

2026 Regular Session

HOUSE BILL NO. 133

BY REPRESENTATIVE NEWELL

CRIME/BATTERY: Provides relative to certain battery offenses against school employees

1 AN ACT

2 To amend and reenact R.S. 14:34(B) and (C)(introductory paragraph), 34.1(B)(introductory
3 paragraph) and (C), 34.3(A), (B)(introductory paragraph), and (C), and Children's
4 Code Article 897.1(D) through (G) and to enact R.S. 14:34(C)(3) and (4), 34.1(B)(3)
5 and (4), and 34.3(B)(4) and Children's Code Article 897.1(H), relative to assault and
6 battery; to provide relative to penalties for the crimes of second degree battery and
7 aggravated battery; to provide for definitions; to provide relative to the crime of
8 battery of a school teacher; to provide for penalties; to provide for the disposition of
9 certain offenders; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

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

15 §34. Aggravated battery

16 * * *

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

1 C.(1) Whoever commits the crime of second degree battery shall be fined not
2 more than two thousand dollars or imprisoned, with or without hard labor, for not
3 more than eight years, or both.

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

7 (3) At least eighteen months of the sentence imposed shall be served without
8 benefit of parole, probation, or suspension of sentence if the offender knew or should
9 have known that the victim is an active member of the United States Armed Forces
10 or is a disabled veteran and the second degree battery was committed because of that
11 status.

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

14 * * *

15 §34.3. Battery of a school teacher

16 A. Battery of a school teacher is a battery committed without the consent of
17 the victim when the offender has reasonable grounds to believe the victim is a school
18 teacher acting in the performance of employment duties or when the battery was
19 committed because of the status of the victim as a school teacher.

20 B. For the purposes of this Section, the following terms have the following
21 meanings:

22 * * *

23 (4) "Developmental disability" has the same meaning as provided in R.S.
24 28:451.2.

25 C. Whoever commits the crime of battery of a school teacher shall be
26 punished as follows:

27 (1)(a) If the ~~battery was committed by a~~ offender is a student, upon
28 conviction and the battery does not cause serious bodily injury, the offender he shall
29 be fined not more than ~~five~~ one thousand dollars or imprisoned for not less than

1 thirty days nor more than ~~one year~~ six months. At least seventy-two hours of the
2 sentence imposed shall be imposed without benefit of suspension of sentence.

3 (b) Except as provided in Subparagraph (c) of this Paragraph, if the offender
4 is a student and the battery causes serious bodily injury, he shall be fined not more
5 than five thousand dollars or imprisoned with or without hard labor for not less than
6 thirty days nor more than one year. At least seventy-two hours of the sentence
7 imposed shall be imposed without benefit of suspension of sentence.

8 (c)(i) Except as provided in Item (ii) of this Subparagraph, if the offender is
9 a student who is under the age of seventeen, the disposition of the matter shall be
10 governed exclusively by the provisions of Title VIII of the Children's Code.

11 (ii) If the offender is a student who suffers from a developmental disability,
12 regardless if the disability was previously documented, the disposition of the matter
13 shall be governed exclusively by the provisions of Title VIII of the Children's Code
14 pertaining to adjudication and disposition for misdemeanor-grade offenses.

15 (iii) If the offender is a student who has not previously been evaluated for
16 a developmental disability, the court shall order an evaluation of the offender to
17 assist the court in determining the proper disposition of the offender.

18 (2) If the ~~battery was committed by someone who~~ offender is not a student,
19 regardless if the battery causes serious bodily injury, the offender shall be fined not
20 more than five thousand dollars or imprisoned with or without hard labor for not less
21 than one year nor more than five years, or both.

22 ~~(3) If the battery produces an injury that requires medical attention, the~~
23 ~~offender shall be fined not more than five thousand dollars or imprisoned with or~~
24 ~~without hard labor for not less than one year nor more than five years, or both.~~

25 Section 2. Children's Code Article 897.1(D) through (G) are hereby amended and
26 reenacted and Children's Code Article 897.1(H) is hereby enacted to read as follows:

27 Art. 897.1. Disposition after adjudication of certain felony-grade delinquent acts

28 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 D.(1) After adjudication of a felony-grade delinquent act based upon R.S.
 2 14:34, aggravated battery, when the victim is a student or school employee; R.S.
 3 14:34.1, second degree battery, when the victim is a student or school employee; or
 4 R.S. 14:34.3, battery of a school teacher, the court shall commit the child to the
 5 custody of the Department of Public Safety and Corrections, or to the custody of a
 6 secure public or private institution, to be confined in secure placement for not less
 7 than six months without benefit of probation or suspension of imposition or
 8 execution of sentence.

