

GREEN SHEET REDIGEST

HB 898

2018 Regular Session

Bacala

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

MENTAL HEALTH: Provides relative to threats of violence or terrorism at elementary and secondary schools, including investigation and reporting thereof and required mental health evaluations.

DIGEST

Proposed law requires each public school governing authority, as part of its school crisis management plan to develop resources, policies, procedures, and guidelines to address the potential of violence and terrorism in the schools under its jurisdiction including:

- (1) Materials regarding recognizing and reporting potential threats.
- (2) Reporting procedures for potential threats.
- (3) Threat assessment procedures.

Proposed law, relative to actions taken by school employees and school boards, requires that:

- (1) Any school employee who learns of a threat of violence or terrorism immediately report the threat to:
 - (a) A local law enforcement agency if there is a reasonable belief that the threat is credible and imminent.
 - (b) School administrators for further investigation if the threat does not meet the standard of reasonable belief provided for in (a) above.
- (2) Each school board adopt a policy for investigating potential threats that have been reported to a school administrator, which shall include conducting an interview with person reporting the threat, the person allegedly making a threat, and all witnesses and securing any evidence.

Proposed law requires that any law enforcement agency receiving notification of an alleged threat of violence or terrorism:

- (1) Begin an investigation not later than the first day that school is in session after the report is received and endeavor to complete it not later than three school days after receiving the report.
- (2) Notify the principal or other school official authorized to act in an emergency.

Proposed law provides the following relative to mandatory reporting and medical and mental health evaluations:

- (1) If the person reported to law enforcement is a student, he shall not be permitted to return to school until undergoing a formal mental health evaluation. Requires the law enforcement agency to file a petition with the appropriate judicial district court for medical, psychological, and psychiatric evaluation.
- (2) If the person reported to law enforcement is not a student, he shall not be permitted to be within 500 feet of any school until undergoing a formal medical or mental health evaluation and being deemed by a health care professional to not be dangerous to himself or others.

Proposed law provides that no person shall have a cause of action against any person for any action taken or statement made in adherence with proposed law; however, the immunity from liability shall not apply to any action or statement if it was maliciously, willfully, and deliberately intended to cause harm to, harass, or otherwise deceive law enforcement or school officials.

Proposed law prohibits a court from ordering custody to the La. Dept. of Health (LDH) or placement with a LDH treatment facility without prior notice.

(Adds R.S. 17:409.1-409.6 and 3996(B)(45))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Limit requirement that a threat be reported to law enforcement if there is a reasonable belief that the threat is credible and imminent.
2. Specify procedure relative to the filing of a petition with the court for evaluation of a student reported to law enforcement.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the reengrossed bill

1. Requires public school governing authorities to adopt policies for recognizing, reporting, and assessing threats.
2. Requires public school governing authorities to develop and disseminate educational materials on assessing and reporting threats.
3. Requires public school governing authorities to develop reporting procedures.
4. Provides that the court appointed examination may be done by a medical or mental health professional.
5. Requires prior notification from court for a custody order or placement with a La. Dept. of Health facility.