

---

## 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))