
DIGEST

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HB 706 Original

2022 Regular Session

Stefanski

Abstract: Creates the crime of menacing and provides for criminal penalties.

Present law (R.S. 14:40.1) provides for the crime of terrorizing and provides for criminal penalties.

Proposed law retains present law and creates the crime of menacing and defines the crime as the intentional communication of information that the commission of a crime of violence is imminent or in progress or that a circumstance dangerous to human life exists or is about to exist, when committed under any of the following circumstances:

- (a) The offender's actions cause members of the general public to be in sustained fear for their safety, and a reasonable person would have known that such actions could cause such sustained fear.
- (b) The offender's actions cause the evacuation of a building, a public structure, or a facility of transportation, and a reasonable person would have known that such actions could cause an evacuation.
- (c) The offender's actions cause any other serious disruption to the general public, and a reasonable person would have known that such actions could cause serious disruption to the general public.

Proposed law provides that whoever commits the proposed law crime shall be fined not more \$2,000 or imprisoned with or without hard labor for not more than two years, or both.

Present law (R.S. 14:107.2) defines hate crimes as certain enumerated offenses in which the victim is selected because of that person's actual or perceived race, age, gender, religion, color, ancestry, national origin, disability, creed, or sexual orientation or because of actual or perceived employment as a law enforcement officer, firefighter, or emergency medical services personnel.

Proposed law adds the proposed law crime of menacing to the enumerated offenses in present law.

Present law (C.Cr.P. Art. 814) provides relative to responsive verdicts in criminal trials.

Proposed law retains present law and adds that the only responsive verdicts that may be rendered when the indictment charges terrorizing are:

(1) Guilty.

(2) Guilty of menacing.

(3) Not guilty.

(Amends R.S. 14:40.1 and 107.2(A); Adds C.Cr.P. Art. 814(A)(69))