

2019 Regular Session

HOUSE BILL NO. 577

BY REPRESENTATIVE NORTON

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

CRIME: Amends the crime of threatening a public official to apply to law enforcement officers and threats made through social media

1 AN ACT

2 To amend and reenact R.S. 14:122.2, relative to threatening a public official or law
3 enforcement officer; to provide relative to the crime of threatening a public official;
4 to add law enforcement officers as a victim of the crime; to provide that the crime
5 is committed when done in retaliation for the performance of the legal duties of the
6 officers or officials; to define "law enforcement officer"; to define "verbal or written
7 communication" for purposes of the crime; to provide that the crime applies to
8 threats made through social media; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 14:122.2 is hereby amended and reenacted to read as follows:

11 §122.2. Threatening a public official or law enforcement officer; penalties;
12 definitions

13 A.~~(1)~~ Threatening a public official or law enforcement officer is the
14 engaging in any verbal or written communication which threatens serious bodily
15 injury or death to a public official or law enforcement officer in retaliation for the
16 legal performance of his duties.

17 ~~(2)~~B.(1) Except as provided in ~~Subsection B~~ Paragraph (1) of this
18 Subsection, whoever commits the crime of threatening a public official or law
19 enforcement officer shall be fined not more than five hundred dollars, or imprisoned
20 for not more than six months, or both.

1 ~~B.(2)~~ Whoever commits the crime of threatening a public official or law
2 enforcement with the intent to influence his conduct in relation to his position,
3 employment, or official duty, or in retaliation as reprisal for his previous action in
4 relation to his position, employment, or official duty, shall be fined not more than
5 five hundred dollars, or imprisoned for not more than six months, or both.

6 C. For ~~the purpose~~ purposes of this Section, ~~"public:~~

7 (1) "Public official" is defined as any executive, ministerial, administrative,
8 judicial, or legislative officer of the state of Louisiana.

9 (2) "Law enforcement officer" means any employee of the state, a
10 municipality, a sheriff, or other public agency, whose permanent duties actually
11 include the making of arrests, the performing of searches and seizures, or the
12 execution of criminal warrants, and is responsible for the prevention or detection of
13 crime or for the enforcement of the penal, traffic, or highway laws of this state.

14 (3) "Verbal or written communication" means any textual, visual, written,
15 or oral communication, including communications made through social media.

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 577 Engrossed

2019 Regular Session

Norton

Abstract: Expands application of the crime of threatening a public official to law enforcement officers and threats made through social media, and provides that the crime is committed when done in retaliation for the legal duties of the officer or official.

Present law defines the crime of threatening a public official as any verbal or written communication which threatens serious bodily injury or death to a public official.

Present law provides that whoever commits the crime of threatening a public official shall be fined not more than \$500, or imprisoned for not more than six months, or both.

Present law further provides that these penalties shall apply when the person commits the crime of threatening a public official with the intent to influence his conduct in relation to his position, employment, or official duty, or in retaliation as reprisal for his previous action in relation to his position, employment, or official duty.

Present law defines "public official" as any executive, ministerial, administrative, judicial, or legislative officer of the state of La.

Proposed law retains present law, but amends the crime to do all of the following:

- (1) Expands its application to threats made to law enforcement.
- (2) Expand its application to threats made through social media.
- (3) Provide that the crime is committed when the threat is made in retaliation for the legal performance of the legal duties of the public official or law enforcement officer.

(Amends R.S. 14:122.2)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Specify that the crime is committed when the threat is made in retaliation for the legal performance of the legal duties of the public official or law enforcement officer.