2019 Regular Session

HOUSE BILL NO. 193

## BY REPRESENTATIVE BACALA

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

# JUVENILE PROCEDURE: Revises procedures relative to students investigated for threats of violence or terrorism

1	AN ACT
2	To amend and reenact R.S. 17:409.5(A)(1), relative to school safety; to revise procedures
3	relative to students investigated for making threats of violence or terrorism; to
4	provide for law enforcement agencies to make determinations relative to such threats
5	and report them to district attorneys under certain circumstances; to provide relative
6	to the authority of district attorneys to file petitions relative to mental health
7	examinations; to provide relative to the return of such students to school; and to
8	provide for related matters.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. R.S. $17:409.5(A)(1)$ is hereby amended and reenacted to read as follows:
11	§409.5. Restrictions and mandatory evaluation examination
12	A.(1) If the person who is reported to a local law enforcement agency
13	pursuant to R.S. 17:409.3(A) is a student, he shall not be permitted to return to
14	school until undergoing a formal mental health evaluation. The If a law enforcement
15	agency shall agency, based on its investigation as required by R.S. 17:409.4(B)(1),
16	determines that a student's threat is credible and imminent, it shall report it to the
17	district attorney, who may file a petition with the appropriate judicial district court
18	for medical, psychological, and psychiatric evaluation examination as outlined in this
19	Subsection. The school administration may permit a student who is the subject of

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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# a complaint and investigation to return to school if at any point prior to a hearing the threat is determined not to be credible or by order of the court after a hearing.

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### 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 193 Original	2019 Regular Session	Bacala
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Abstract: Revises procedures relative to students investigated for making threats of violence or terrorism.

<u>Present law</u> provides relative to a student reported to a law enforcement agency for a threat of violence or terrorism. Provides for a judicial hearing on whether the student should undergo a mental health evaluation. Provides that the student shall not be permitted to return to school until undergoing a formal mental health evaluation. <u>Proposed law</u> instead provides that a student who is the subject of a complaint and investigation may be permitted to return to school by the school administration if at any point prior to a hearing the threat is determined not to be credible or by order of the court after a hearing.

<u>Present law</u> requires the law enforcement agency to file a petition with the appropriate judicial district court for a mental health evaluation. <u>Proposed law</u> instead provides that if the law enforcement agency determines that the threat is credible and imminent, it shall report it to the district attorney, who may file such a petition.

(Amends R.S. 17:409.5(A)(1))