

Regular Session, 2010

HOUSE BILL NO. 762

BY REPRESENTATIVE ROY

CRIME: Provides for a minimum mandatory sentence of one year for intentional and malicious acts of cruelty to the infirmed

1 AN ACT

2 To amend and reenact R.S. 14:93.3(E)(1), relative to the crime of cruelty to the infirmed; to
3 provide for a minimum mandatory term of imprisonment for intentional and
4 malicious acts of cruelty to the infirmed; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:93.3(E)(1) is hereby amended and reenacted to read as follows:

7 §93.3. Cruelty to the infirmed

8 * * *

9 E.(1) Whoever commits the crime of cruelty to any infirmed person, disabled
10 adult, or aged person shall be fined not more than ten thousand dollars or imprisoned
11 with or without hard labor for not more than ten years, or both. At least six months
12 of the sentence imposed shall be served without benefit of parole, probation, or
13 suspension of sentence when the act of cruelty to the infirmed was intentional and
14 malicious.

15 * * *

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)]

Roy

HB No. 762

Abstract: Provides for a minimum mandatory sentence of one year imprisonment for intentional and malicious acts of cruelty to the infirmed.

Present law defines cruelty to the infirmed as the intentional or criminally negligent mistreatment or neglect by any person, including a caregiver, whereby unjustifiable pain, malnourishment, or suffering is caused to the infirmed, a disabled adult, or an aged person, including but not limited to a person who is a resident of a nursing home, mental retardation facility, mental health facility, hospital, or other residential facility.

Present law further provides that whoever commits the crime of cruelty to any infirmed person, disabled adult, or aged person shall be fined not more than \$10,000, imprisoned with or without hard labor for not more than 10 years, or both.

Proposed law provides that if the act is intentional and malicious, the offender shall serve six months of the sentence of imprisonment imposed without benefit of parole, probation, or suspension of sentence.

(Amends R.S. 14:93.3(E)(1))

Summary of Amendments Adopted by House

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

1. Changed the period of time required to be served without benefit of parole, probation, or suspension of sentence from one year to six months.
2. Added the requirement that the act be malicious in order for the offender to serve the minimum mandatory sentence of six months.