

RÉSUMÉ DIGEST

ACT 164 (HB 348)

2023 Regular Session

Jenkins

Existing 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

Existing law requires school employees who learn of a threat of violence or terrorism to report the threat. Prior law required them to report the threat to a local law enforcement agency if the threat was credible and imminent and to the school administrator if the threat did not meet that threshold. New 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 lives 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 lives and safety.
- (3) The school administrator and the school district administrator to determine whether to notify parents of the students at the school.

Existing law requires action if the school-level investigation produces evidence or information that supports that a threat is credible. Prior law required, if the threat was both credible and imminent, that it be immediately reported to a local law enforcement agency. New law instead provides that if the threat is credible, the school or school district shall implement measures to provide for ongoing protection of the safety and lives of all students and staff at the school.

Law Enforcement Investigation

Existing law requires a law enforcement agency receiving a threat notification to begin an investigation. Prior law required law enforcement to begin the investigation not later than the first day that school was in session after the report was received. New law instead requires law enforcement to begin the investigation immediately.

Persons Reported for Making a Threat

Existing law allows students reported for making a threat to return to school under certain circumstances. New 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.

Existing 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. New law adds 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.

New law adds that no person shall have a cause of action against any person for any action taken or statement made in adherence with existing law or new law unless based on conduct that is maliciously, willfully, and deliberately intended to cause harm or harass.

Effective August 1, 2023.

(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))