

GREEN SHEET REDIGEST

HB 307

2019 Regular Session

Mike Johnson

CRIME: Provides relative to the crimes of public intimidation and retaliation.

DIGEST

Present law provides for the crime of public intimidation, which is the use of violence, force, or threats upon certain public persons with the intent to influence his conduct in relation to his position, employment, or duty.

Present law further provides for the crime of public retaliation, which is defined as the use of violence, force, or threats upon an elected official when such violence, force, or threat is related to the duties of the elected official or is in retaliation or retribution for actions taken by the elected official as part of his official duties.

Present law provides for penalties of a fine of up to \$1,000, or imprisonment, with or without hard labor, for up to five years, or both.

Proposed law amends the present law crimes to include extortionate threats and true threats.

Proposed law provides that "extortionate threats" occur when a person communicates an unlawful threat to harm another person with the intention to obtain anything of value or any acquittance, advantage, or immunity of any description and the person would not otherwise be able to lawfully secure such advantage willingly from the victim.

Proposed law provides that "true threats" occur when a person communicates a serious expression of an intent to commit an unlawful act of violence upon a person or group of persons with the intent to place such persons in fear of bodily harm or death. Proposed law further provides that the person need not actually intend to carry out the threat.

Proposed law retains present law penalties.

Present law provides that threatening a public official is engaging in any verbal or written communication that threatens serious bodily injury or death to a public official.

Proposed law redefines threatening a public official as engaging in any verbal or written communication that communicates a true threat to a public official. Proposed law provides that "true threats" occur when a person communicates a serious expression of an intent to commit an unlawful act of violence upon a person or group of persons with the intent to place such persons in fear of bodily harm or death. Proposed law further provides that the person communicating the true threat need not actually intend to carry out the threat.

Proposed law otherwise retains present law.

Present law provides that whoever commits the crime of threatening a public official is to be fined up to \$500, imprisoned for up to six months, or both.

Proposed law retains present law.

Effective August 1, 2019.

(Amends R.S. 14:122(A)(intro para), (B)(intro para), and (C) and 122.2; adds R.S. 14:122(D))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the engrossed bill

1. Adds proposed law amending the crime of threatening a public official to include "true threats" and providing a definition of "true threats".