9 (2) In addition to the penalties provided in Subparagraph (1) of this
 10 Paragraph, the court shall impose a requirement that the child participate in a
 11 court-approved counseling program which may include anger management, abusive
 12 behavior intervention groups, or any other type of counseling deemed appropriate by
 13 the court. Any costs associated with the counseling program shall be borne by the
 14 child or a parent, tutor, guardian, or other person who is financially responsible for
 15 the care of the child.

16 ~~D.E.~~ Juveniles confined in secure placement for an adjudication as set forth
 17 in Paragraph C of this Article shall be eligible for modification after serving
 18 twenty-four months of the disposition or if the disposition is less than thirty-six
 19 months, one-half of the disposition.

20 ~~E.F.~~ A motion for modification of a disposition shall be filed pursuant to
 21 Article 910 et seq. and a contradictory hearing shall be set no sooner than thirty days
 22 from the date of notice to the district attorney. To grant a motion for modification
 23 of disposition, the court must find that the child poses a reduced risk to the
 24 community based on the following considerations:

- 25 (1) The child has a favorable progress report from the placement facility.
- 26 (2) The child meets one of the following work or self-improvement criteria:
- 27 (a) Has attained a high school diploma or equivalent.

1 (b) Is actively participating in workforce training or a certification program
2 and is in good standing as evidenced by grades and behavior notes submitted by the
3 child's instructors.

4 (3) The child has obtained a low-risk designation as determined by a valid
5 risk assessment procedure approved by the office of juvenile justice.

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

7 (5) A reentry plan that includes an appropriate placement to conduct
8 supervision and achieve aftercare goals.

9 (6) Any additional evidence provided by the child, the state, or the office of
10 juvenile justice.

11 ~~F.G.~~ At least six months prior to the release of the child, the department shall
12 prepare an individualized and thorough transitional plan that identifies the
13 techniques, programs, personnel, and facilities that will be used to assist the child in
14 achieving a successful return to his family and the community. A copy of the
15 transitional plan shall be mailed to the court that ordered the disposition of
16 commitment.

17 ~~G.H.~~ The provisions of this Article shall apply to all children in the custody
18 of the Department of Public Safety and Corrections, office of juvenile justice, on or
19 after August 1, 2018.

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

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 133 Engrossed

2026 Regular Session

Newell

Abstract: Provides relative to certain battery offenses against school employees.

Present law (R.S. 14:34 and 34.1) provides for the crimes of aggravated battery and second degree battery.

Proposed law generally retains present law and does the following:

- (1) Requires that at least six months of the sentence imposed for commission of these offenses be served without benefit of parole, probation, or suspension of sentence if the offender knew or should have known that the victim is a school employee or student.
- (2) Provides that if the offender is a student who is under the age of 17, the disposition of the matter shall be governed exclusively by the provisions of present law (Title VIII of the Children's Code).
- (3) Defines the terms "school employee" and "student".

Present law (R.S. 14:34.3) describes the crime of battery of a school teacher as a battery committed without the consent of the victim when the offender has reasonable grounds to believe the victim is a school teacher acting in the performance of employment duties.

Proposed law amends present law to include a battery that was committed because of the victim's status as a school teacher.

Present law provides for definitions.

Proposed law retains present law and defines the term "developmental disability".

Present law provides for penalties as follows:

- (1) If the battery was committed by a student, upon conviction, a fine of not more than \$5,000 or imprisonment for not less than 30 days nor more than one year with at least 72 hours of the sentence imposed without benefit of suspension of sentence.
- (2) If the battery was committed by someone who is not a student or produces an injury that requires medical attention, a fine of not more than \$5,000 or imprisonment with or without hard labor for not less than one year nor more than five years, or both.

