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The original instrument was prepared by Alden A. Clement, Jr. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cathy R. Wells.

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## 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 provides as an exception, a peace officer may arrest a school employee without a warrant for a misdemeanor if:

- (1) The peace officer personally witnesses an alleged simple battery committed upon a student by a school employee, whether on or off campus; or

- (2) The peace officer receives a complaint of an alleged simple battery committed upon a student by a school employee, whether alleged to have occurred on or off campus, and there is physical evidence of a resulting injury to the student which is personally witnessed by such officer.

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))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Adds exception under which a peace officer may arrest a school employee without a warrant for a misdemeanor.