

2023 Regular Session

HOUSE BILL NO. 86

BY REPRESENTATIVES HODGES, ADAMS, AMEDEE, BAGLEY, BOYD, BUTLER, CARRIER, CORMIER, COX, DAVIS, ECHOLS, EDMONDS, EDMONSTON, EMERSON, FREIBERG, FRIEMAN, GAROFALO, HARRIS, HORTON, JEFFERSON, KNOX, MACK, CHARLES OWEN, SCHLEGEL, SEABAUGH, STAGNI, AND THOMPSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SCHOOLS/EMPLOYEES: Creates the "Protect Teachers Act"

1 AN ACT

2 To amend and reenact R.S. 17:416.11, relative to liability of school employees; to provide  
3 for immunity from civil liability and criminal prosecution under certain  
4 circumstances; to provide for an exception; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 17:416.11 is hereby amended and reenacted to read as follows:

7 §416.11. Discipline of pupils; limitation of liability

8 A. ~~No~~ A teacher, principal, or administrator in a public school system or in  
9 an approved nonpublic school shall be ~~personally liable~~ immune from civil liability  
10 for any act or failure to act in the directing of or disciplining of school ~~children~~  
11 students under his care and supervision, unless such act or failure to act was  
12 malicious and willfully and deliberately intended to cause bodily harm.

13 B.(1) A teacher, principal, or administrator in a public school system or in  
14 an approved nonpublic school who intervenes and acts in justifiable defense to  
15 protect a student or a school employee from a battery or aggravated battery  
16 committed by one or more students shall be immune from civil liability and criminal  
17 prosecution unless the act of intervention was malicious and willfully and  
18 deliberately intended to cause bodily harm.

1           (2) Nothing in this Subsection shall require a teacher, principal, or  
2           administrator to intervene in a battery or aggravated battery committed by a student.

3           ~~B:~~ C. This Section shall not be applicable to the operation, use, or  
4           maintenance of any motor vehicle.

5           Section 2. This Act shall be cited and referred to as the "Protect Teachers Act".

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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 86 Reengrossed

2023 Regular Session

Hodges

**Abstract:** Provides relative to liability of a public school teacher, principal, or administrator for intervening to protect a student or school employee from a battery or aggravated battery.

Present law provides that no teacher, principal, or administrator in a public school system or in an approved nonpublic school shall be personally liable for any act or failure to act in the directing of or disciplining of school children under his care and supervision, unless such act or failure to act was malicious and willfully and deliberately intended to cause bodily harm.

Proposed law amends present law to provide immunity from civil liability for any teacher, principal, or administrator in a public school system or in an approved nonpublic school who acts or fails to act in the directing of or disciplining of school students under his care and supervision, unless such act or failure to act was malicious and willfully and deliberately intended to cause bodily harm.

Proposed law provides immunity from civil liability and criminal prosecution for a teacher, principal, or administrator in a public school system or in an approved nonpublic school who intervenes and acts in justifiable defense to protect a student or a school employee from a battery or aggravated battery committed by one or more students unless the act of intervention was malicious and willfully and deliberately intended to cause bodily harm.

Proposed law provides that no teacher, principal, or administrator shall be required to intervene in a battery or aggravated battery.

Proposed law shall be cited and referred to as the "Protect Teachers Act".

(Amends R.S. 17:416.11)

#### Summary of Amendments Adopted by House

##### The House Floor Amendments to the engrossed bill:

1. Specify that a teacher, principal, or administrator shall not be required to intervene in a battery or aggravated battery.