
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

DIGEST

Brown (SB 608)

Present law provides relative to the issuance of warrants of arrest.

Present law defines "magistrate" as any judge, justice of the peace, or mayor of a mayor's court.

Present law defines "school employee" as any employee of a city, parish, or other local public school board or other governing authority of a public elementary or secondary school, including a teacher, substitute teacher, bus driver, substitute bus driver, or janitor, and all temporary, part-time, and permanent school employees.

Present law provides that any magistrate may issue a warrant of arrest for a person under certain circumstances.

Proposed law provides that, notwithstanding any other provision of present law to the contrary, a magistrate cannot issue a warrant for the arrest of a school employee for any misdemeanor allegedly committed upon a student during the course and scope of the school employee's employment regardless whether the act is alleged to have occurred on or off the school campus. Proposed law further provides that in such instances, a summons is to be issued to the school employee pursuant to present law relative to the issuance of a summons by a magistrate.

Proposed law otherwise retains present law.

Present law provides that a peace officer may arrest a person without a warrant under certain circumstances.

Proposed law provides that, notwithstanding any other provision of present law to the contrary, a peace officer cannot arrest a school employee for any misdemeanor allegedly committed upon a student during the course and scope of the school employee's employment regardless whether the act is alleged to have occurred on or off the school campus. Proposed law further provides that in such instances, a summons is to be issued to the school employee pursuant to present law relative to the issuance of a summons by a magistrate.

Proposed law otherwise retains present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends C.Cr.P. Art. 213; adds C.Cr.P. Art. 202(F))