

Regular Session, 2005

HOUSE BILL NO. 422

BY REPRESENTATIVE GREENE

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

CRIME/BATTERY: Amends penalties for battery of a child welfare worker and creates crime of assault on a child welfare worker

1 AN ACT

2 To amend and reenact R.S. 14:35.1 and to enact R.S. 14:38.3, relative to crimes committed  
3 against child welfare workers; to change the crime of simple battery of a child  
4 welfare worker to battery of a child welfare worker; to provide for increased  
5 penalties for battery of a child welfare worker; to provide for definitions; to enact the  
6 crime of assault on a child welfare worker; to provide for penalties; and to provide  
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:35.1 is hereby amended and reenacted and to enact R.S. 14:38.3  
10 to read as follows:

11 §35.1. ~~Simple battery~~ Battery of a child welfare worker

12 A.(1) ~~Simple battery~~ Battery of a child welfare worker is a battery, ~~other than~~  
13 ~~a second degree battery or an aggravated battery~~, committed without the consent of  
14 the victim when the offender has reasonable grounds to believe the victim is a child  
15 welfare worker working in the performance of employment duties who has presented  
16 proper identification.

17 (2) For purposes of this Section, "child welfare worker" shall include any  
18 child protection investigator, family services worker, foster care worker, adoption  
19 worker, any supervisor of the above, or any person authorized to transport clients for  
20 the agency, or court appointed special advocate (CASA) program representative.



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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

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Greene

HB No. 422

**Abstract:** Amends penalties for crime of battery of a child welfare worker and enacts the crime of assault of a child welfare worker.

Present law provides for simple battery of a child welfare worker. Defines "child welfare worker" as any child protection investigator, family services worker, foster care worker, adoption worker, any supervisor of the above, or any person authorized to transport clients for the agency.

Proposed law changes the name of the crime to battery of a child welfare worker and adds CASA program representative to the definition of child welfare worker.

Proposed law retains present law penalties requiring a fine of not more than \$500 and imprisonment of not less than 15 days nor more than six months.

Proposed law provides that at least 72 hours of the sentence imposed shall be served without benefit of suspension of sentence. If the battery produces an injury which requires medical attention, the offender shall be fined not more than \$1,000 or imprisoned with or without hard labor for not less than one year nor more than five years, or both.

Proposed law creates the crime of assault on a child welfare worker and defines it as an assault committed when the offender has reasonable grounds to believe the victim is a child welfare worker acting in the performance of his duties.

Proposed law defines "child welfare worker" as any child protection investigator, family services worker, foster care worker, adoption worker, any supervisor of the above, any person authorized to transport clients for the agency, or CASA program representative.

Proposed law provides that whoever commits the crime of assault on a child welfare worker shall be fined not more than \$500 or imprisoned not less than 15 days nor more than 90 days, or both.

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

(Amends R.S. 14:35.1; Adds R.S. 14:38.3)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Reinstates present law that requires a mandatory fine of not more than \$500 for committing the crime of battery of a child welfare worker.