousand dollars or imprisoned with or without hard labor for not more than ten
13 years, or both.

14 (2)(a) Whoever commits the crime of cruelty to juveniles by violating the
15 provisions of Paragraph (A)(3) of this Section when the victim is under the age of
16 twelve shall be fined not more than one thousand dollars, or imprisoned, with or
17 without hard labor, for not less than five nor more than ten years, or both.

18 (b) At least five years of the sentence imposed shall be served without
19 benefit of probation, parole, or suspension of sentence unless the offender complies
20 with either of the following requirements:

1 (i) The offender shall immediately undergo an evaluation by the Department
 2 of Health and Hospitals to determine the nature and extent of the offender's
 3 substance abuse disorder and shall participate in and complete any treatment plan
 4 recommended by the Department of Health and Hospitals, which may include
 5 treatment in an inpatient facility approved by the department for a period of time
 6 recommended by the department, outpatient treatment services for a period of time
 7 not to exceed thirty-six months, or a combination of both.

8 (ii) The offender shall participate in and complete substance abuse treatment
 9 in an alcohol and drug abuse program provided by a drug division pursuant to the
 10 provisions of R.S. 13:5301 et seq. if the offender is otherwise eligible to participate
 11 in such program.

12 (c) If the offender is placed on probation pursuant to the provisions of
 13 Subparagraph (b) of this Paragraph and fails to complete the substance abuse
 14 treatment required by the provisions of Subparagraph (b) of this Paragraph, or
 15 violates any other condition of probation, his probation may be revoked, and he may
 16 be ordered to serve the balance of the sentence of imprisonment, without credit for
 17 time served in treatment.

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)]

Hardy

HB No. 27

Abstract: Provides for a minimum mandatory sentence for cruelty to juveniles when the offense involves exposure to controlled dangerous substances, and the victim is under the age of 12, unless the offender submits to and completes substance abuse treatment.

Present law provides criminal penalties for the crime of cruelty to juveniles including a fine of not more than \$1,000, imprisonment with or without hard labor for not more than 10 years, or both.

Proposed law amends present law penalties to provide for a minimum mandatory sentence of five years for cruelty to juveniles when the offense involves exposure to controlled dangerous substances, and the victim is under the age of 12, unless the offender complies with either of the following requirements:

- (1) The offender shall undergo an evaluation by DHH to determine the nature and extent of the offender's substance abuse disorder and shall participate in and complete any treatment plan recommended by DHH, which may include treatment in an inpatient facility, outpatient treatment services for a period of time not to exceed three years, or a combination of both.
- (2) Substance abuse treatment in an alcohol and drug abuse program provided by a drug court.

Proposed law further provides that if the offender fails to complete substance abuse treatment or violates any other condition of probation, his probation may be revoked, and he may be ordered to serve the balance of the sentence imposed, without credit for time served in treatment.

(Amends R.S. 14:93(D))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Provided for an exception to the minimum mandatory sentence if the offender completes specified substance abuse treatment programs.