

GREEN SHEET REDIGEST

HB 577

2019 Regular Session

Norton

CRIME: Amends the crime of threatening a public official to apply to law enforcement officers and threats made through social media

DIGEST

Present law defines the crime of threatening a public official as any verbal or written communication that threatens serious bodily injury or death to a public official.

Proposed law provides that the crime is committed when the verbal or written communication is a "true threat," which occurs 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 intend to carry out the threat. Proposed law expands the application of present law to threats made against law enforcement officers and to threats that are made through social media.

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, or imprisoned for up to six months, or both.

Proposed law retains present law.

Present law provides that these present law penalties apply when the person commits the crime of threatening a public official with the intent to influence his conduct in relation to his position, employment, or official duty, or in retaliation as reprisal for his previous action in relation to his position, employment, or official duty.

Proposed law deletes present law as superfluous since the penalties under this provision of present law are identical to the penalties applicable when the conditions contained in this provision of present law are not met.

Present law defines "public official" as any executive, ministerial, administrative, judicial, or legislative officer of the state of La.

Proposed law retains present law.

Proposed law defines "law enforcement officer" as any employee of the state, a municipality, a sheriff, or other public agency, whose permanent duties include the making of arrests, the performing of searches and seizures, or the execution of criminal warrants, and who is responsible for the prevention or detection of crime or for the enforcement of the penal, traffic, or highway laws of this state.

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.

(Amends R.S. 14:122.2)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Specify that the crime is committed when the threat is made in retaliation for the legal performance of the legal duties of the public official or law enforcement officer.

The House Floor Amendments to the engrossed bill:

1. Amend the elements of the offense to provide that the crime is committed when done with the intent to influence his conduct in relation to his position, employment, or official duty, or in retaliation for his previous action in relation to his position, employment, or official duty.
2. Remove provision of present law providing specific penalties when the person commits the crime of threatening a public official with the intent to influence or in retaliation for his conduct in relation to his position, employment, or official duty.

Summary of Amendments Adopted by Senate

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

1. Delete proposed law that the offense is committed when done with the intent to influence or in retaliation for the officer's or official's conduct in relation to his position, employment, or official duty.
2. Add that the offense is committed when a verbal or written communication is a "true threat" and provide a definition of "true threat."
3. Make technical changes.