

2022 Regular Session

HOUSE BILL NO. 706

BY REPRESENTATIVE STEFANSKI

CRIME: Creates the crime of menacing

1 AN ACT

2 To amend and reenact R.S. 14:40.1 and 107.2(A) and to enact Code of Criminal Procedure  
3 Article 814(A)(69), relative to the crime of terrorizing; to create the crime of  
4 menacing; to provide for penalties; to provide relative to hate crimes; to add the  
5 crime of menacing to the list of hate crimes; to provide for responsive verdicts; and  
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:40.1 and 107.2(A) are hereby amended and reenacted to read as  
9 follows:

10 §40.1. Terrorizing; menacing

11 A.(1) Terrorizing is the intentional communication of information that the  
12 commission of a crime of violence is imminent or in progress or that a circumstance  
13 dangerous to human life exists or is about to exist, with the intent of causing  
14 members of the general public to be in sustained fear for their safety; or causing  
15 evacuation of a building, a public structure, or a facility of transportation; or causing  
16 other serious disruption to the general public.

17 ~~B.(2) It shall be an affirmative defense that the person communicating the~~  
18 ~~information provided for in Subsection A of this Section was not involved in the~~  
19 ~~commission of a crime of violence or creation of a circumstance dangerous to human~~  
20 ~~life and reasonably believed his actions were necessary to protect the welfare of the~~  
21 ~~public.~~ Whoever commits the offense of terrorizing shall be fined not more than

1 fifteen thousand dollars or imprisoned with or without hard labor for not more than  
2 fifteen years, or both.

3 C.B.(1) Whoever commits the offense of terrorizing shall be fined not more  
4 than fifteen thousand dollars or imprisoned with or without hard labor for not more  
5 than fifteen years, or both. Menacing is the intentional communication of  
6 information that the commission of a crime of violence, as defined in R.S. 14:2(B),  
7 is imminent or in progress or that a circumstance dangerous to human life exists or  
8 is about to exist, when committed under any of the following circumstances:

9 (a) The actions of the offender cause members of the general public to be in  
10 sustained fear for their safety, and a reasonable person would have known that such  
11 actions could cause such sustained fear.

12 (b) The actions of the offender cause the evacuation of a building, a public  
13 structure, or a facility of transportation, and a reasonable person would have known  
14 that such actions could cause an evacuation.

15 (c) The actions of the offender cause any other serious disruption to the  
16 general public, and a reasonable person would have known that such actions could  
17 cause serious disruption to the general public.

18 (2) Whoever commits the offense of menacing shall be fined not more than  
19 two thousand dollars or imprisoned with or without hard labor for not more than two  
20 years, or both.

21 C. It shall be an affirmative defense that the person communicating the  
22 information provided for in Subsections A or B of this Section was not involved in  
23 the commission of a crime of violence or creation of a circumstance dangerous to  
24 human life and reasonably believed his actions were necessary to protect the welfare  
25 of the public.

26 \* \* \*

27 §107.2. Hate crimes

28 A. It shall be unlawful for any person to select the victim of the following  
29 offenses against person and property because of actual or perceived race, age,

1 gender, religion, color, creed, disability, sexual orientation, national origin, or  
 2 ancestry of that person or the owner or occupant of that property or because of actual  
 3 or perceived membership or service in, or employment with, an organization, or  
 4 because of actual or perceived employment as a law enforcement officer, firefighter,  
 5 or emergency medical services personnel: first or second degree murder;  
 6 manslaughter; battery; aggravated battery; second degree battery; aggravated assault  
 7 with a firearm; terrorizing; menacing; mingling harmful substances; simple or third  
 8 degree rape, forcible or second degree rape, or aggravated or first degree rape; sexual  
 9 battery, second degree sexual battery; oral sexual battery; carnal knowledge of a  
 10 juvenile; indecent behavior with juveniles; molestation of a juvenile or a person with  
 11 a physical or mental disability; simple, second degree, or aggravated kidnapping;  
 12 simple or aggravated arson; communicating of false information of planned arson;  
 13 simple or aggravated criminal damage to property; contamination of water supplies;  
 14 simple or aggravated burglary; criminal trespass; simple, first degree, or armed  
 15 robbery; purse snatching; extortion; theft; desecration of graves; institutional  
 16 vandalism; or assault by drive-by shooting.

17 \* \* \*

18 Section 2. Code of Criminal Procedure Article 814(A)(69) is hereby enacted to read  
 19 as follows:

20 Art. 814. Responsive verdicts; in particular

21 A. The only responsive verdicts which may be rendered when the indictment  
 22 charges the following offenses are:

23 \* \* \*

24 69. Terrorizing:

25 Guilty.

26 Guilty of menacing.

27 Not guilty.

28 \* \* \*

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**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)]

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HB 706 Engrossed

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 than \$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))