

Regular Session, 2013

SENATE BILL NO. 70

BY SENATORS KOSTELKA, BROOME, DORSEY-COLOMB, GUILLORY, MILLS,  
PERRY AND WALSWORTH

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

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:35.3(B)(3) is hereby amended and reenacted and R.S.  
8 14:35.3(B)(4) and (M) are hereby enacted to read as follows:

9 §35.3. Domestic abuse battery

10 \* \* \*

11 B. For purposes of this Section:

12 \* \* \*

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

17 (4) "Strangulation" means intentionally impeding the normal breathing or

1 circulation of the blood by applying pressure on the throat or neck or by blocking the  
2 nose or mouth of the victim.

3 \* \* \*

4 **M. Notwithstanding any other provision of law to the contrary, if the**  
5 **domestic abuse battery is committed by burning that results in serious bodily**  
6 **injury, the offense shall be classified as a crime of violence, and the offender**  
7 **shall be imprisoned at hard labor for not less than five nor more than fifty years**  
8 **without benefit of probation, parole, or suspension of sentence.**

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

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The original instrument was prepared by Alden A. Clement, Jr. The following digest, which does not constitute a part of the legislative instrument, was prepared by Tammy Crain-Waldrop.

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#### DIGEST

Kostelka (SB 70)

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.

(Amends R.S. 14:35.3 (B)(3); adds R.S. 14:35.3(B)(4) and (M))

#### Summary of Amendments Adopted by Senate

##### Senate Floor Amendments to engrossed bill

1. Technical.