

2019 Regular Session

HOUSE BILL NO. 307

BY REPRESENTATIVE MIKE JOHNSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME: Provides relative to the crimes of public intimidation and retaliation

1 AN ACT

2 To amend and reenact R.S. 14:122(A)(introductory paragraph), (B)(introductory paragraph),  
3 and (C) and to enact R.S. 14:122(D), relative to bribery and intimidation; to provide  
4 relative to public intimidation and retaliation; to provide relative to the elements of  
5 the crimes; to provide relative to the type of threats made; to include extortionate  
6 threats or true threats; to provide for definitions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:122(A)(introductory paragraph), (B)(introductory paragraph), and  
9 (C) are hereby amended and reenacted and R.S. 14:122(D) is hereby enacted to read as  
10 follows:

11 §122. Public intimidation and retaliation

12 A. Public intimidation is the use of violence, force, ~~or~~ extortionate threats,  
13 or true threats upon any of the following persons, with the intent to influence his  
14 conduct in relation to his position, employment, or duty:

15 \* \* \*

16 B. Retaliation against an elected official is the use of violence, force, ~~or~~  
17 extortionate threats, or true threats upon a person who is elected to public office,  
18 where:

19 \* \* \*

1                    C. For purposes of this Section:

2                    (1) "Extortionate threats" occur when a person communicates an unlawful

3                    threat to harm another person with the intention to obtain anything of value or any

4                    acquittance, advantage, or immunity of any description and the person would not

5                    otherwise be able to lawfully secure such advantage willingly from the victim.

6                    (2) "True threats" occur when a person communicates a serious expression

7                    of an intent to commit an unlawful act of violence upon a person or group of persons

8                    with the intent to place such persons in fear of bodily harm or death. The person

9                    need not actually intend to carry out the threat.

10                  E.D. Whoever commits the crime of public intimidation or retaliation against

11                  an elected official shall be fined not more than one thousand dollars or imprisoned,

12                  with or without hard labor, for not more than five years, or both.

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)]

HB 307 Engrossed                    2019 Regular Session                    Mike Johnson

**Abstract:** Amends the crimes of public intimidation and retaliation to include extortionate threats and true threats, and provides for definitions of those terms.

Present law provides for the crime of public intimidation which is the use of violence, force, or threats upon certain public persons with the intent to influence his conduct in relation to his position, employment, or duty.

Present law further provides for the crime of public retaliation which is defined as the use of violence, force, or threats upon an elected official when such violence, force, or threat is related to the duties of the elected official or is in retaliation or retribution for actions taken by the elected official as part of his official duties.

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

Proposed law amends the present law crimes to include extortionate threats and true threats.

Proposed law provides that "extortionate threats" occur when a person communicates an unlawful threat to harm another person with the intention to obtain anything of value or any acquittance, advantage, or immunity of any description and the person would not otherwise be able to lawfully secure such advantage willingly from the victim.

Proposed law provides that "true threats" occur when a person communicates a serious expression of an intent to commit an unlawful act of violence upon a person or group of

persons with the intent to place such persons in fear of bodily harm or death. The person need not actually intend to carry out the threat.

Proposed law retains present law penalties.

(Amends R.S. 14:122(A)(intro. para.), (B)(intro. para.), and (C); Adds R.S. 14:122(D))