

2026 Regular Session

HOUSE BILL NO. 102

BY REPRESENTATIVES WILEY, ADAMS, BACALA, BAYHAM, BEAULLIEU, BERAULT, BILLINGS, BOUDREAUX, BOURRIAQUE, BOYER, BRASS, BRAUD, BROUSSARD, BUTLER, CARRIER, WILFORD CARTER, CARVER, CHASSION, CHENEVERT, COX, DESHOTEL, DEVILLIER, DEWITT, DICKERSON, ECHOLS, FIRMENT, FONTENOT, FREEMAN, FREIBERG, GLORIOSO, DANA HENRY, HORTON, ILLG, JACKSON, MIKE JOHNSON, KNOX, LAFLEUR, JACOB LANDRY, LYONS, MCMAKIN, MOORE, MURRAY, OWEN, RISER, SAWYER, SCHAMERHORN, SCHLEGEL, SPELL, THOMPSON, VENTRELLA, VILLIO, WALTERS, WILDER, WRIGHT, AND WYBLE AND SENATORS ABRAHAM, BARROW, EDMONDS, FESI, HENRY, HODGES, KLEINPETER, MIGUEZ, MORRIS, MYERS, SEABAUGH, AND STINE

1 AN ACT

2 To amend and reenact R.S. 14:30(A)(1) and (8) and 30.1(A)(2) and to enact R.S.
3 14:2(B)(63), 30(A)(13) and (B)(5), 30.1(C), and 93.3.1, relative to offenses affecting
4 the health and safety of persons with infirmities; to create the crime of second degree
5 cruelty to the elderly and persons with infirmities; to provide for definitions; to
6 provide for an affirmative defense; to provide for penalties; to designate the crime
7 of second degree cruelty to the elderly and persons with infirmities as a crime of
8 violence; to provide relative to first and second degree murder; and to provide for
9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 14:30(A)(1) and (8) and 30.1(A)(2) are hereby amended and
12 reenacted and R.S. 14:2(B)(63), 30(A)(13) and (B)(5), 30.1(C), and 93.3.1 are hereby
13 enacted to read as follows:

14 §2. Definitions

15 * * *

16 B. In this Code, "crime of violence" means an offense that has, as an
17 element, the use, attempted use, or threatened use of physical force against the
18 person or property of another, and that, by its very nature, involves a substantial risk

1 that physical force against the person or property of another may be used in the
2 course of committing the offense or an offense that involves the possession or use
3 of a dangerous weapon. The following enumerated offenses and attempts to commit
4 any of them are included as "crimes of violence":

5 * * *

6 (63) Second degree cruelty to the elderly and persons with infirmities.

7 * * *

8 §30. First degree murder

9 A. First degree murder is the killing of a human being:

10 (1) When the offender has specific intent to kill or to inflict great bodily
11 harm and is engaged in the perpetration or attempted perpetration of aggravated
12 kidnapping, second degree kidnapping, aggravated escape, aggravated arson,
13 aggravated or first degree rape, forcible or second degree rape, aggravated burglary,
14 armed robbery, assault by drive-by shooting, first degree robbery, second degree
15 robbery, simple robbery, terrorism, cruelty to juveniles, second degree cruelty to
16 juveniles, ~~or~~ cruelty to the elderly and persons with infirmities, or second degree
17 cruelty to the elderly and persons with infirmities.

18 * * *

19 (8) When the offender has specific intent to kill or to inflict great bodily
20 harm and the offense is committed in any of the following circumstances:

21 (a) When there has been issued by a judge or magistrate any lawful order
22 prohibiting contact between the offender and the victim in response to threats of
23 physical violence or harm which was served on the offender and is in effect at the
24 time of the homicide.

25 (b) When the offender, while released on bail, on probation, or under parole
26 supervision, commits the offense in violation of a specific restriction or condition
27 imposed by the court, the committee on parole, or by law.

28 (c) When a firearm is used in committing the offense and the offender was
29 prohibited by law from possessing a firearm at the time of the offense.

30 * * *

1 §93.3.1. Second degree cruelty to the elderly and persons with infirmities

2 A. Second degree cruelty to the elderly and persons with infirmities is the
 3 intentional or criminally negligent mistreatment or neglect by any person or
 4 caregiver which causes serious bodily injury to a person with an infirmity, an adult
 5 with a disability, or a person who is elderly, including but not limited to a person
 6 who is a resident of a nursing home, facility for persons with intellectual disabilities,
 7 mental health facility, hospital, or any other residential facility.

8 B. For the purposes of this Section, the following terms have the following
 9 meanings:

10 (1)(a) "Caregiver" means any person who is temporarily or permanently
 11 responsible, whether such care is voluntarily assumed or is assigned, for the care of
 12 a person with an infirmity, an adult with a physical or mental disability, or a person
 13 who is elderly.

14 (b) "Caregiver" includes but is not limited to any of the following individuals
 15 or entities who have voluntarily assumed the care of, been assigned the care of, or
 16 have voluntarily assumed a residence with a person who is elderly, a person with an
 17 infirmity, or an adult with a disability:

- 18 (i) Adult children.
- 19 (ii) Parents.
- 20 (iii) Relatives.
- 21 (iv) Neighbors.
- 22 (v) Daycare institutions and facilities.
- 23 (vi) Adult congregate living facilities.
- 24 (vii) Nursing homes.

25 (2) "Elderly" means any individual who is sixty years of age or older.

26 C. The providing of treatment by a caregiver in accordance with a
 27 well-recognized spiritual method of healing, in lieu of medical treatment, shall not
 28 for that reason alone be considered the intentional or criminally negligent
 29 mistreatment or neglect of a person with an infirmity, an adult with a disability, or

1 a person who is elderly. The provisions of this Subsection shall be an affirmative
2 defense to a prosecution pursuant to this Section.

3 D. Whoever commits the crime of second degree cruelty to the elderly and
4 persons with infirmities shall be imprisoned at hard labor for not more than forty
5 years.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____