

Prior law provided relative to the issuance of warrants of arrest.

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

Prior law defined "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.

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

New law provides that, notwithstanding any other provision of prior 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. New law further provides that in such instances, a summons is to be issued to the school employee pursuant to prior law relative to the issuance of a summons by a magistrate.

New law otherwise retains prior law.

Prior law provided that a peace officer may arrest a person without a warrant under certain circumstances.

New law provides that, notwithstanding any other provision of prior 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. New law further provides that in such instances, a summons is to be issued to the school employee pursuant to prior law relative to the issuance of a summons by a magistrate.

New 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 (June 18, 2014).

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