

Regular Session, 2013

SENATE BILL NO. 70

BY SENATOR KOSTELKA

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME/PUNISHMENT. Provides relative to the crime of domestic abuse battery. (gov sig)

1 AN ACT

2 To enact R.S. 14:35.3(B)(4) and (M), relative to the crime of domestic abuse battery; to
3 provide that domestic abuse battery committed by burning of the victim constitutes
4 a crime of violence; to provide definitions; to provide penalties; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:35.3(B)(4) and (M) are hereby enacted to read as follows:

8 §35.3. Domestic abuse battery

9 * * *

10 B. For purposes of this Section:

11 * * *

12 (4) "Serious bodily injury" means bodily injury that involves
13 unconsciousness, extreme physical pain, or protracted and obvious
14 disfigurement, or protracted loss or impairment of the function of a bodily
15 member, organ, or mental faculty, or a substantial risk of death.

16 * * *

17 M. Notwithstanding any other provision of law to the contrary, if the

1 **domestic abuse battery is committed by burning that results in serious bodily**
2 **injury, the offense shall be classified as a crime of violence and the offender**
3 **shall be imprisoned at hard labor for not less than five nor more than fifty years**
4 **without benefit of probation, parole, or suspension of sentence.**

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

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

DIGEST

Present law provides relative to the crime of domestic abuse battery and provides definitions relative to that crime.

Proposed law retains present law and adds that if the domestic abuse battery is committed by burning of the victim that results in serious bodily injury, the offense will be classified as a crime of violence under present law and the offender is to be imprisoned at hard labor for not less than five nor more than 50 years without benefit of probation, parole, or suspension of sentence.

Proposed law defines "serious bodily injury" as bodily injury that involves unconsciousness, extreme physical pain, or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death.

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

(Adds R.S. 14:35.3(B)(4) and (M))