

2018 Regular Session

HOUSE BILL NO. 511

BY REPRESENTATIVE BACALA

MENTAL HEALTH: Requires a mental health evaluation of persons who threaten public safety or physical harm to other persons

1 AN ACT

2 To enact Part XII of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 17:409.1 through 409.6, relative to terrorism in schools; to provide
4 for legislative findings and purposes; to provide for definitions; to require the
5 reporting of any threats of violence to appropriate law enforcement; to provide for
6 mandatory mental health evaluations; to provide for safety measures; and to provide
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Part XII of Chapter 1 of Title 17 of the Louisiana Revised Statutes of
10 1950, comprised of R.S. 17:409.1 through 409.6, is hereby enacted to read as follows:

11 PART XII. SCHOOL TERRORISM ACT

12 § 409.1. Short title

13 This Part may be cited as the "School Terrorism Act".

14 § 409.2. Legislative Findings

15 The legislature finds and declares that:

16 (1) Acts of violence and terrorism continue to occur in schools and pose a
17 significant threat to the safety and well-being of children.

18 (2) Acts of violence and terrorism foster a climate of fear that can seriously
19 impair and affect the physical and psychological health of students and create
20 conditions that negatively affect learning.

1 (3) Protecting children and the school environment is a governmental interest
2 of the highest order.

3 (4) Students, parents, educators, and policymakers have come together to call
4 for leadership and action to address the national crisis of terrorism and violence in
5 our schools.

6 § 409.3. Purpose.

7 The purpose of this Part is to address the problem of acts of violence and
8 terrorism in elementary schools and secondary schools.

9 § 409.4. Definitions.

10 For the purposes of this Part:

11 (1) The term "school" means an institution for the teaching of children,
12 consisting of an adequate physical plant, whether owned or leased, instructional staff
13 members, and students, as defined in R.S. 17:236.

14 (2) The term "threat of violence" means the communication, whether
15 verbally, visually, or in writing, including but not limited to, e-mail, letters, notes,
16 social media posts, text messages, blogs, or any social networking website, of any
17 intent to kill, maim, or cause great bodily harm to a student, teacher, principal, or
18 school employee on school property or at any school function.

19 (3) The term "threat of terrorism" means the communication, whether
20 verbally, visually, or in writing, including but not limited to, e-mail, letters, notes,
21 social media posts, text messages, blogs, or any social networking website, of any
22 crime of violence which would reasonably cause any student, teacher, principal, or
23 school employee to be in sustained fear for their safety, cause the evacuation of a
24 building, or other serious disruption to the operation of a school.

25 § 409.5. Mandatory reporting and investigation.

26 A. Any administrator, teacher, counselor, bus operator, or other school
27 employee, whether full-time or part-time, who learns of a threat of violence or threat
28 of terrorism, whether through verbal communication, written communication, or
29 electronic communication, shall report the threat to local law enforcement.

1 B. Any person who, pursuant to Subsection A of this Section, is required to
2 report a threat of violence or threat of terrorism, and willfully fails to so report shall
3 be fined not more than three thousand dollars, but not less than five hundred dollars.

4 C. No person shall have a cause of action against any person for any action
5 taken or statement made in adherence with the provisions for reporting as provided
6 in this Part. However, the immunity from liability provided in this Subsection shall
7 not apply to any action or statement if such action or statement was maliciously,
8 willfully, and deliberately intended to cause harm to, harass, or otherwise deceive
9 law enforcement or members of the school.

10 D. Each parish shall develop and adopt a procedure for the investigation of
11 reports of threats of violence or threats of terrorism under this Part. The procedures
12 shall include all of the following:

13 (1) An investigation shall include an interview of the reporter, the alleged
14 person making a threat, and any witnesses, and shall include obtaining copies or
15 photographs of any audio-visual evidence.

16 (2) The law enforcement agency shall begin an investigation of any report
17 that alleges a threat of violence or threat of terrorism under this Part on the first
18 business day that school is in session after the report is received. The investigation
19 shall be completed not later than three school days after the date the report of the
20 threat is received.

21 (3) The law enforcement agency receiving a report shall notify the principal
22 of the school which is the target of a threat of violence or threat of terrorism. If the
23 principal is not available or cannot be contacted, the law enforcement agency shall
24 notify any school official authorized to act in an emergency situation.

25 E. In addition to the investigation and procedures outlined in this Section,
26 nothing shall prohibit law enforcement from detaining or arresting any person with
27 probable cause for any alleged criminal act.

1 §409.6. Restrictions and mandatory evaluation

2 A. If the person who is reported to law enforcement pursuant to R.S.
3 17:409.5(A) is a student, that person shall not be permitted to return to school until
4 undergoing a formal mental health evaluation as outlined in Subsection C of this
5 Section.

6 B. If the person who is reported to law enforcement pursuant to R.S.
7 17:409.5(A) is not a student, that person shall not be permitted to be within five-
8 hundred feet of the school which is the reported target of any act of violence or
9 terrorism until the person has undergone a mental health evaluation and been deemed
10 by a health care professional to not be dangerous to himself or others.

11 C. If the person who is reported to law enforcement is a minor, then the local
12 law enforcement agency shall contact the local child protection unit of the
13 Department of Children and Family Services. The local child protection unit shall
14 file a motion with the appropriate judicial district court for a medical, psychological,
15 and psychiatric examination as authorized by Children's Code Article 760.

16 D. If the person who is reported to law enforcement is an adult, then the law
17 enforcement agency shall file with its judicial district court a petition, as outlined in
18 R.S. 28:54.

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 511 Original

2018 Regular Session

Bacala

Abstract: Provides relative to the reporting of threats of violence and terrorism at schools and requires mental health evaluations.

Present law does not require that teachers, principals, or other school employees report threats of violence or terrorism on school campuses to law enforcement.

Present law does not require any person who threatens violence or terrorism in a school setting to undergo a mental health evaluation.

Proposed law provides definitions for "school", "threat of violence", and "threat of terrorism".

Proposed law requires any school employee who learns of a threat of violence or terrorism at a school or a school-related function to report the threat to law enforcement.

Proposed law provides for procedures for law enforcement upon receiving a report of a threat of terrorism or violence on a school campus or school-related function.

Proposed law provides for mandatory mental health evaluations for individuals who make threats of violence or terrorism at schools or school-related functions.

Proposed law requires that any individual making a threat of violence or terrorism at a school or school-related function be prohibited from being within 500 feet of the school until undergoing a mental health evaluation and being cleared by a mental health professional to do so.

(Adds R.S. 17:409.1-409.6)