

2020 Regular Session

HOUSE BILL NO. 64

BY REPRESENTATIVE DWIGHT

JUVENILES: Provides relative to the unlawful disruption of the operation of a school

1 AN ACT

2 To amend and reenact R.S. 14:40.6, relative to disruption of the operation of a school; to
3 provide relative to the elements of the offense of unlawful disruption of the operation
4 of a school; to expand the application of the offense to certain actions taken by
5 students, teachers, and nonstudents; to provide for definitions; to provide for
6 penalties; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:40.6 is hereby amended and reenacted to read as follows:

9 §40.6. Unlawful disruption of the operation of a school; penalties

10 A. Unlawful disruption of the operation of a school is the commission of any
11 of the following acts by a ~~person, who is not authorized to be on school premises,~~
12 student, teacher, or nonstudent which would foreseeably ~~cause any of the following:~~

13 ~~(1) Intimidation or harassment of any student or teacher by threat of force~~
14 ~~or force.~~

15 ~~(2) Placing place teachers or students in sustained fear for their health,~~
16 ~~safety, or welfare:~~

17 ~~(3) Disrupting, obstructing, or interfering or would foreseeably disrupt,~~
18 ~~obstruct, or interfere with the operation of the school or a school-sponsored function:~~

19 ~~(1) The intimidation or harassment of any student or teacher by the use or~~
20 ~~threatened use of physical force or violence.~~

1 ~~(2) The intentional transmission of any electronic textual, visual, written, or~~
2 ~~oral communication of information that the commission of a crime of violence is~~
3 ~~imminent or in progress.~~

4 ~~(3) The intentional transmission of any electronic textual, visual, written, or~~
5 ~~oral communication of information that a circumstance dangerous to human life~~
6 ~~exists or is about to exist.~~

7 B. For the purposes of this Section:

8 ~~(1) "Authorized to be present on school premises" means all of the~~
9 ~~following:~~

10 ~~(a) Any student enrolled at the school.~~

11 ~~(b) Any teacher employed at the school.~~

12 ~~(c) Any person attending a school sponsored function.~~

13 ~~(d) Any other person who has authorization to be present on the school~~
14 ~~premises from the principal of the school in the case of a public school, or the~~
15 ~~principal or headmaster in the case of a nonpublic school. "Electronic mail" means~~
16 ~~the transmission of information or communication by the use of the internet, a~~
17 ~~computer, a facsimile machine, a pager, a cellular telephone, a video recorder, or~~
18 ~~other electronic means sent to a person identified by a unique address or address~~
19 ~~number and received by that person.~~

20 ~~(2) "Electronic textual, visual, written, or oral communication" means any~~
21 ~~communication of any kind made through the use of a computer online service,~~
22 ~~internet service, or any other means of electronic communication, including but not~~
23 ~~limited to a local bulletin board service, internet chat room, social media, electronic~~
24 ~~mail, or online messaging service.~~

25 ~~(3) "Nonstudent" means any person not registered and enrolled in that school~~
26 ~~or a suspended student who does not have permission to be on the school premises.~~

27 ~~(2)(4) "School" means any public or nonpublic elementary, secondary, high~~
28 ~~school, vocational-technical school, college, special, or postsecondary school or~~
29 ~~institution, or university in this state.~~

1 (5) "School bus" means any motor bus being used to transport children to
2 and from school or in connection with school activities.

3 ~~(3)~~(6) "School premises" means any property used for school purposes,
4 including but not limited to school buses, buildings, playgrounds, and parking lots.

5 ~~(4)~~(7) "School-sponsored function" means the specific designated area of the
6 function, including but not limited to athletic competitions, dances, parties, or any
7 extracurricular activity.

8 ~~(5)~~(8) "Student" means any person registered or enrolled at a school as
9 defined in this Section.

10 ~~(6)~~(9) "Teacher" shall include any teacher or instructor, administrator, staff
11 person, teacher aide, paraprofessional, school bus driver, food service worker, and
12 other clerical, custodial, or maintenance personnel employed by any ~~public or~~
13 ~~nonpublic elementary, secondary, high school, vocational-technical school, college,~~
14 ~~special, or postsecondary school or institution, or university in this state~~ school or by
15 a city, parish, or other local public school board to work at the school.

