

2023 Regular Session

HOUSE BILL NO. 348

BY REPRESENTATIVES JENKINS, BRASS, JEFFERSON, AND PHELPS

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

SCHOOLS: Provides relative to school safety

1 AN ACT

2 To amend and reenact R.S. 17:409.2, 409.3, 409.4(A)(2) and (B)(1), and 409.5(A)(1)(a) and
3 (B) and to enact R.S. 17:409.5(C), relative to school safety; to revise procedures for
4 the reporting and investigation of threats of terrorism and violence; to revise
5 definitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 17:409.2, 409.3, 409.4(A)(2) and (B)(1), and 409.5(A)(1)(a) and (B)
8 are hereby amended and reenacted and R.S. 17:409.5(C) is hereby enacted to read as
9 follows:

10 §409.2. Definitions

11 As used in this Subpart, the following terms have the following meanings:

12 (1) "Risk is imminent" means that the available facts, when viewed in light
13 of surrounding circumstances, would cause a reasonable person to believe that the
14 event stated in the threat is about to happen.

15 ~~(1)~~ (2) "School" shall have the meaning ascribed to it by R.S. 17:236.

16 ~~(2)~~ (3) "Student" means any person registered or enrolled at a school.

17 ~~(3)~~ (4) "Threat is credible ~~and imminent~~" means that the available facts,
18 when viewed in light of surrounding circumstances, would cause a reasonable person
19 to believe that the person communicating the threat actually intends to carry out the

1 threat in the near future or has the apparent ability to carry out the threat in the near
2 future.

3 ~~(4)~~ (5) "Threat of terrorism" means communication, whether oral, visual, or
4 written, including but not limited to electronic mail, letters, notes, social media posts,
5 text messages, blogs, or posts on any social networking website, of any crime of
6 violence that would reasonably cause any student, teacher, principal, or school
7 employee to be in sustained fear for his safety, cause the evacuation of a building,
8 or cause other serious disruption to the operation of a school.

9 ~~(5)~~ (6) "Threat of violence" means communication, whether oral, visual, or
10 written, including but not limited to electronic mail, letters, notes, social media posts,
11 text messages, blogs, or posts on any social networking website, of any intent to kill,
12 maim, or cause great bodily harm to a student, teacher, principal, or school employee
13 on school property or at any school function.

14 §409.3. Mandatory reporting

15 A. Any administrator, teacher, counselor, bus operator, or other school
16 employee, whether full-time or part-time, who learns of a threat of violence or threat
17 of terrorism, whether through oral communication, written communication, or
18 electronic communication, shall:

19 ~~(1) Immediately~~ immediately report the threat to a local law enforcement
20 agency ~~if the threat is credible and imminent~~ and, if the employee is not the school
21 administrator, to the school administrator.

22 ~~(2) Immediately report the threat to school administrators for further~~
23 ~~investigation, in compliance with the policy adopted pursuant to R.S. 17:409.4, if the~~
24 ~~threat does not meet the standard provided for in Paragraph (1) of this Subsection.~~

25 B.(1) Upon being informed of the threat, the school administrator shall make
26 reasonable efforts to attempt to inform all persons who are targets of the threat and
27 shall take all necessary measures to protect their life and safety.

28 (2) The school administrator next shall make reasonable efforts to attempt
29 to notify the appropriate personnel within the school district administration.

1 (3) The school administrator and the school district administrator then shall
2 determine if risk is imminent for any other persons because of the threat, and if so,
3 notify them and make reasonable efforts to attempt to take measures to protect their
4 life and safety.

5 (4) The school administrator and the school district administrator then shall
6 determine whether to notify parents of the students at the school.

7 B: C. No person shall have a cause of action against any person for any
8 action taken or statement made in adherence with the requirement for reporting as
9 provided in this Subpart. However, the immunity from liability provided in this
10 Subsection shall not apply to any action or statement if the action or statement was
11 maliciously, willfully, and deliberately intended to cause harm to, harass, or
12 otherwise deceive law enforcement or school officials.

13 §409.4. Investigation of threats of violence or threats of terrorism

14 A.

15 * * *

16 (2) If the investigation results in evidence or information that supports that
17 a threat is credible ~~and imminent~~, ~~the threat shall be immediately reported to a local~~
18 ~~law enforcement agency~~ school and school district shall implement measures to
19 provide for ongoing protection of the safety and life of all students and staff at the
20 school.

21 B. Any law enforcement agency receiving notification of an alleged threat
22 of violence or threat of terrorism under this Subpart shall:

23 (1) ~~Begin~~ Immediately begin an investigation ~~not later than the first day that~~
24 ~~school is in session after the report is received~~ and endeavor to complete the
25 investigation not later than three school days after the report is received.

