

**ACT No. 311**

2019 Regular Session

HOUSE BILL NO. 307

BY REPRESENTATIVE MIKE JOHNSON

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AN ACT

To amend and reenact R.S. 14:122(A)(introductory paragraph), (B)(introductory paragraph), and (C) and 122.2, and to enact R.S. 14:122(D), relative to bribery and intimidation; to provide relative to public intimidation and retaliation; to provide relative to the elements of the crimes; to provide relative to the type of threats made; to provide relative to the crime of threatening a public official; to add law enforcement officers as a victim of the crime; to provide that the crime applies to threats made through social media; to include extortionate threats or true threats; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:122(A)(introductory paragraph), (B)(introductory paragraph), and (C) and 122.2 are hereby amended and reenacted and R.S. 14:122(D) is hereby enacted to read as follows:

§122. Public intimidation and retaliation

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

\* \* \*

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

\* \* \*

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 €. 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.

13 \* \* \*

14 §122.2. Threatening a public official or law enforcement officer; penalties;  
 15 definitions

16 A.(1) Threatening a public official or law enforcement officer is engaging  
 17 in any verbal or written communication ~~which threatens serious bodily injury or~~  
 18 ~~death~~ that communicates a true threat to a public official or law enforcement officer.

19 (2) ~~Except as provided in Subsection B, whoever~~ Whoever commits the  
 20 crime of threatening a public official or law enforcement officer shall be fined not  
 21 more than five hundred dollars, or imprisoned for not more than six months, or both.

22 B. ~~Whoever commits the crime of threatening a public official with the intent~~  
 23 ~~to influence his conduct in relation to his position, employment, or official duty, or~~  
 24 ~~in retaliation as reprisal for his previous action in relation to his position,~~  
 25 ~~employment, or official duty, shall be fined not more than five hundred dollars, or~~  
 26 ~~imprisoned for not more than six months, or both.~~

27 €. For the purpose purposes of this Section, "public official" ~~is defined as:~~

28 (1) "Public official" means any executive, ministerial, administrative,  
 29 judicial, or legislative officer of the state of Louisiana.

1           (2) "Law enforcement officer" means any employee of the state, a  
 2           municipality, a sheriff, or other public agency, whose permanent duties actually  
 3           include the making of arrests, the performing of searches and seizures, or the  
 4           execution of criminal warrants, and who is responsible for the prevention or  
 5           detection of crime or for the enforcement of the penal, traffic, or highway laws of  
 6           this state.

7           (3) "True threats" occur when a person communicates a serious expression  
 8           of an intent to commit an unlawful act of violence upon a person or group of persons  
 9           with the intent to place such persons in fear of bodily harm or death. The person  
 10          need not actually intend to carry out the threat.

11          (4) "Verbal or written communication" means any textual, visual, written,  
 12          or oral communication, including communications made through social media.

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 SPEAKER OF THE HOUSE OF REPRESENTATIVES

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 PRESIDENT OF THE SENATE

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 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_