

2020 Regular Session

HOUSE BILL NO. 432

BY REPRESENTATIVE BACALA

JUVENILE PROCEDURE: Revises procedures relative to students investigated for making threats of violence or terrorism

1 AN ACT

2 To amend and reenact R.S. 17:409.2(1) through (3) and 409.4(A) and (B) and to repeal R.S.  
3 17:409.5, relative to school safety; to revise procedures relative to students  
4 investigated for making threats of violence or terrorism; to require schools to  
5 conduct a threat assessment of any student allegedly making a threat; to provide  
6 relative to proceedings regarding the mental health of students; and to provide for  
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:409.2(1) through (3) and 409.4(A) and (B) are hereby amended  
10 and reenacted to read as follows:

11 §409.2. Definitions

12 For the purposes of this Subpart:

13 ~~(1) "School" shall have the meaning ascribed to it by R.S. 17:236.~~

14 ~~(2) "Student" means any person registered or enrolled at a school.~~

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

20 (2) "School" shall have the meaning ascribed to it by R.S. 17:236.



1        imminent, the agency shall report the threat to the district attorney, who may institute  
 2        proceedings as provided in Chapter 1 of Title 28 of the Louisiana Revised Statutes  
 3        of 1950 or Title XIV of the Children's Code.

4        Section 2. R.S. 17:409.5 is hereby repealed in its entirety.

#### 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 432 Original

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Bacala

**Abstract:** Revises procedures relative to students investigated for threats of violence or terrorism.

Present law requires each public school governing authority to adopt a policy for the investigation of threats of violence or terrorism. Proposed law additionally requires such investigation to include a threat assessment of any student allegedly making a threat. Also provides that no present law or proposed law relative to the investigations and assessments at the school level prohibits the use of present law proceedings (specifically those provided in the state's behavioral health law, R.S. 28:1 et seq., or mental health proceedings for juveniles, Ch.C. Art. 1401 et seq.).

Present law provides that if the school-level investigation produces evidence or information that supports that a threat is credible and imminent, the threat shall be immediately reported to a local law enforcement agency. Proposed law instead applies this reporting requirement to when such evidence or information supports "a reasonable belief" that a threat is credible and imminent.

Present law provides that if the law enforcement agency determines that the threat is credible and imminent, it shall report the threat to the district attorney. Proposed law retains present law.

Present law authorizes the district attorney to then file a petition with the court for medical, psychological, and psychiatric examination and specifies procedures for such examination process. Proposed law repeals these procedural provisions and instead authorizes the district attorney to institute proceedings pursuant to present law (specifically the state's behavioral health law, R.S. 28:1 et seq., or mental health proceedings for juveniles, Ch.C. Art. 1401 et seq.).

(Amends 17:409.2 (1)-(3) and 409.4(A) and (B); Repeals R.S. 17:409.5)