

## HOUSE SUMMARY OF SENATE AMENDMENTS

**HB 193**

**2019 Regular Session**

**Bacala**

JUVENILE PROCEDURE: Revises procedures relative to students investigated for threats of violence or terrorism

### Synopsis of Senate Amendments

1. Prescribe a 7-day time limit on the district attorney's authority to file a petition for the examination of a student who makes a threat and add a requirement that the student be allowed to return to school if the district attorney decides not to file a petition or does not do so within that time period.
2. Require instead of authorize the school administration to allow a student who is the subject of an investigation to return to school if the threat is determined not to be credible or imminent.
3. Define what makes a threat "credible and imminent".
4. Specify that appropriate judicial district court is the one having jurisdiction where the school that is the subject of the threat is located or where the student resides.

### Digest of Bill as Finally Passed by Senate

Present law provides relative to a student reported to a law enforcement agency for a threat of violence or terrorism. Provides for a judicial hearing on whether the student should undergo a mental health evaluation. Provides that the student shall not be permitted to return to school until undergoing a formal mental health evaluation. Proposed law instead provides that a student who is the subject of a complaint and investigation shall be permitted to return to school by the school administration if at any point prior to a hearing the threat is determined not to be credible by the school administration, law enforcement agency, or district attorney or by order of the court after a hearing.

Present law requires the law enforcement agency to file a petition with the appropriate judicial district court for a mental health evaluation. Proposed law instead provides that if the law enforcement agency determines that the threat is credible and imminent, it shall report it to the district attorney, who may file such a petition not later than seven days after receiving such report. Requires that a student be permitted to return to school if the district attorney decides not to file a petition or does not do so within that time period.

Proposed law further provides that a "credible and imminent" threat means that the available facts, when viewed in light of surrounding circumstances, would cause a reasonable person to believe that the person communicating the threat actually intends to carry out the threat in the near future or has the apparent ability to carry out the threat in the near future. Specifies that the "appropriate judicial district court" is either the district court having jurisdiction in the place where the school that is the subject of the threat is located or in the place where the student resides.

(Amends R.S. 17:409.2, 409.3(A), 409.4(A) and (B)(intro. para.), and 409.5(A)(1))