



Part 5

Title 55

Chapter 13

§1311.1.e.

Child

Access Prevention

Case Video

Some Child Access Prevention Tools

- Firearm LOCKED
 - Container
 - Locking mechanism
 - Key
 - Combination
 - Biometric
- Ammunition in separate LOCKED CONTAINER

Special Responsibilities

- PARENTS AND GRANDPARENTS
- OTHER RELATIVES
- FRIENDS WHO HAVE OTHERS' CHILDREN IN YOUR HOME OR ON YOUR PROPERTY

Special Responsibilities

- You have SPECIAL RELATIONSHIPS
 - You want to KEEP and to STRENGTHEN those relationships . . .
 - If we lose people—we lose relationships with them . . .
 - It's heartbreaking to loose those who we love
 - Especially if we could have possibly prevented their loss.

Special Responsibilities

- What is just as sad as losing a loved one or a special little friend, is having to be held accountable for that loss, under the Criminal or Civil Justice System.
 - If we do something—or fail to do something—that is negligent, we can be sued or even charged with a crime and face prison time.

Criminal Conduct

- §8. Criminal conduct
- Criminal conduct consists of:
- (1) An act or a failure to act that produces criminal consequences, and which is combined with criminal intent; or
- (2) A mere act or failure to act that produces criminal consequences, where there is no requirement of criminal intent; or
- (3) Criminal negligence that produces criminal consequences.

Criminal Negligence

- §12. Criminal negligence
- Criminal negligence exists when, although neither specific nor general criminal intent is present, there is such disregard of the interest of others that the offender's conduct amounts to a gross deviation below the standard of care expected to be maintained by a reasonably careful man under like circumstances.

Negligent Homicide

- §32. Negligent homicide
- A. Negligent homicide is either of the following:
 - (1) The killing of a human being by criminal negligence.
 - (2) The killing of a human being by a dog or other animal when the owner is reckless and criminally negligent in confining or restraining the dog or other animal.
- B. The violation of a statute or ordinance shall be considered only as presumptive evidence of such negligence.
- C.(1) Except as provided for in Paragraph (2) of this Subsection, whoever commits the crime of negligent homicide shall be imprisoned with or without hard labor for not more than five years, fined not more than five thousand dollars, or both.
- (2)(a) If the victim killed was under the age of ten years, the offender shall be imprisoned at hard labor, without benefit of probation, parole, or suspension of sentence, for not less than two nor more than five years.

Negligent Homicide

- (b) If the court does not order the offender to a term of imprisonment when the following two factors are established, the court shall state, both orally and in writing at the time of sentencing, the reasons for not sentencing the offender to a term of imprisonment:
 - (i) The fatality was caused by a person engaged in the operation of, or in actual physical control of, any motor vehicle, aircraft, watercraft, or other means of conveyance; and
 - (ii) The offender's blood alcohol concentration contributed to the fatality.
- (3) If the victim was killed by a dog or other animal, the owner of the dog or other animal shall be imprisoned with or without hard labor for not more than five years or fined not more than five thousand dollars, or both.

Negligent Homicide

- D. The provisions of this Section shall not apply to:
 - (1) Any dog which is owned, or the service of which is employed, by any state or local law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.
 - (2) Any dog trained in accordance with the standards of a national or regional search and rescue association to respond to instructions from its handler in the search and rescue of lost or missing individuals and which dog, together with its handler, is prepared to render search and rescue services at the request of law enforcement.
 - (3) Any guide or service dog trained at a qualified dog guide or service school who is accompanying any blind person, visually handicapped person, deaf person, hearing impaired person, or otherwise physically disabled person who is using the dog as a guide or for service.
 - (4) Any attack made by a dog lawfully inside a dwelling, a place of business, or a motor vehicle as defined in R.S. 32:1(40), against a person who is attempting to make an unlawful entry into the dwelling, place of business, or motor vehicle, or who has made an unlawful entry into the dwelling, place of business, or motor vehicle, and the dog is protecting that property.
 - (5) Any attack made by livestock as defined in this Section.

