

## HOUSE SUMMARY OF SENATE AMENDMENTS

HB 133

2026 Regular Session

Newell

CRIME/BATTERY: Provides relative to certain battery offenses against school employees

### Synopsis of Senate Amendments

1. Removes proposed law relative to aggravated battery and second degree battery.
2. Requires that at least six months of a nonstudent offender's sentence for a conviction of battery of a school teacher be served without benefit of parole, probation, or suspension of sentence.
3. Makes technical changes.

### Digest of Bill as Finally Passed by Senate

Present law (R.S. 14:34.3) provides that the crime of battery of a school teacher is a battery committed without the consent of the victim when the offender has reasonable grounds to believe the victim is a school teacher acting in the performance of employment duties.

Proposed law amends present law to include a battery that was committed because of the victim's status as a school teacher.

Present law provides for definitions.

Proposed law retains present law and defines the term "developmental disability".

Present law provides for penalties as follows:

- (1) If the battery was committed by a student, upon conviction, a fine of not more than \$5,000 or imprisonment for not less than 30 days nor more than one year with at least 72 hours of the sentence imposed without benefit of suspension of sentence.
- (2) If the battery was committed by someone who is not a student or produces an injury that requires medical attention, a fine of not more than \$5,000 or imprisonment with or without hard labor for not less than one year nor more than five years, or both.

Proposed law amends the present law penalty relative to a battery committed by a student to include a circumstance where the battery does not produce an injury that causes serious bodily injury. Further changes the penalty from a maximum fine of \$5,000 to \$1,000 and from a maximum imprisonment term of one year to six months.

Proposed law provides that if the offender is a student and the battery produces an injury that causes serious bodily injury, the penalty shall be a maximum fine of \$5,000 or imprisonment with or without hard labor for not less than 30 days nor more than one year with at least 72 hours of the sentence imposed without benefit of suspension of sentence.

Proposed law requires the court to order an evaluation of the offender to assist the court in determining proper disposition if the offender is a student who has not previously been evaluated for a developmental disability.

Present law provides relative to a battery committed by a nonstudent. Provides for a fine of not more than \$5,000 or imprisonment with or without hard labor for not less than one year nor more than five years, or both, with at least six months served without the benefit of parole, probation, or suspension of sentence.

Proposed law retains present law and applies the penalty in present law to a nonstudent offender regardless of whether the battery produces injury or causes serious bodily injury.

Present law (Ch.C. Art. 897.1) provides for the disposition of juvenile offenders after adjudication for certain felony-grade delinquent acts.

Proposed law generally retains present law.

Proposed law requires the court to commit a child to the custody of the Dept. of Public Safety and Corrections (DPS&C), or to the custody of a secure public or private institution, to be confined in secure placement for not less than six months without benefit of probation, suspension of imposition, or execution of sentence after adjudication for a felony-grade delinquent act based upon battery of a school teacher.

Proposed law requires the court to impose a requirement that the child participate in a court-approved counseling program which may include anger management, abusive behavior intervention groups, or any other type of counseling deemed appropriate by the court.

Proposed law further requires any costs associated with the counseling program to be borne by the child or a parent, tutor, guardian, or other person who is financially responsible for the care of the child.

(Amends R.S. 14:34.3(A), (B)(intro. para.), and (C) and Ch.C. Art. 897.1(D)-(G); Adds R.S. 14:34.3(B)(4) and Ch.C. Art. 897.1(H))