
DIGEST

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HB 432 Original

2020 Regular Session

Bacala

Abstract: Revises procedures relative to students investigated for threats of violence or terrorism.

Present law requires each public school governing authority to adopt a policy for the investigation of threats of violence or terrorism. Proposed law additionally requires such investigation to include a threat assessment of any student allegedly making a threat. Also provides that no present law or proposed law relative to the investigations and assessments at the school level prohibits the use of present law proceedings (specifically those provided in the state's behavioral health law, R.S. 28:1 et seq., or mental health proceedings for juveniles, Ch.C. Art. 1401 et seq.).

Present law provides that if the school-level investigation produces evidence or information that supports that a threat is credible and imminent, the threat shall be immediately reported to a local law enforcement agency. Proposed law instead applies this reporting requirement to when such evidence or information supports "a reasonable belief" that a threat is credible and imminent.

Present law provides that if the law enforcement agency determines that the threat is credible and imminent, it shall report the threat to the district attorney. Proposed law retains present law.

Present law authorizes the district attorney to then file a petition with the court for medical, psychological, and psychiatric examination and specifies procedures for such examination process. Proposed law repeals these procedural provisions and instead authorizes the district attorney to institute proceedings pursuant to present law (specifically the state's behavioral health law, R.S. 28:1 et seq., or mental health proceedings for juveniles, Ch.C. Art. 1401 et seq.).

(Amends 17:409.2 (1)-(3) and 409.4(A) and (B); Repeals R.S. 17:409.5)