

2018 Regular Session

SENATE BILL NO. 215

BY SENATOR MILKOVICH

CRIME/PUNISHMENT. Increases the penalty for second degree battery. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 14:34.1(C), relative to the crime of second degree battery; to  
3 increase the possible fine and term of imprisonment for second degree battery; to  
4 provide enhanced penalties for second degree battery when the crime is committed  
5 by one or more blows to the head or when two or more offenders jointly commit a  
6 battery upon the victim; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:34.1(C) is hereby amended and reenacted to read as follows:

9 §34.1. Second degree battery

10 \* \* \*

11 C.~~(1)~~ Whoever **Except as provided in Paragraph (2) of this Subsection,**  
12 **whoever** commits the crime of second degree battery shall be fined not more than  
13 two thousand **five hundred** dollars or imprisoned, with or without hard labor, for not  
14 more than ~~eight~~ **twelve** years, or both.

15 **(2) Whoever commits the crime of second degree battery when the**  
16 **offense is committed by one or more blows to the head, or when the offense is**  
17 **committed jointly by two or more offenders, shall be imprisoned, with or**

1           **without hard labor, for not less than five years nor more than twelve years.**

2           (3) At least eighteen months of ~~the~~ **any** sentence **of imprisonment** imposed  
3           **pursuant to this Subsection, or the entire sentence if less than eighteen months,**  
4           shall be served without benefit of parole, probation, or suspension of sentence if the  
5           offender knew or should have known that the victim is an active member of the  
6           United States Armed Forces or is a disabled veteran and the second degree battery  
7           was committed because of that status.

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

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Alden A. Clement Jr.

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DIGEST

SB 215 Original

2018 Regular Session

Milkovich

Present law defines second degree battery as a battery committed when the offender intentionally inflicts serious bodily injury, except that this provision of present law does not apply to a medical provider who has obtained the consent of a patient.

Proposed law retains present law.

Present law provides that second degree battery is punishable by a fine of up to \$2,000, or imprisonment with or without hard labor for up to eight years, or both.

Proposed law increases the possible fine for second degree battery to \$2,500 and increases the possible imprisonment term to 12 years. Proposed law further provides that when the second degree battery is committed by one or more blows to the head or when the offense is committed jointly by two or more offenders, it is punishable by imprisonment, with or without hard labor, for between five and 12 years.

Present law provides that at least 18 months of any penalty of imprisonment for a violation of present law must be served without benefit of parole, probation, or suspension of sentence if the offender knew or should have known that the victim is an active member of the U.S. Armed Forces or is a disabled veteran and the second degree battery was committed because of that status.

Proposed law retains present law and also makes present law applicable to proposed law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:34.1(C))