26 * * *

27 §409.5. Restrictions and examination

28 A.(1)(a) If a law enforcement agency, based on its investigation as required
29 by R.S. 17:409.4(B)(1), determines that a student's threat is credible ~~and imminent~~,

1 it shall report it to the district attorney, who may file a petition no later than seven
 2 days after receiving such report with the appropriate judicial district court for
 3 medical, psychological, and psychiatric examination as outlined in this Subsection.
 4 Where the district attorney, in his discretion, decides not to file the petition or does
 5 not file such petition during the requisite period, the student who is the subject of a
 6 complaint and investigation shall be permitted to return to school unless the student
 7 is charged with assault on a teacher as provided in R.S. 14:38.2 or battery on a
 8 teacher as provided in R.S. 14:34.3. The school administration shall permit a student
 9 who is the subject of a complaint and investigation to return to school if at any point
 10 prior to a hearing the threat is determined not to be credible after an investigation by
 11 the school administration, a law enforcement agency, or the district attorney or by
 12 order of the court after a hearing unless the student is charged with assault on a
 13 teacher as provided in R.S. 14:38.2 or battery on a teacher as provided in R.S.
 14 14:34.3. The school administrator shall notify any person who was a target of the
 15 threat at least two school days prior to the student's return. The school administrator
 16 or his designee may conduct a search of the student or his property for weapons upon
 17 his return.

* * *

19 B. If the person who is reported to a local law enforcement agency pursuant
 20 to R.S. 17:409.3(A) is not a student, he shall not be permitted to be within five
 21 hundred feet of any school until he has undergone a formal medical or mental health
 22 evaluation and has been deemed by a ~~health care~~ healthcare professional to not be
 23 dangerous to himself or others. After such a determination, the person shall not be
 24 permitted in a school unless he has notified the school administrator of his intent to
 25 visit the school and he is notified that the administrator has provided at least two
 26 school days' notice regarding the visit to anyone in the school who was directly
 27 threatened by the person. The school administrator may deny such person the right
 28 to visit the school.

- 1 C. No person shall have a cause of action against any person for any action
 2 taken or statement made in adherence with this Section unless based on conduct that
 3 is maliciously, willfully, and deliberately intended to cause harm or harass.
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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)]

HB 348 Engrossed

2023 Regular Session

Jenkins

Abstract: Revises procedures for the reporting and investigation of threats of terrorism or violence at schools.

Present law requires each public school governing authority to adopt a policy for the investigation of threats of violence or terrorism.

Initial Reporting and School Level Investigation

Present law requires school employees who learn of a threat of violence or threat of terrorism to immediately report the threat:

- (1) To a local law enforcement agency if the threat is credible and imminent.
- (2) To the school administrator if the threat does not meet that threshold.

Proposed law instead requires employees to immediately report all threats to law enforcement and to the administrator (if the employee is not the administrator). Requires the administrator, upon being informed of the threat, to make reasonable efforts to attempt to inform persons who are targets of the threat and take all necessary measures to protect their life and safety. Further requires:

- (1) The school administrator next to make reasonable efforts to attempt to notify the appropriate personnel within the school district administration.
- (2) The school administrator and the school district administrator to determine if risk is imminent for any other persons because of the threat, and if so, to notify them and make reasonable efforts to attempt to take measures to protect their life and safety.
- (3) The school administrator and the school district administrator to determine whether to notify parents of the students at the school.

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 provides that if the investigation results in evidence or information that supports that a threat is credible, the school or school district shall implement measures to provide for ongoing protection of the safety and life of all students and staff at the school.

Law Enforcement Investigation

Present law requires a law enforcement agency receiving a threat notification to begin an investigation not later than the first day that school is in session after the report is received. Proposed law instead requires law enforcement to begin the investigation immediately.

Persons Reported for Making a Threat

Present law allows students reported for making a threat to return to school under certain circumstances. Proposed law requires the school administrator to notify any person who was directly threatened at least two school days prior to such a student's return; excepts students charged with certain crimes against teachers from those allowed to return; and adds that the school administrator or his designee may conduct a search of the student or his property for weapons upon his return.

Present law provides that if the person making a threat is not a student, he shall not be permitted to be within 500 feet of a school until a healthcare professional deems him to not be dangerous. Proposed law provides that, at that point, if the person intends to visit a school, he shall notify the school administrator of his intent and receive notice that the school administrator has provided two school days' notice to any person he directly threatened; authorizes the school administrator to deny the person the right to visit the school. Proposed law adds that no person shall have a cause of action against any person for any action taken or statement made in adherence with proposed law unless based on conduct that is maliciously, willfully, and deliberately intended to cause harm or harass.

(Amends R.S. 17:409.2, 409.3, 409.4(A)(2) and (B)(1), and 409.5(A)(1)(a) and (B); Adds R.S. 17:409.5(C))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Require certain personnel to make reasonable efforts to attempt to take certain actions in the event of a threat of violence or terrorism rather than requiring them to take the actions immediately.
2. Add that school administrators may deny certain individuals the right to visit the school.
3. Add a limitation of liability relative to carrying out proposed law.