

RÉSUMÉ DIGEST

Act 716 (HB 898)

2018 Regular Session

Bacala

New law provides relative to school safety. With respect to actions taken by school employees and school governing authorities, new law requires:

- (1) Any school employee who learns of a threat of violence or terrorism to 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 in (a) above.
- (2) Each school governing authority to adopt a policy for investigating any potential threat reported to a school administrator, including conducting an interview with person reporting the threat, the person allegedly making a threat, and all witnesses and securing any evidence.

New 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 receipt and endeavor to complete it not later than three school days after receipt.
- (2) Notify the principal or other school official authorized to act in an emergency.

New law provides the following relative to mandatory reporting and mental health evaluations of a person reported to a law enforcement agency:

- (1) If the person 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 evaluation. Provides for placing the student in a treatment facility if the court determines that the student is a danger to himself or others, needs treatment to protect himself or others from physical harm, or that his condition may be markedly worsened by delay.
- (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.

New law provides that no person shall have a cause of action against any person for any action taken or statement made in adherence with new 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.

Effective August 1, 2018.

(Adds R.S. 17:409.1-409.5 and 3996(B)(45))