

2017 Regular Session

HOUSE BILL NO. 48

BY REPRESENTATIVE ARMES

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

CRIMINAL/PENALTIES: Provides relative to certain offenses against law enforcement officers

1 AN ACT

2 To amend and reenact R.S. 14:34.2(B) and 108(C), relative to offenses against law  
3 enforcement officers; to amend criminal penalties for battery of a police officer and  
4 for resisting an officer; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:34.2(B) and 108(C) are hereby amended and reenacted to read as  
7 follows:

8 §34.2. Battery of a police officer

9 \* \* \*

10 B.(1) Whoever commits the crime of battery of a police officer shall be fined  
11 not more than five hundred dollars and imprisoned ~~not less than fifteen days nor~~  
12 ~~more than six months,~~ with or without hard labor and without benefit of suspension  
13 of sentence, for not more than one year.

14 (2) If at the time of the commission of the offense the offender is under the  
15 jurisdiction and legal custody of the Department of Public Safety and Corrections,  
16 or is being detained in any jail, prison, correctional facility, juvenile institution,  
17 temporary holding center, halfway house, or detention facility, the offender shall be  
18 fined not more than one thousand dollars and imprisoned<sub>2</sub> with or without hard labor  
19 and without benefit of parole, probation, or suspension of sentence<sub>2</sub> for not less than

1 one year nor more than five years. Such sentence shall be consecutive to any other  
2 sentence imposed for violation of the provisions of any state criminal law.

3 (3) If the battery produces an injury that requires medical attention, the  
4 offender shall be fined not more than one thousand dollars or imprisoned<sub>2</sub> with or  
5 without hard labor<sub>2</sub> for not less than one year nor more than five years, or both. At  
6 least thirty days of the sentence imposed shall be served without benefit of parole,  
7 probation, or suspension of sentence.

8 \* \* \*

9 §108. Resisting an officer

10 \* \* \*

11 C. Whoever commits the crime of resisting an officer shall be fined not more  
12 than five hundred dollars or ~~be imprisoned for not more than six months,~~ with or  
13 without hard labor, for not more than one year, or both.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 48 Original

2017 Regular Session

Armes

**Abstract:** Amends the penalties for the crimes of battery of a police officer and resisting an officer to make these offenses felonies.

Present law provides for the crime of battery of a police officer and provides for penalties of a fine of not more than \$500 and imprisonment for not less than 15 days nor more than six months without benefit of suspension of sentence.

Proposed law amends the term of imprisonment to not more than one year and provides that it shall be served with or without hard labor.

Present law provides for the crime of resisting an officer and provides for penalties of a fine of not more than \$500 or imprisonment for not more than six months, or both.

Proposed law amends the term of imprisonment to not more than one year and provides that it shall be served with or without hard labor.

(Amends R.S. 14:34.2(B) and 108(C))