

RÉSUMÉ DIGEST

ACT 311 (HB 307)

2019 Regular Session

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Existing law (R.S. 14:122) 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.

Existing 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.

Existing 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.

New law amends the existing law crimes to include extortionate threats and true threats.

New 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.

New 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. New law further provides that the person need not actually intend to carry out the threat.

New law retains existing law penalties.

Existing law (R.S. 14:122.2) defines the crime of threatening a public official as any verbal or written communication which threatens serious bodily injury or death to a public official.

New law retains existing law, but amends the crime to do all of the following:

- (1) Expand its application to true threats made to a public official or law enforcement officer.
- (2) Expand its application to threats made through social media.

Existing law provides that whoever commits the crime of threatening a public official shall be fined not more than \$500, or imprisoned for not more than six months, or both.

Prior law provided that the existing law penalties shall 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.

New law retains the existing law penalties, but applies them generally to persons who commit the offense as defined by new law and removes the provision 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.

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

New law retains existing law and further defines "law enforcement officer", "true threats", and "verbal or written communication".

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))

