

2019 Regular Session

HOUSE BILL NO. 193

BY REPRESENTATIVE BACALA

1 AN ACT

2 To amend and reenact R.S. 17:409.2, 409.3(A), 409.4(A) and (B)(introductory paragraph),
3 and 409.5(A)(1), relative to school safety; to revise procedures relative to students
4 investigated for making threats of violence or terrorism; to provide for law
5 enforcement agencies to make determinations relative to such threats and report them
6 to district attorneys under certain circumstances; to provide relative to the authority
7 of district attorneys to file petitions relative to mental health examinations; to
8 provide relative to the return of such students to school; to provide for the
9 appropriate court for filing the petition; to provide for definitions; and to provide for
10 related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 17:409.2, 409.3(A), 409.4(A) and (B)(introductory paragraph), and
13 409.5(A)(1) are hereby amended and reenacted to read as follows:

14 §409.2. Definitions

15 For the purposes of this Subpart:

16 (1) "Threat is credible and imminent" means that the available facts, when
17 viewed in light of surrounding circumstances, would cause a reasonable person to
18 believe that the person communicating the threat actually intends to carry out the
19 threat in the near future or has the apparent ability to carry out the threat in the near
20 future.

21 ~~(1)(2)~~ The term "school" shall have the meaning ascribed to it by R.S.
22 17:236.

23 (3) The term "student" means any person registered or enrolled at a school.

24 ~~(2)(4)~~ ~~The term "threat~~ "Threat of violence" means communication, whether
25 oral, visual, or written, including but not limited to electronic mail, letters, notes,
26 social media posts, text messages, blogs, or posts on any social networking website,

1 of any intent to kill, maim, or cause great bodily harm to a student, teacher, principal,
2 or school employee on school property or at any school function.

3 ~~(3)~~(5) The term "threat" Threat of terrorism" means communication, whether
4 oral, visual, or written, including but not limited to electronic mail, letters, notes,
5 social media posts, text messages, blogs, or posts on any social networking website,
6 of any crime of violence that would reasonably cause any student, teacher, principal,
7 or school employee to be in sustained fear for his safety, cause the evacuation of a
8 building, or cause other serious disruption to the operation of a school.

9 §409.3. Mandatory reporting

10 A. Any administrator, teacher, counselor, bus operator, or other school
11 employee, whether full-time or part-time, who learns of a threat of violence or threat
12 of terrorism, whether through oral communication, written communication, or
13 electronic communication, shall:

14 (1) Immediately report the threat to a local law enforcement agency if ~~there~~
15 ~~is a reasonable belief that~~ the threat is credible and imminent.

16 (2) Immediately report the threat to school administrators for further
17 investigation, in compliance with ~~Subsection C of this Section~~ the policy adopted
18 pursuant to R.S. 17:409.4, if the threat does not meet the standard of ~~reasonable~~
19 ~~belief~~ provided for in Paragraph (1) of this Subsection.

20 * * *

21 §409.4. ~~Threat assessment~~ Investigation of threats of violence or threats of terrorism

22 A.(1) Each public school governing authority shall develop and adopt a
23 policy for the investigation of ~~potential~~ threats of violence or threats of terrorism that
24 have been reported to a school administrator, which shall include conducting an
25 interview with the person reporting a threat, the person allegedly making a threat,
26 and all witnesses, and securing any evidence, including but not limited to statements,
27 writings, recordings, electronic messages, and photographs.

28 (2) If the investigation results in evidence or information that ~~raises~~ supports
29 ~~a concern~~ that a threat is credible and imminent, the threat shall be immediately
30 reported to a local law enforcement agency.

1 B. Any law enforcement agency receiving ~~any notification that alleges a~~ of
2 an alleged threat of violence or threat of terrorism under this Subpart shall:

3 * * *

4 §409.5. Restrictions and ~~mandatory evaluation~~ examination

5 A.(1)(a) ~~If the person who is reported to a local law enforcement agency~~
6 ~~pursuant to R.S. 17:409.3(A) is a student, he shall not be permitted to return to~~
7 ~~school until undergoing a formal mental health evaluation. The~~ If a law enforcement
8 ~~agency shall~~ agency, based on its investigation as required by R.S. 17:409.4(B)(1),
9 determines that a student's threat is credible and imminent, it shall report it to the
10 district attorney, who may file a petition no later than seven days after receiving such
11 report with the appropriate judicial district court for medical, psychological, and
12 psychiatric evaluation examination as outlined in this Subsection. Where the district
13 attorney, in his discretion, decides not to file the petition or does not file such
14 petition during the requisite period, the student who is the subject of a complaint and
15 investigation shall be permitted to return to school. The school administration shall
16 permit a student who is the subject of a complaint and investigation to return to
17 school if at any point prior to a hearing the threat is determined not to be credible
18 after an investigation by the school administration, a law enforcement agency, or the
19 district attorney or by order of the court after a hearing.

20 (b) The appropriate judicial district court, for purposes of this Section, is
21 either the district court having jurisdiction in the place where the school that is the
22 subject of the threat is located or the district court having jurisdiction in the place
23 where the student resides.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____