

2023 Regular Session

HOUSE BILL NO. 348

BY REPRESENTATIVE JENKINS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SCHOOLS: Provides relative to school safety

1 AN ACT

2 To amend and reenact R.S. 17:409.2, 409.3, 409.4(A)(2) and (B)(1), and 409.5(A)(1)(a) and
3 (B), relative to school safety; to revise procedures for the reporting and investigation
4 of threats of terrorism and violence; to revise definitions; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 17:409.2, 409.3, 409.4(A)(2) and (B)(1), and 409.5(A)(1)(a) and (B)
8 are hereby amended and reenacted to read as follows:

9 §409.2. Definitions

10 As used in this Subpart, the following terms have the following meanings:

11 (1) "Risk is imminent" means that the available facts, when viewed in light
12 of surrounding circumstances, would cause a reasonable person to believe that the
13 event stated in the threat is about to happen.

14 (1) ~~(2)~~ (2) "School" shall have the meaning ascribed to it by R.S. 17:236.

15 ~~(2)~~ (3) "Student" means any person registered or enrolled at a school.

16 ~~(3)~~ (4) "Threat is credible ~~and imminent~~" means that the available facts,
17 when viewed in light of surrounding circumstances, would cause a reasonable person
18 to believe that the person communicating the threat actually intends to carry out the
19 threat ~~in the near future or has the apparent ability to carry out the threat in the near~~
20 ~~future.~~

1 ~~(4)~~ (5) "Threat of terrorism" means communication, whether oral, visual, or
2 written, including but not limited to electronic mail, letters, notes, social media posts,
3 text messages, blogs, or posts on any social networking website, of any crime of
4 violence that would reasonably cause any student, teacher, principal, or school
5 employee to be in sustained fear for his safety, cause the evacuation of a building,
6 or cause other serious disruption to the operation of a school.

7 ~~(5)~~ (6) "Threat of violence" means communication, whether oral, visual, or
8 written, including but not limited to electronic mail, letters, notes, social media posts,
9 text messages, blogs, or posts on any social networking website, of any intent to kill,
10 maim, or cause great bodily harm to a student, teacher, principal, or school employee
11 on school property or at any school function.

12 §409.3. Mandatory reporting

13 A. Any administrator, teacher, counselor, bus operator, or other school
14 employee, whether full-time or part-time, who learns of a threat of violence or threat
15 of terrorism, whether through oral communication, written communication, or
16 electronic communication, shall:

17 ~~(1)~~ Immediately immediately report the threat to a local law enforcement
18 agency ~~if the threat is credible and imminent~~ and, if the employee is not the school
19 administrator, to the school administrator.

20 ~~(2)~~ ~~Immediately report the threat to school administrators for further~~
21 ~~investigation, in compliance with the policy adopted pursuant to R.S. 17:409.4, if the~~
22 ~~threat does not meet the standard provided for in Paragraph (1) of this Subsection.~~

23 B.(1) Immediately upon being informed of the threat, the school
24 administrator shall inform all persons who are targets of the threat and shall take all
25 necessary measures to protect their life and safety.

26 (2) The school administrator next shall immediately notify the appropriate
27 personnel within the school district administration.

1 days after receiving such report with the appropriate judicial district court for
 2 medical, psychological, and psychiatric examination as outlined in this Subsection.
 3 Where the district attorney, in his discretion, decides not to file the petition or does
 4 not file such petition during the requisite period, the student who is the subject of a
 5 complaint and investigation shall be permitted to return to school unless the student
 6 is charged with assault on a teacher as provided in R.S. 14:38.2 or battery on a
 7 teacher as provided in R.S. 14:34.3. The school administration shall permit a student
 8 who is the subject of a complaint and investigation to return to school if at any point
 9 prior to a hearing the threat is determined not to be credible after an investigation by
 10 the school administration, a law enforcement agency, or the district attorney or by
 11 order of the court after a hearing unless the student is charged with assault on a
 12 teacher as provided in R.S. 14:38.2 or battery on a teacher as provided in R.S.
 13 14:34.3. The school administrator shall notify any person who was a target of the
 14 threat at least two school days prior to the student's return. Nothing in this Section
 15 shall prohibit school officials from conducting a search of the student or his property
 16 for weapons upon his return.

* * *

18 B. If the person who is reported to a local law enforcement agency pursuant
 19 to R.S. 17:409.3(A) is not a student, he shall not be permitted to be within five
 20 hundred feet of any school until he has undergone a formal medical or mental health
 21 evaluation and has been deemed by a ~~health care~~ healthcare professional to not be
 22 dangerous to himself or others. After such a determination, the person shall not be
 23 permitted in a school unless he has notified the school administrator of his intent to
 24 visit the school and he is notified that the administrator has provided at least two
 25 school days' notice regarding the visit to anyone in the school who was directly
 26 threatened by the person.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 348 Original

2023 Regular Session

Jenkins

Abstract: Revises procedures for the reporting and investigation of threats of terrorism or violence at schools.

Present law requires each public school governing authority to adopt a policy for the investigation of threats of violence or terrorism.

Initial reporting and school level investigation

Present law requires school employees who learn of a threat of violence or threat of terrorism to immediately report the threat:

- (1) To a local law enforcement agency if the threat is credible and imminent.
- (2) To the school administrator if the threat does not meet that threshold.

Proposed law instead requires employees to report all threats to law enforcement and to the administrator (if the employee is not the administrator). Requires the administrator, immediately upon being informed of the threat, to inform persons who are targets of the threat and take all necessary measures to protect their life and safety. Further requires:

- (1) The school administrator next to immediately notify the appropriate personnel within the school district administration.
- (2) The school administrator and the school district administrator to determine if risk is imminent for any other persons because of the threat, and if so, to notify them and take immediate measures to protect their life and safety.
- (3) The school administrator and the school district administrator to determine whether to notify parents of the students at the school.

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 provides that if the investigation results in evidence or information that supports that a threat is credible, the school or school district shall implement measures to provide for ongoing protection of the safety and life of all students and staff at the school.

Law enforcement investigation

Present law requires a law enforcement agency receiving a threat notification to begin an investigation not later than the first day that school is in session after the report is received. Proposed law instead requires law enforcement to begin the investigation immediately.

Persons reported for making a threat

Present law allows students reported for making a threat to return to school under certain circumstances. Proposed law requires the school administrator to notify any person who was directly threatened at least two school days prior to such a student's return; excepts students charged with certain crimes against teachers from those allowed to return; and adds that

nothing in present law or proposed law prohibits school officials from conducting a search of the student or his property for weapons upon his return.

Present law provides that if the person making a threat is not a student, he shall not be permitted to be within 500 feet of a school until a healthcare professional deems him to not be dangerous. Proposed law provides that, at that point, if the person intends to visit a school, he shall notify the school administrator of his intent and receive notice that the school administrator has provided two school days' notice to any person he directly threatened.

(Amends R.S. 17:409.2, 409.3, 409.4(A)(2) and (B)(1), and 409.5(A)(1)(a) and (B))