

SENATE BILL NO. 121

BY SENATORS KOSTELKA, GUILLORY, MILLS, PERRY, ALARIO, ALLAIN, APPEL, BROOME, BUFFINGTON, CORTEZ, CROWE, LONG, MARTINY, MURRAY, NEVERS, PEACOCK, RISER, JOHN SMITH, TARVER, THOMPSON, WALSWORTH AND WHITE

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AN ACT

To amend and reenact R.S. 14:35.3(G)(2) and to enact R.S. 14:37.7, relative to assault and battery affecting domestic household members; to create the crime of domestic abuse aggravated assault; to provide for enhancement of penalties when a minor under the age of thirteen is present during the commission of the crime; to provide relative to the cleansing period for prior domestic abuse battery convictions; to provide for definitions; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:35.3(G)(2) is hereby amended and reenacted and R.S. 14:37.7 is hereby enacted to read as follows:

§35.3. Domestic abuse battery

\* \* \*

G.(1)

\* \* \*

(2) For purposes of this Section, a prior conviction shall not include a conviction for an offense under this Section if **the date of completion of sentence, probation, parole, or suspension of sentence is** committed more than ten years prior to the commission of the crime **for with** which the defendant is **being tried charged**, and such conviction shall not be considered in the assessment of penalties hereunder. However, periods of time during which the offender was incarcerated in a penal institution in this or any other state shall be excluded in computing the ten-year period.

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**§37.7. Domestic abuse aggravated assault**

**A. Domestic abuse aggravated assault is an assault with a dangerous weapon committed by one household member upon another household member.**

1                    **B. For purposes of this Section, "household member" means any person**  
2                    **of the opposite sex presently living in the same residence, or living in the same**  
3                    **residence within five years of the occurrence of the domestic abuse aggravated**  
4                    **assault, with the defendant as a spouse, whether married or not, or any child**  
5                    **presently living in the same residence or living in the same residence within five**  
6                    **years immediately prior to the occurrence of the domestic abuse aggravated**  
7                    **assault, or any child of the offender regardless of where the child resides.**

8                    **C. Whoever commits the crime of domestic abuse aggravated assault**  
9                    **shall be imprisoned at hard labor for not less than one year nor more than five**  
10                   **years and fined not more than five thousand dollars.**

11                   **D. This Subsection shall be cited as the "Domestic Abuse Aggravated**  
12                   **Assault Child Endangerment Law". When the state proves, in addition to the**  
13                   **elements of the crime as set forth in Subsection A of this Section, that a minor**  
14                   **child thirteen years of age or younger was present at the residence or any other**  
15                   **scene at the time of the commission of the offense, the mandatory minimum**  
16                   **sentence imposed by the court shall be two years imprisonment at hard labor**  
17                   **without benefit of parole, probation, or suspension of sentence.**

18                   Section 2. This Act shall become effective upon signature by the governor or, if not  
19                   signed by the governor, upon expiration of the time for bills to become law without signature  
20                   by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
21                   vetoed by the governor and subsequently approved by the legislature, this Act shall become  
22                   effective on the day following such approval.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_