16 C. Commission of the offense defined by this Section may be deemed to
17 have been committed where the electronic textual, visual, written, or oral
18 communication was originally sent, received, or viewed by any person.

19 D. Whoever commits the offense of unlawful disruption of the operation of
20 a school shall be punished as follows:

21 (1) If the offense was committed by a student or teacher as defined by this
22 Section, the offender shall be fined not more than one thousand dollars ~~or,~~
23 imprisoned with or without hard labor for not less than ~~one year~~ thirty days nor more
24 than ~~five years~~ six months, or both. At least seventy-two hours of the sentence
25 imposed shall be imposed without benefit of parole, probation, or suspension of
26 sentence.

27 (2) If the offense was committed by a nonstudent as defined by this Section,
28 the offender shall be fined not more than five thousand dollars, imprisoned with or
29 without hard labor for not less than one year nor more than five years, or both. At

1 least seventy-two hours of the sentence imposed shall be without benefit of parole,
2 probation, or suspension of sentence.

3 D.E. Nothing herein shall be construed to prevent lawful assembly and
4 orderly petition for the redress of grievances, including any labor dispute between
5 any school or institution of higher learning and its employees, or contractor or
6 subcontractor or any employees thereof. Nothing herein shall apply to a bona fide
7 labor organization or its legal activities such as picketing, assembly, or concerted
8 activities in the interest of its members for the purpose of securing better wages,
9 hours, or working conditions.

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 64 Original

2020 Regular Session

Dwight

Abstract: Amends the crime of unlawful disruption of the operation of a school and expands its application to certain acts committed by students, teachers, and nonstudents.

Present law prohibits a person who is not authorized to be on school premises from engaging in certain acts which would foreseeably cause any of the following:

- (1) Intimidation or harassment of any student or teacher by threat of force or force.
- (2) Placing teachers or students in sustained fear for their health, safety, or welfare.
- (3) Disrupting, obstructing, or interfering with the operation of the school.

Present law provides that whoever commits this present law offense shall be fined not more than \$1,000 or imprisoned with or without hard labor for not less than one year nor more than five years, or both.

Proposed law amends present law to prohibit any student, teacher, or nonstudent from engaging in any of the following acts which would foreseeably place teachers or students in sustained fear for their health, safety, or welfare or would foreseeably disrupt, obstruct, or interfere with the operation of the school or a school-sponsored function:

- (1) The intimidation or harassment of any student or teacher by the use or threatened use of physical force or violence.
- (2) The intentional transmission of any electronic textual, visual, written, or oral communication of information that the commission of a crime of violence is imminent or in progress.

- (3) The intentional transmission of any electronic textual, visual, written, or oral communication of information that a circumstance dangerous to human life exists or is about to exist.

For purposes of proposed law:

- (1) Proposed law retains the present law definitions of "school", "school premises", "school-sponsored function", and "student".
- (2) Proposed law amends the present law definition of "teacher" to include clerical, custodial, or maintenance personnel employed by a city, parish, or other local public school board to work at the school.
- (3) Proposed law removes the present law definition of "authorized to be present on school premises".
- (4) Proposed law adds definitions of "electronic mail", "electronic textual, visual, written, or oral communication", "nonstudent", and "school bus".

Proposed law amends the present law penalties to provide as follows:

- (1) If the offense was committed by a student or teacher, the offender shall be fined not more than \$1,000, imprisoned for not less than 30 days nor more than six months, or both. At least 72 hours of the sentence imposed shall be imposed without benefit of parole, probation, or suspension of sentence.
- (2) If the offense was committed by a nonstudent, the offender shall be fined not more than \$5,000, imprisoned with or without hard labor for not less than one year nor more than five years, or both. At least 72 hours of the sentence imposed shall be without benefit of parole, probation, or suspension of sentence.

Proposed law retains the present law provision which provides an exception to the offense for legal activities of bona fide labor organizations and for the lawful assembly and orderly petition for the redress of grievances.

(Amends R.S. 14:40.6)