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## DIGEST

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HB 133 Original

2026 Regular Session

Newell

**Abstract:** Specifies elements of the crime of battery of a school teacher and associated penalties.

Present law (R.S. 14:34.3) describes the crime of battery of a school teacher as 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 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 requires medical attention. 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 requires medical attention, 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 provides that if the offender is a student who is under the age of 17, the disposition of the matter shall be governed exclusively by the provisions of present law (Title VIII of the Children's Code).

Proposed law amends the present law penalty relative to a battery committed by a nonstudent to provide that, regardless if the battery produces an injury or medical attention, the offender shall be fined not more than \$5,000 or imprisoned with or without hard labor for not less than one year nor

more than five years, or both.

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.

Present law requires the court, upon an adjudication of delinquency, to commit a child to the custody of either the Dept. of Public Safety and Corrections (DPS&C) or a secure public or private institution in secure placement without benefit of probation or suspension of sentence if the child was 14 years of age or older when he committed any of the following offenses:

- (1) Armed robbery.
- (2) Carjacking.
- (3) A second or subsequent crime of violence.

Proposed law retains present law and adds battery of a school teacher as an offense that requires this type of disposition upon adjudication.

Proposed law requires the court, after the child has been adjudicated delinquent based upon battery of a school teacher, 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 provides that any costs associated with the counseling program shall 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) and (C) and Ch.C. Art. 897.1(C))