

2023 Regular Session

HOUSE BILL NO. 416

BY REPRESENTATIVE BISHOP

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

JUVENILES: Provides relative to threats, attempts, or acts of violence through bomb threats by a minor child

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AN ACT

To amend and reenact R.S. 14:54.6(B) and Children's Code Articles 897.1(E)(introductory paragraph), (F), and (G) and 899(B), (C), (D)(introductory paragraph), and (E)(introductory paragraph), and to enact R.S. 14:2(B)(60) and Children's Code Articles 897.1(H) and (I) and 899(F) and (G), relative to juveniles who commit the crime of communicating false information of a planned bombing on school property, at a school-sponsored function, or in a firearm-free zone; to provide for penalties; to provide relative to crimes of violence; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:54.6(B) is hereby amended and reenacted and R.S. 14:2(B)(60) is hereby enacted to read as follows:

§2. Definitions

B. In this Code, "crime of violence" means an offense that has, as an element, the use, attempted use, or threatened use of physical force against the person or property of another, and that, by its very nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense or an offense that involves the possession or use of a dangerous weapon. The following enumerated offenses and attempts to commit any of them are included as "crimes of violence":

* * *

1 (60) Communicating of false information of a planned bombing on school
2 property, at a school-sponsored function, or in a firearm-free zone.

3 * * *

4 §54.6. Communicating of false information of planned bombing on school property,
5 at a school-sponsored function, or in a firearm-free zone

6 * * *

7 B.(1) Except as provided in Paragraphs (2), (3), and (4) of this Subsection,
8 ~~Whoever~~ whoever commits the crime of communicating of false information of a
9 planned bombing⁺ on school property, at a school-sponsored function, or in a
10 firearm-free zone as defined in R. S. 14:95.6(A) shall be imprisoned with or without
11 hard labor for not more than twenty years. Upon commitment to the Department of
12 Public Safety and Corrections after conviction for a crime committed on school
13 property, at a school sponsored function or in a firearm-free zone, the department
14 shall have the offender evaluated through appropriate examinations or tests
15 conducted under the supervision of the department. Such evaluation shall be made
16 within thirty days of the order of commitment.

17 (2) When the offender is under eighteen years of age, he and his parent,
18 guardian, or legal custodian shall be punished in accordance with the provisions of
19 Children's Code Article 897.1(E) and (F) or 899(B) and (C).

20 (3) For a second offense when the offender is under eighteen years of age,
21 he and his parent, guardian, or legal custodian shall be punished in accordance with
22 the provisions of Children's Code Article 897.1(E) and (F) or 899(B) and (C).

23 (4) For a third or subsequent offense when the offender is under eighteen
24 years of age, he and his parent, guardian, or legal custodian shall be punished in
25 accordance with the provisions of Children's Code Article 897.1(E) and (F) or
26 899(B) and (C).

27 * * *

28 Section 2. Children's Code Articles 897.1(E)(introductory paragraph), (F), and (G)
29 and 899(B), (C), (D)(introductory paragraph), and (E)(introductory paragraph) are hereby

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 amended and reenacted and Children's Code Articles 897.1(H) and (I) and 899(F) and (G)
2 are hereby enacted to read as follows:

3 Art. 897.1. Disposition after adjudication of certain felony-grade delinquent acts

4 * * *

5 E.(1)(a) After adjudication of a felony-grade delinquent act based upon a
6 violation of R.S. 14:54.6, the court shall order the child who is fourteen years of age
7 or older at the time of the commission of the offense to both of the following:

8 (i) A mental examination and evaluation conducted under the supervision of
9 the court within thirty days of the adjudication.

10 (ii) Participation in the Louisiana National Guard's Youth Challenge
11 Program, or any similar program agreed upon by the district attorney and the
12 arresting law enforcement agency through a deferred dispositional agreement.

13 (2)(a) After a second adjudication of a felony-grade delinquent act based
14 upon a violation of R.S. 14:54.6, the court shall order the child who is fourteen years
15 of age or older at the time of the commission of the offense to all of the following:

16 (i) A mental examination and evaluation conducted under the supervision of
17 the court within thirty days of the adjudication.

18 (ii) Commitment of no longer than ninety days in a juvenile detention
19 facility.

