

ACT No. 493

2022 Regular Session

HOUSE BILL NO. 706

BY REPRESENTATIVE STEFANSKI

1 AN ACT

2 To amend and reenact R.S. 14:40.1 and 107.2(A) and to enact Code of Criminal Procedure
3 Article 814(A)(69), relative to the crime of terrorizing; to create the crime of
4 menacing; to provide for penalties; to provide relative to hate crimes; to add the
5 crime of menacing to the list of hate crimes; to provide for responsive verdicts; and
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:40.1 and 107.2(A) are hereby amended and reenacted to read as
9 follows:

10 §40.1. Terrorizing; menacing

11 A.(1) Terrorizing is the intentional communication of information that the
12 commission of a crime of violence is imminent or in progress or that a circumstance
13 dangerous to human life exists or is about to exist, with the intent of causing
14 members of the general public to be in sustained fear for their safety; or causing
15 evacuation of a building, a public structure, or a facility of transportation; or causing
16 other serious disruption to the general public.

17 ~~B.(2) It shall be an affirmative defense that the person communicating the~~
18 ~~information provided for in Subsection A of this Section was not involved in the~~
19 ~~commission of a crime of violence or creation of a circumstance dangerous to human~~
20 ~~life and reasonably believed his actions were necessary to protect the welfare of the~~
21 ~~public. Whoever commits the offense of terrorizing shall be fined not more than~~
22 ~~fifteen thousand dollars or imprisoned with or without hard labor for not more than~~
23 ~~fifteen years, or both.~~

24 ~~C.B.(1) Whoever commits the offense of terrorizing shall be fined not more~~
25 ~~than fifteen thousand dollars or imprisoned with or without hard labor for not more~~

1 ~~than fifteen years, or both.~~ Menacing is the intentional communication of
2 information that the commission of a crime of violence, as defined in R.S. 14:2(B),
3 is imminent or in progress or that a circumstance dangerous to human life exists or
4 is about to exist, when committed under any of the following circumstances:

5 (a) The actions of the offender cause members of the general public to be in
6 sustained fear for their safety, and a reasonable person would have known that such
7 actions could cause such sustained fear.

8 (b) The actions of the offender cause the evacuation of a building, a public
9 structure, or a facility of transportation, and a reasonable person would have known
10 that such actions could cause an evacuation.

11 (c) The actions of the offender cause any other serious disruption to the
12 general public, and a reasonable person would have known that such actions could
13 cause serious disruption to the general public.

14 (2) Whoever commits the offense of menacing shall be fined not more than
15 one thousand dollars or imprisoned with or without hard labor for not more than two
16 years, or both.

17 C. It shall be an affirmative defense that the person communicating the
18 information provided for in Subsections A or B of this Section was not involved in
19 the commission of a crime of violence or creation of a circumstance dangerous to
20 human life and reasonably believed his actions were necessary to protect the welfare
21 of the public.

22 * * *

23 §107.2. Hate crimes

24 A. It shall be unlawful for any person to select the victim of the following
25 offenses against person and property because of actual or perceived race, age,
26 gender, religion, color, creed, disability, sexual orientation, national origin, or
27 ancestry of that person or the owner or occupant of that property or because of actual
28 or perceived membership or service in, or employment with, an organization, or
29 because of actual or perceived employment as a law enforcement officer, firefighter,
30 or emergency medical services personnel: first or second degree murder;

1 manslaughter; battery; aggravated battery; second degree battery; aggravated assault
 2 with a firearm; terrorizing; menacing; mingling harmful substances; simple or third
 3 degree rape, forcible or second degree rape, or aggravated or first degree rape; sexual
 4 battery, second degree sexual battery; oral sexual battery; carnal knowledge of a
 5 juvenile; indecent behavior with juveniles; molestation of a juvenile or a person with
 6 a physical or mental disability; simple, second degree, or aggravated kidnapping;
 7 simple or aggravated arson; communicating of false information of planned arson;
 8 simple or aggravated criminal damage to property; contamination of water supplies;
 9 simple or aggravated burglary; criminal trespass; simple, first degree, or armed
 10 robbery; purse snatching; extortion; theft; desecration of graves; institutional
 11 vandalism; or assault by drive-by shooting.

* * *

13 Section 2. Code of Criminal Procedure Article 814(A)(69) is hereby enacted to read
 14 as follows:

15 Art. 814. Responsive verdicts; in particular

16 A. The only responsive verdicts which may be rendered when the indictment
 17 charges the following offenses are:

18 * * *

19 69. Terrorizing:

20 Guilty.

21 Guilty of menacing.

22 Not guilty.

23 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____