

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.

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§35.3. Domestic abuse battery

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B. For purposes of this Section:

(1) **"Burning" means an injury to flesh or skin caused by heat, electricity, friction, radiation, or any other chemical or thermal reaction.**

(2) "Community service activities" as used in this Section may include duty in any morgue, coroner's office, or emergency treatment room of a state-operated hospital or other state-operated emergency treatment facility, with the consent of the administrator of the morgue, coroner's office, hospital, or facility.

~~(2)~~(3) "Household member" means any person of the opposite sex presently living in the same residence or living in the same residence within five years of the occurrence of the domestic abuse battery with the defendant as a spouse, whether married or not, or any child presently living in the same residence or living in the same residence within five years immediately prior to the occurrence of domestic abuse battery, or any child of the offender regardless of where the child resides.

1 ~~(3)~~(4) "serious bodily injury" means bodily injury that involves
2 unconsciousness, extreme physical pain, or protracted and obvious
3 disfigurement, or protracted loss or impairment of the function of a bodily
4 member, organ, or mental faculty, or a substantial risk of death.

5 (5) "Strangulation" means intentionally impeding the normal breathing or
6 circulation of the blood by applying pressure on the throat or neck or by blocking the
7 nose or mouth of the victim.

8 * * *

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

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____