20 (iii) Participation in the Louisiana National Guard's Youth Challenge
21 Program, or any similar program agreed upon by the district attorney and the
22 arresting law enforcement agency through a deferred dispositional agreement.

23 (b) In addition, the court shall sentence the child's parent, tutor, guardian, or
24 other person who is financially responsible for the care of the child to not more than
25 one hundred twenty hours of community service.

26 (3)(a) After a third or subsequent adjudication of a felony-grade delinquent
27 act based upon a violation of R.S. 14:54.6, the court shall order the child who is
28 fourteen years of age or older at the time of the commission of the offense to all of
29 the following:

1 (i) A mental examination and evaluation conducted under the supervision of
2 the court within thirty days of the adjudication.

3 (ii) Commitment of not more than one hundred twenty days in a juvenile
4 detention facility.

5 (iii) Participation in the Louisiana National Guard's Youth Challenge
6 Program, or any similar program agreed upon by the district attorney and the
7 arresting law enforcement agency through a deferred dispositional agreement.

8 (iv) Enrollment in a court-approved course that teaches the values necessary
9 for his rehabilitation.

10 (b) In addition, the court shall sentence the child's parent, tutor, guardian, or
11 other person who is financially responsible for the care of the child to not more than
12 one hundred twenty hours of community service, thirty days of house arrest, or both.

13 F.(1) In addition to the dispositions provided in Paragraph E of this Article,
14 the court shall conduct a hearing in accordance with Code of Criminal Procedure
15 Article 875.1 to make a determination regarding the financial ability of the child's
16 parent, tutor, guardian, or other person who is financially responsible for the care of
17 the child to reimburse the responding agency, local municipality, sheriff's
18 department, or any other governmental agency or political subdivision for all
19 incurred costs pertaining to the response, prosecution, or any other activities that
20 result from a violation of R.S. 14:54.6.

21 (2) If the court determines that payment in full of the aggregate amount of
22 all financial obligations imposed upon the child's parent, tutor, guardian, or other
23 person who is financially responsible for the care of the child would cause
24 substantial financial hardship, the court shall do either of the following:

25 (a) If the child attends a public school, order the school board governing the
26 school where the violation of R.S. 14:54.6 occurred to pay the cost.

27 (b) If the child attends a charter school, order the school board governing the
28 school where the violation of R.S. 14:54.6 occurred to pay the cost.

1 E: G. A motion for modification of a disposition shall be filed pursuant to
2 Article 910 et seq. and a contradictory hearing shall be set no sooner than thirty days
3 from the date of notice to the district attorney. To grant a motion for modification
4 of disposition, the court must find that the child poses a reduced risk to the
5 community based on the following considerations:

6 * * *

7 F: H. At least six months prior to the release of the child, the department
8 shall prepare an individualized and thorough transitional plan that identifies the
9 techniques, programs, personnel, and facilities that will be used to assist the child in
10 achieving a successful return to his family and the community. A copy of the
11 transitional plan shall be mailed to the court that ordered the disposition of
12 commitment.

13 G: I. The provisions of this Article shall apply to all children in the custody
14 of the Department of Public Safety and Corrections, office of juvenile justice, on or
15 after August 1, 2018.

16 * * *

17 Art. 899. Disposition after adjudication of a misdemeanor-grade delinquent act

18 * * *

19 B.(1) After adjudication of a misdemeanor-grade delinquent act based upon
20 a violation of R.S. 14:54.6, the court shall order the child who is fourteen years of
21 age or older at the time of the commission of the offense to both of the following:

22 (a) A mental examination and evaluation conducted under the supervision
23 of the court within thirty days of the adjudication.

24 (b) Participation in the Louisiana National Guard's Youth Challenge
25 Program, or any similar program agreed upon by the district attorney and the
26 arresting law enforcement agency through a deferred dispositional agreement.

27 (2)(a) After a second adjudication of a misdemeanor-grade delinquent act
28 based upon a violation of R.S. 14:54.6, the court shall order the child who is fourteen

1 years of age or older at the time of the commission of the offense to all of the
2 following:

3 (i) A mental examination and evaluation conducted under the supervision of
4 the court within thirty days of the adjudication.

5 (ii) Commitment of no longer than ninety days in a juvenile detention
6 facility.

