

HOUSE COMMITTEE AMENDMENTS

2026 Regular Session

Amendments proposed by House Committee on Administration of Criminal Justice to Original House Bill No. 133 by Representative Newell

1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" delete the remainder of the line and insert "R.S. 14:34(B)
3 and (C)(introductory paragraph), 34.1(B)(introductory paragraph) and (C), 34.3(A),
4 (B)(introductory paragraph), and (C), and Children's Code Article 897.1(D) through (G) and
5 to enact R.S. 14:34(C)(3) and (4), 34.1(B)(3) and (4), and 34.3(B)(4) and Children's Code
6 Article 897.1(H),"

7 AMENDMENT NO. 2

8 On page 1, line 3, after "battery;" and before "to provide" insert "to provide relative to
9 penalties for the crimes of second degree battery and aggravated battery; to provide for
10 definitions;"

11 AMENDMENT NO. 3

12 On page 1, delete lines 7 and 8 in their entirety and insert the following:

13 "Section 1. R.S. 14:34(B) and (C)(introductory paragraph), 34.1(B)(introductory
14 paragraph) and (C), and 34.3(A), (B)(introductory paragraph), and (C) are hereby amended
15 and reenacted and R.S. 14:34(C)(3) and (4), 34.1(B)(3) and (4), and 34.3(B)(4) are hereby
16 enacted to read as follows:

17 §34. Aggravated battery

18 * * *

19 B.(1) Whoever commits an aggravated battery shall be fined not more than
20 five thousand dollars, imprisoned with or without hard labor for not more than ten
21 years, or both.

22 (2) At least six months of the sentence imposed shall be served without
23 benefit of parole, probation, or suspension of sentence if the offender knew or should
24 have known that the victim is a student or school employee.

25 (3) At least one year of the sentence imposed shall be served without benefit
26 of parole, probation, or suspension of sentence if the offender knew or should have
27 known that the victim is an active member of the United States Armed Forces or is
28 a disabled veteran and the aggravated battery was committed because of that status.

29 (4) If the offender is under the age of seventeen, the disposition of the matter
30 shall be governed exclusively by the provisions of Title VIII of the Children's Code.

31 C. For purposes of this Section, the following words ~~shall~~ have the following
32 meanings:

33 * * *

34 (3) "School employee" means any person employed by the school and any
35 substitute teacher, substitute bus operator, or school volunteer.

36 (4) "Student" means any person who is under the age of seventeen years and
37 is enrolled at any public or nonpublic elementary school, secondary school, or high
38 school in this state.

39 §34.1. Second degree battery

40 * * *

41 B. For purposes of this Section, the following words ~~shall~~ have the following
42 meanings:

43 * * *

44 (3) "School employee" means any person employed by the school and any
45 substitute teacher, substitute bus operator, or school volunteer.

1 AMENDMENT NO. 10

2 On page 2, delete lines 18 and 19 in their following and insert the following:

3 "Section 2. Children's Code Article 897.1(D) through (G) are hereby amended and
4 reenacted and Children's Code Article 897.1(H) is hereby enacted to read as follows:"5 AMENDMENT NO. 116 On page 2, delete lines 22 through 28 in their entirety and delete page 3 in its entirety and
7 insert the following:8 D.(1) After adjudication of a felony-grade delinquent act based upon R.S.
9 14:34, aggravated battery, when the victim is a student or school employee; R.S.
10 14:34.1, second degree battery, when the victim is a student or school employee; or
11 R.S. 14:34.3, battery of a school teacher, the court shall commit the child to the
12 custody of the Department of Public Safety and Corrections, or to the custody of a
13 secure public or private institution, to be confined in secure placement for not less
14 than six months without benefit of probation or suspension of imposition or
15 execution of sentence.16 (2) In addition to the penalties provided in Subparagraph (1) of this
17 Paragraph, the court shall impose a requirement that the child participate in a
18 court-approved counseling program which may include anger management, abusive
19 behavior intervention groups, or any other type of counseling deemed appropriate by
20 the court. Any costs associated with the counseling program shall be borne by the
21 child or a parent, tutor, guardian, or other person who is financially responsible for
22 the care of the child.23 ~~D. E.~~ E. Juveniles confined in secure placement for an adjudication as set forth
24 in Paragraph C of this Article shall be eligible for modification after serving
25 twenty-four months of the disposition or if the disposition is less than thirty-six
26 months, one-half of the disposition.27 ~~E. F.~~ F. A motion for modification of a disposition shall be filed pursuant to
28 Article 910 et seq. and a contradictory hearing shall be set no sooner than thirty days
29 from the date of notice to the district attorney. To grant a motion for modification
30 of disposition, the court must find that the child poses a reduced risk to the
31 community based on the following considerations:

32 (1) The child has a favorable progress report from the placement facility.

33 (2) The child meets one of the following work or self-improvement criteria:

34 (a) Has attained a high school diploma or equivalent.

35 (b) Is actively participating in workforce training or a certification program
36 and is in good standing as evidenced by grades and behavior notes submitted by the
37 child's instructors.38 (3) The child has obtained a low-risk designation as determined by a valid
39 risk assessment procedure approved by the office of juvenile justice.

40 (4) The recommendation of the office of juvenile justice.

41 (5) A reentry plan that includes an appropriate placement to conduct
42 supervision and achieve aftercare goals.43 (6) Any additional evidence provided by the child, the state, or the office of
44 juvenile justice.45 ~~F. G.~~ G. At least six months prior to the release of the child, the department
46 shall prepare an individualized and thorough transitional plan that identifies the
47 techniques, programs, personnel, and facilities that will be used to assist the child in
48 achieving a successful return to his family and the community. A copy of the
49 transitional plan shall be mailed to the court that ordered the disposition of
50 commitment.51 ~~G. H.~~ H. The provisions of this Article shall apply to all children in the custody
52 of the Department of Public Safety and Corrections, office of juvenile justice, on or
53 after August 1, 2018.

1 Section 3. The Louisiana State Law Institute is hereby authorized and directed to
2 renumber the Paragraphs of R.S. 14:34.3(B) so as to properly place R.S. 14:34.3(B)(4) as
3 enacted by this Act."