

2019 Regular Session

HOUSE BILL NO. 140

BY REPRESENTATIVE HODGES

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME: Creates the crime of terrorizing of a judge or law enforcement officer

1 AN ACT

2 To enact R.S. 14:40.1.1, relative to offenses against judges or law enforcement; to create the  
3 crime of terrorizing of a judge or law enforcement officer; to prohibit any person  
4 from threatening to cause death or serious bodily injury to a judge or law  
5 enforcement officer; to provide for definitions; to provide criminal penalties; and to  
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:40.1.1 is hereby enacted to read as follows:

9 §40.1.1. Terrorizing of a judge or law enforcement officer

10 A.(1) No person shall make a threat to cause death or serious bodily injury  
11 to a judge or law enforcement officer in retaliation for the legal performance of their  
12 duties through the use of electronic communication, electronic mail, or any other  
13 textual, visual, written, or oral communication, including communications made  
14 through video or other social media, which specifically threatens death or serious  
15 bodily injury of the judge or law enforcement officer.

16 (2) To constitute a violation of the provisions of this Section, it is necessary  
17 that the judge or officer reasonably believes that the threat of death or serious bodily  
18 injury is so imminent that the professional or personal life activities of the judge or  
19 officer is altered or otherwise changed in the interest of personal safety.

1           B. For purposes of this Section:

2           (1) "Electronic communication" means any transfer of signs, signals, writing,  
3           images, sounds, data, or intelligence of any nature, transmitted in whole or in part  
4           by wire, radio, computer, electromagnetic, photoelectric, or photo-optical system.

5           (2) "Electronic mail" means the transmission of information or  
6           communication by the use of the internet, a computer, a facsimile machine, a pager,  
7           a cellular telephone, a video recorder, or other electronic means sent to a person  
8           identified by a unique address or address number and received by that person.

9           (3) "Judge" means any active or retired judge of a city, parish, or state court  
10          located in this state.

11          (4) "Law enforcement officer" means any employee of the state, a  
12          municipality, a sheriff, or other public agency, whose permanent duties actually  
13          include the making of arrests, the performing of searches and seizures, or the  
14          execution of criminal warrants, and is responsible for the prevention or detection of  
15          crime or for the enforcement of the penal, traffic, or highway laws of this state, but  
16          not including any elected or appointed head of a law enforcement department.

17          C. Whoever violates the provisions of this Section shall be fined not more  
18          than fifteen thousand dollars or imprisoned with or without hard labor for not more  
19          than fifteen years, or both.

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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)]

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HB 140 Original

2019 Regular Session

Hodges

**Abstract:** Creates the crime of terrorizing of a judge or law enforcement officer, provides definitions for purposes of this crime, and provides for criminal penalties.

Proposed law creates the crime of terrorizing of a judge or law enforcement officer which prohibits a person from making a threat to cause death or serious bodily injury to a judge or law enforcement officer in retaliation for the legal performance of their duties through the use of electronic, textual, visual, written, or oral communication. Further provides that to constitute a violation of the provisions of proposed law, it is necessary that the judge or officer reasonably believes that the threat of death or serious bodily injury is so imminent that the professional or personal life activities of the judge or officer is altered or otherwise changed in the interest of personal safety.

Proposed law provides definitions of "electronic communication", "electronic mail", "judge", and "law enforcement officer" for purposes of proposed law.

Proposed law provides that any person who violates the provisions of proposed law shall be fined not more than \$15,000 or imprisoned with or without hard labor for not more than 15 years, or both.

(Adds R.S. 14:40.1.1)