7 (iii) Participation in the Louisiana National Guard's Youth Challenge
8 Program, or any similar program agreed upon by the district attorney and the
9 arresting law enforcement agency through a deferred dispositional agreement.

10 (b) In addition, the court shall sentence the child's parent, tutor, guardian, or
11 other person who is financially responsible for the care of the child to not more than
12 one hundred twenty hours of community service.

13 (3)(a) After a third or subsequent adjudication of a misdemeanor-grade
14 delinquent act based upon a violation of R.S. 14:54.6, the court shall order the child
15 who is fourteen years of age or older at the time of the commission of the offense to
16 all of the following:

17 (i) A mental examination and evaluation conducted under the supervision of
18 the court within thirty days of the adjudication.

19 (ii) Commitment of no longer than one hundred twenty days in a juvenile
20 detention facility.

21 (iii) Participation in the Louisiana National Guard's Youth Challenge
22 Program, or any similar program agreed upon by the district attorney and the
23 arresting law enforcement agency through a deferred dispositional agreement.

24 (iv) Enrollment in a court-approved course that teaches the values necessary
25 for his rehabilitation.

26 (b) In addition, the court shall sentence the child's parent, tutor, guardian, or
27 other person who is financially responsible for the care of the child to not more than
28 one hundred twenty hours of community service, thirty days of house arrest, or both.

1 C.(1) In addition to the dispositions provided in Paragraph B of this Article,
 2 the court shall conduct a hearing in accordance with Code of Criminal Procedure
 3 Article 875.1 to make a determination regarding the financial ability of the child's
 4 parent, tutor, guardian, or other person who is financially responsible for the care of
 5 the child to reimburse the responding agency, local municipality, sheriff's
 6 department, or any other governmental agency or political subdivision for all
 7 incurred costs pertaining to the response, prosecution, or any other activities that
 8 result from a violation of R.S. 14:54.6.

9 (2) If the court determines that payment in full of the aggregate amount of
 10 all financial obligations imposed upon the child's parent, tutor, guardian, or other
 11 person who is financially responsible for the care of the child would cause
 12 substantial financial hardship, the court shall do either of the following:

13 (a) If the child attends a public school, order the school board governing the
 14 school where the violation of R.S. 14:54.6 occurred to pay the cost.

15 (b) If the child attends a charter school, order the school board governing the
 16 school where the violation of R.S. 14:54.6 occurred to pay the cost.

17 ~~B. D.~~ As conditions of probation, if ordered pursuant to Subparagraph (A)(3)
 18 of this Article:

19 * * *

20 ~~C. E.~~ The court may commit the child to the custody of a private or public
 21 institution or agency. When commitment is to be made to a private institution or
 22 agency, the court shall:

23 * * *

24 ~~D. F.~~ If the child is thirteen years of age or older at the time of the
 25 commission of the delinquent act, the court may commit the child to the custody of
 26 the Department of Public Safety and Corrections, with or without a recommendation
 27 that the child be placed in alternative care facilities through the department's client
 28 placement process, or be referred to appropriate placement resources in the state
 29 available through other public or private agencies.

1 E: H. The court may impose but suspend the execution of the whole or part
2 of any authorized order of commitment and place the child on probation subject to
3 any of the terms and conditions authorized under Paragraph B D of this Article.

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 416 Original

2023 Regular Session

Bishop

Abstract: Provides relative to juveniles who commit the crime of communicating false information of a planned bombing on school property, at a school-sponsored function, or in a firearm-free zone and provides for penalties.

Present law (R.S. 14:2(B)) provides for a definition of "crime of violence" and contains an enumerated list of offenses that constitute a "crime of violence".

Proposed law (R.S. 14:2(B)) retains present law and designates the crime of communicating false information of a planned bombing on school property, at a school-sponsored function, or in a firearm-free zone as a crime of violence.

Present law (R.S. 14:54.6) provides for the crime of communicating false information of a planned bombing on school property, at a school-sponsored function, or in a firearm-free zone and provides for penalties.