Proposed law amends the present law penalty relative to a battery committed by a student to include a circumstance where the battery does not produce an injury that causes serious bodily injury. Further changes the penalty from a maximum fine of \$5,000 to \$1,000 and from a maximum imprisonment term of one year to six months.

Proposed law provides that if the offender is a student and the battery produces an injury that causes serious bodily injury, the penalty shall be a maximum fine of \$5,000 or imprisonment with or without hard labor for not less than 30 days nor more than one year with at least 72 hours of the sentence imposed without benefit of suspension of sentence.

Proposed law provides that if the offender is a student who is under the age of 17, the disposition of the matter shall be governed exclusively by the provisions of present law (Title VIII of the Children's Code).

Proposed law provides that present law (Title VIII of the Children's Code) pertaining to adjudication and disposition for misdemeanor-grade offenses governs the disposition of the matter if the offender is a student who suffers from a developmental disability, regardless if the disability was previously documented.

Proposed law requires the court to order an evaluation of the offender to assist the court in determining the proper disposition of the offender if the offender is a student who has not previously been evaluated for a developmental disability.

Proposed law amends the present law penalty relative to a battery committed by a nonstudent to provide that, regardless if the battery produces an injury or causes serious bodily injury, the offender shall be fined not more than \$5,000 or imprisoned with or without hard labor for not less than one year nor more than five years, or both.

Present law (Ch.C. Art. 897.1) provides for the disposition of juvenile offenders after adjudication for certain felony-grade delinquent acts.

Proposed law generally retains present law.

Proposed law requires the court to commit a child to the custody of the Dept. of Public Safety and Corrections (ODPS&C), or to the custody of a secure public or private institution, to be confined in secure placement for not less than six months without benefit of probation or suspension of imposition or execution of sentence after adjudication for a felony-grade delinquent act based upon aggravated battery or second degree battery, when either offense involves a victim who is a student or school employee, or battery of a school teacher.

Proposed law requires the court to impose a requirement that the child participate in a court-approved counseling program which may include anger management, abusive behavior intervention groups, or any other type of counseling deemed appropriate by the court.

Proposed law further requires any costs associated with the counseling program to be borne by the child or a parent, tutor, guardian, or other person who is financially responsible for the care of the child.

(Amends R.S. 14:34(B) and (C)(intro. para.), 34.1(B)(intro. para.) and (C), 34.3(A), (B)(intro. para.), and (C) and Ch.C. Art. 897.1(D)-(G); Adds R.S. 14:34(C)(3) and (4), 34.1(B)(3) and (4), and 34.3(B)(4) and Ch.C. Art. 897.1(H))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes.
2. Require that at least six months of the sentence imposed for commission of an aggravated battery or second degree battery be served without benefit of parole, probation, or suspension of sentence if the offender knew or should have known that the victim is a student or school employee.
3. Provide that offenses of second degree battery or aggravated battery committed by a student who is under the age of 17 are governed exclusively by the provisions of present law (Title VIII of the Children's Code).
4. Define the terms "student" and "developmental disability".
5. Clarify that the battery committed on a school teacher has to produce serious bodily injury, rather than an injury that requires medical attention.
6. Provide that an offender who is a student with a developmental disability is subject to misdemeanor delinquency proceedings pursuant to the Children's Code.
7. Require the court to order an evaluation of an offender who is a student and who has not previously been evaluated for a developmental disability for the purposes of assisting the court in determining the proper disposition of the offender.

8. Remove battery of a teacher from the list of present law felonies that mandate the commitment of a juvenile offender without benefit of probation or suspension of sentence, subject to modification after certain time periods.
9. Require that a child who is adjudicated for a felony-grade delinquent act based upon either aggravated battery or second degree battery when the victim is a student or school employee or battery of a school teacher, be committed to the DPS&C, or to the custody of a secure public or private institution, for confinement in secure placement for not less than six months without benefit of probation or suspension of sentence.
10. Require the court to impose a requirement that the child participate in a court-approved counseling program for aggravated battery or second degree battery committed under certain circumstances as well as battery of a school teacher, which may include anger management, abusive behavior intervention groups, or any other type of counseling deemed appropriate by the court.
11. Require any costs associated with the counseling program to be borne by the child or a parent, tutor, guardian, or other person who is financially responsible for the care of the child.