

Regular Session, 2008

HOUSE BILL NO. 1210

BY REPRESENTATIVE TIM BURNS

CRIME: Amends the crime of cruelty to juveniles to include prenatal exposure to a controlled dangerous substance

1 AN ACT

2 To enact R.S. 14:93(A)(3), relative to cruelty to juveniles; to add as an element of the crime
3 of cruelty to juveniles the prenatal exposure of a controlled dangerous substance to
4 an unborn child; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:93(A)(3) is hereby enacted to read as follows:

7 §93. Cruelty to juveniles

8 A. Cruelty to juveniles is:

9 * * *

10 (3) The intentional or criminally negligent prenatal exposure of an unborn
11 child to a controlled dangerous substance in violation of the Uniform Controlled
12 Dangerous Substances Law which results in any of the following:

13 (a) Symptoms of withdrawal in the newborn.

14 (b) Other observable and harmful effects to the physical appearance or
15 functioning of the newborn.

16 (c) The presence of a controlled dangerous substance or metabolite thereof
17 in the body, blood, urine, or meconium of the newborn that is not the result of
18 medical treatment.

19 * * *

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)]

Tim Burns

HB No. 1210

Abstract: Amends the crime of cruelty to juveniles to include as an element of the crime prenatal exposure to a controlled dangerous substance.

Present law provides that the crime of cruelty to juveniles is:

- (1) The intentional or criminally negligent mistreatment or neglect by anyone 17 years of age or older of any child under the age of 17 whereby unjustifiable pain or suffering is caused to said child. Lack of knowledge of the child's age shall not be a defense; or
- (2) The intentional or criminally negligent exposure by anyone 17 years of age or older of any child under the age of 17 to a clandestine laboratory operation in a situation where it is foreseeable that the child may be physically harmed. Lack of knowledge of the child's age shall not be a defense.

Present law criminal penalties include a fine of not more than \$1,000, imprisonment with or without hard labor for not more than ten years, or both.

Proposed law retains present law and adds as an element of the crime the intentional or criminally negligent prenatal exposure of an unborn child to the unlawful use of a controlled dangerous substance which results in any of the following:

- (1) Symptoms of withdrawal in the newborn.
- (2) Other observable and harmful effects to the physical appearance or functioning of the newborn.
- (3) The presence of a controlled dangerous substance or metabolite thereof in the body, blood, urine, or meconium of the newborn that is not the result of medical treatment.

Proposed law retains present law criminal penalties.

(Adds R.S. 14:93(A)(3))