

2018 Regular Session

HOUSE BILL NO. 898 (Substitute for House Bill No. 511 by Representative Bacala)

BY REPRESENTATIVE BACALA

MENTAL HEALTH: Provides relative to threats of violence or terrorism at elementary and secondary schools, including investigation and reporting thereof and required mental health evaluations

1 AN ACT

2 To enact Part XII of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 17:409.1 through 409.6, and R.S. 17:3996(B)(45), relative to
4 terrorism in schools; to provide for legislative findings and purposes; to provide for
5 definitions; to require the reporting of any threats of violence to appropriate law
6 enforcement; to provide for mandatory mental health evaluations; to provide for
7 safety measures; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Part XII of Chapter 1 of Title 17 of the Louisiana Revised Statutes of
10 1950, comprised of R.S. 17:409.1 through 409.6, and R.S. 17:3996(B)(45) are hereby
11 enacted to read as follows:

12 PART XII. SCHOOL TERRORISM PREVENTION

13 §409.1. Short title

14 This Part may be cited as the "School Terrorism Prevention Act".

15 §409.2. Legislative findings

16 The legislature finds and declares that:

17 (1) Acts of violence and terrorism continue to occur in schools and pose a
18 significant threat to the safety and well-being of children.

1 (2) Acts of violence and terrorism foster a climate of fear that can seriously
2 impair and affect the physical and psychological health of students and create
3 conditions that negatively affect learning.

4 (3) Protecting children and the school environment is a governmental interest
5 of the highest order.

6 (4) Students, parents, educators, and policymakers have come together to call
7 for leadership and action to address the national crisis of terrorism and violence in
8 schools.

9 §409.3. Purpose

10 The purpose of this Part is to address the problem of acts of violence and
11 terrorism in elementary and secondary schools.

12 §409.4. Definitions

13 For the purposes of this Part:

14 (1) The term "school" shall have the meaning ascribed to it by R.S. 17:236.

15 (2) The term "threat of violence" means communication, whether oral,
16 visual, or in writing, including but not limited to electronic mail, letters, notes, social
17 media posts, text messages, blogs, or posts on any social networking website, of any
18 intent to kill, maim, or cause great bodily harm to a student, teacher, principal, or
19 school employee on school property or at any school function.

20 (3) The term "threat of terrorism" means communication, whether oral,
21 visual, or in writing, including but not limited to electronic mail, letters, notes, social
22 media posts, text messages, blogs, or posts on any social networking website, of any
23 crime of violence that would reasonably cause any student, teacher, principal, or
24 school employee to be in sustained fear for his safety, cause the evacuation of a
25 building, or cause other serious disruption to the operation of a school.

26 §409.5. Mandatory reporting and investigation

27 A. Any administrator, teacher, counselor, bus operator, or other school
28 employee, whether full-time or part-time, who learns of a threat of violence or threat
29 of terrorism, whether through oral communication, written communication, or

1 electronic communication, shall report the threat to a local law enforcement agency
2 and to school administrators in compliance with the policy adopted pursuant to
3 Subsection C of this Section.

4 B. No person shall have a cause of action against any person for any action
5 taken or statement made in adherence with the requirement for reporting as provided
6 in this Part. However, the immunity from liability provided in this Subsection shall
7 not apply to any action or statement if the action or statement was maliciously,
8 willfully, and deliberately intended to cause harm to, harass, or otherwise deceive
9 law enforcement or school officials.

10 C. Each school board shall develop and adopt a policy for the investigation
11 of potential threats of violence or threats of terrorism under this Part, which shall
12 include conducting an interview with the reporter, the person allegedly making a
13 threat, and any witnesses and obtaining copies or photographs of any audio or visual
14 evidence.

15 D. Any law enforcement agency receiving any notification that alleges a
16 threat of violence or threat of terrorism under this Part shall:

17 (1) Begin an investigation not later than the first day that school is in session
18 after the report is received and endeavor to complete the investigation not later than
19 three school days after the report is received.

20 (2) Notify the principal of the school that is the target of a threat of violence
21 or threat of terrorism. If the principal is not available or cannot be contacted, the law
22 enforcement agency shall notify any school official authorized to act in an
23 emergency situation.

24 E. In addition to the investigation and procedures outlined in this Section,
25 nothing shall prohibit a law enforcement officer with probable cause from detaining
26 or arresting any person for any alleged criminal act.

27 §409.6. Restrictions and mandatory evaluation

28 A. If the person who is reported to a local law enforcement agency pursuant
29 to R.S. 17:409.5(A) is a student, he shall not be permitted to return to school until

1 undergoing a formal mental health evaluation. The law enforcement agency shall
2 file with the appropriate judicial district court for medical, psychological, and
3 psychiatric evaluation as outlined on Children's Code Article 1434 et seq.

4 B. If the person who is reported to a local law enforcement agency pursuant
5 to R.S. 17:409.5(A) is not a student, he shall not be permitted to be within five
6 hundred feet of any school until he has undergone a formal mental health evaluation
7 and has been deemed by a health care professional to not be dangerous to himself or
8 others.

9 * * *

10 §3996. Charter schools; exemptions; requirements

11 * * *

12 B. Notwithstanding any state law, rule, or regulation to the contrary and
13 except as may be otherwise specifically provided for in an approved charter, a
14 charter school established and operated in accordance with the provisions of this
15 Chapter and its approved charter and the school's officers and employees shall be
16 exempt from all statutory mandates or other statutory requirements that are
17 applicable to public schools and to public school officers and employees except for
18 the following laws otherwise applicable to public schools with the same grades:

19 * * *

20 (45) Threats of violence or terrorism, R.S. 17:409.1 et seq.

21 * * *

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 898 Original 2018 Regular Session Bacala

Abstract: Provides relative to threats of violence or terrorism at elementary and secondary schools, including investigation and reporting thereof and required mental health evaluations.

Proposed law, relative to actions taken by school employees and school boards, requires that:

- (1) Any school employee who learns of a threat of violence or terrorism report the threat to local law enforcement.
- (2) Each school board adopt a policy for investigating potential threats, which shall include conducting an interview with the reporter, the person allegedly making a threat, and any witnesses and obtaining copies or photographs of any audio or visual evidence.

Proposed law requires that any law enforcement agency receiving notification of an alleged threat of violence or terrorism:

- (1) Begin an investigation not later than the first day that school is in session after the report is received and endeavor to complete it not later than three school days after receiving the report.
- (2) Notify the principal or other school official authorized to act in an emergency.

Proposed law provides the following relative to mandatory reporting and mental health evaluations:

- (1) If the person reported to law enforcement is a student, he shall not be permitted to return to school until undergoing a formal mental health evaluation. Requires the law enforcement agency to file with the appropriate judicial district court for medical, psychological, and psychiatric evaluation as outlined in present law (Children's Code Article 1434 et seq.).
- (2) If the person reported to law enforcement pursuant is not a student, he shall not be permitted to be within 500 feet of any school until undergoing a formal mental health evaluation and being deemed by a health care professional to not be dangerous to himself or others.

Proposed law provides that no person shall have a cause of action against any person for any action taken or statement made in adherence with proposed law; however, the immunity from liability shall not apply to any action or statement if it was maliciously, willfully, and deliberately intended to cause harm to, harass, or otherwise deceive law enforcement or school officials.

(Adds R.S. 17:409.1-409.6 and 3996(B)(45))