
DIGEST

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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.