Negligent Homicide

- E. For the purposes of this Section:
- (1) "Harboring or keeping" means feeding, sheltering, or having custody over the animal for three or more consecutive days.
- (2) "Livestock" means any animal except dogs and cats, bred, kept, maintained, raised, or used for profit, that is used in agriculture, aquaculture, agritourism, competition, recreation, or for other related purposes or used in the production of crops, animals, or plant or animal products for market. This definition includes but is not limited to cattle, buffalo, bison, oxen, and other bovine; horses, mules, donkeys, and other equine; goats; sheep; swine; chickens, turkeys, and other poultry; domestic rabbits; imported exotic deer and antelope, elk, farm-raised white-tailed deer, farm-raised ratites, and other farm-raised exotic animals; fish, pet turtles, and other animals identified with aquaculture which are located in artificial reservoirs or enclosures that are both on privately owned property and constructed so as to prevent, at all times, the ingress and egress of fish life from public waters; any commercial crawfish from any crawfish pond; and any hybrid, mixture, or mutation of any such animal.
- (3) "Owner" means any person, partnership, corporation, or other legal entity owning, harboring, or keeping any animal.
- Amended by Acts 1980, No. 708, §1; Acts 1991, No. 864, §1; Acts 2008, No. 10, §1; Acts 2008, No. 451, §2, eff. June 25, 2008; Acts 2009, No. 199, §1.

R.S. 14:24 Negligent Injuring

- §39. Negligent injuring
- A. Negligent injuring is either of the following:
 - (1) The inflicting of any injury upon the person of another by criminal negligence.
 - (2) The inflicting of any injury upon the person of another by a dog or other animal when the owner of the dog or other animal is reckless and criminally negligent in confining or restraining the dog or other animal.
- B. The violation of a statute or ordinance shall be considered only as presumptive evidence of such negligence.
- C. Whoever commits the crime of negligent injuring shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both.

R.S. 14:24 Negligent Injuring

- D. The provisions of this Section shall not apply to:
- (1) Any dog which is owned, or the service of which is employed, by any state or local law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.
- (2) Any dog trained in accordance with the standards of a national or regional search and rescue association to respond to instructions from its handler in the search and rescue of lost or missing individuals and which dog, together with its handler, is prepared to render search and rescue services at the request of law enforcement.

R.S. 14:24 Negligent Injuring

- (3) Any guide or service dog trained at a qualified dog guide or service school who is accompanying any blind person, visually handicapped person, deaf person, hearing impaired person, or otherwise physically disabled person who is using the dog as a guide or for service.
- (4) Any attack made by a dog lawfully inside a dwelling, a place of business, or a motor vehicle as defined in R.S. 32:1(40), against a person who is attempting to make an unlawful entry into the dwelling, place of business, or motor vehicle, or who has made an unlawful entry into the dwelling, place of business, or motor vehicle and the dog is protecting that property.
- (5) Any attack made by livestock as defined in this Section.

R.S. 14:24 Negligent Injuring

- E. For the purposes of this Section:
- (1) "Harboring or keeping" means feeding, sheltering, or having custody over the animal for three or more consecutive days.
- (2) "Livestock" means any animal except dogs and cats, bred, kept, maintained, raised, or used for profit, that is used in agriculture, aquaculture, agritourism, competition, recreation, or for other related purposes or used in the production of crops, animals, or plant or animal products for market. This definition includes but is not limited to cattle, buffalo, bison, oxen, and other bovine; horses, mules, donkeys, and other equine; goats; sheep; swine; chickens, turkeys, and other poultry; domestic rabbits; imported exotic deer and antelope, elk, farm-raised white-tailed deer, farm-raised ratites, and other farm-raised exotic animals; fish, pet turtles, and other animals identified with aquaculture which are located in artificial reservoirs or enclosures that are both on privately owned property and constructed so as to prevent, at all times, the ingress and egress of fish life from public waters; any commercial crawfish from any crawfish pond; and any hybrid, mixture, or mutation of any such animal.
- (3) "Owner" means any person, partnership, corporation, or other legal entity owning, harboring, or keeping any animal.
- Acts 1978, No. 394, §1; Acts 2009, No. 199, §1.

Special Responsibilities for PARENTS

- You are the Parent . . .
 - The child is “the child.”
 - You are responsible for safety . . .
 - Not them

CHILD ACCESS PREVENTION

Questions?