Proposed law retains present law regarding the elements of the crime and the penalty, but provides for additional penalties as follows:

- (1) When the offender is under 18 years of age, he and his parent, guardian, or legal custodian shall be punished in accordance with the provisions of proposed law (Ch.C. Art. 897.1(E) and (F) or 899(B) and (C)).
- (2) For a second offense when the offender is under 18 years of age, he and his parent, guardian, or legal custodian shall be punished in accordance with the provisions of proposed law (Ch.C. Art. 897.1(E) and (F) or 899(B) and (C)).
- (3) For a third or subsequent offense when the offender is under 18 years of age, he and his parent, guardian, or legal custodian shall be punished in accordance with the provisions of proposed law (Ch.C. Art. 897.1(E) and (F) or 899(B) and (C)).

Present laws (Ch.C. Art. 897.1 and 899) provide for the disposition of a juvenile after an adjudication of certain felony-grade delinquent acts and certain misdemeanor-grade delinquent acts.

Proposed law retains present laws.

Proposed law provides that after adjudication of a felony-grade delinquent act or misdemeanor-grade delinquent act based upon a violation of present law (R.S. 14:54.6), the court shall order the child who is 14 years of age or older at the time of the commission of the offense to both of the following:

- (1) A mental examination and evaluation conducted under the supervision of the court within 30 days of the adjudication.

- (2) Participation in the La. National Guard's Youth Challenge Program, or any similar program agreed upon by the district attorney and the arresting law enforcement agency through a deferred dispositional agreement.

Proposed law provides that after a second adjudication of a felony-grade delinquent act or misdemeanor-grade delinquent act based upon a violation of present law (R.S. 14:54.6), the court shall order the child who is 14 years of age or older at the time of the commission of the offense to all of the following:

- (1) A mental examination and evaluation conducted under the supervision of the court within 30 days of the adjudication.
- (2) Commitment of no longer than 90 days in a juvenile detention facility.
- (3) Participation in the La. National Guard's Youth Challenge Program, or any similar program agreed upon by the district attorney and the arresting law enforcement agency through a deferred dispositional agreement.

Proposed law provides that in addition to the punishment imposed for a second adjudication of a felony-grade delinquent act or misdemeanor-grade delinquent act based upon a violation of present law (R.S. 14:54.6), the court shall sentence the child's parent, tutor, guardian, or other person who is financially responsible for the care of the child to not more than 120 hours of community service.

Proposed law provides that after a third or subsequent adjudication of a felony-grade delinquent act or misdemeanor-grade delinquent act based upon a violation of present law (R.S. 14:54.6), the court shall order the child who is 14 years of age or older at the time of the commission of the offense to all of the following:

- (1) A mental examination and evaluation conducted under the supervision of the court within 30 days of the adjudication.
- (2) Commitment of not more than 120 days in a juvenile detention facility.
- (3) Participation in the La. National Guard's Youth Challenge Program, or any similar program agreed upon by the district attorney and the arresting law enforcement agency through a deferred dispositional agreement.
- (4) Enrollment in a court-approved course that teaches the values necessary for his rehabilitation.

Proposed law provides that in addition to the punishment imposed for a third or subsequent adjudication of a felony-grade delinquent act or misdemeanor-grade delinquent act based upon a violation of present law (R.S. 14:54.6), the court shall sentence the child's parent, tutor, guardian, or other person who is financially responsible for the care of the child to not more than 120 hours of community service, 30 days of house arrest, or both.

Proposed law provides that in addition to the dispositions provided in proposed law, the court shall conduct a hearing in accordance with present law (C.Cr.P. Art. 875.1) to make a determination regarding the financial ability of the person who is financially responsible for the care of the child to reimburse the responding agency, local municipality, sheriff's department, or any other governmental agency or political subdivision for all incurred costs pertaining to the response, prosecution, or any other activities that result from a violation of present law (R.S. 14:54.6).

Proposed law provides that if the court determines that payment in full of the aggregate amount of all financial obligations imposed upon the person who is financially responsible

for the care of the child would cause substantial financial hardship, the court shall do either of the following:

- (1) If the child attends a public school, order the school board governing the school where the violation of present law (R.S. 14:54.6) occurred to pay the cost.
- (2) If the child attends a charter school, order the school board governing the school where the violation of present law (R.S. 14:54.6) occurred to pay the cost.

(Amends R.S. 14:54.6(B) and Ch.C. Arts. 897.1(E)(intro. para.), (F), and (G) and 899(B), (C), (D)(intro. para.), and (E)(intro. para.); Adds R.S. 14:2(B)(60) and Ch.C. Arts. 897.1(H) and (I) and 899(F) and (G))