

RÉSUMÉ DIGEST

ACT 617 (HB 133)

2026 Regular Session

Newell

Existing law (R.S. 14:34.3) provides that the crime of battery of a school teacher is 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.

New law adds to existing law a battery that was committed because of the victim's status as a school teacher.

Existing law provides for certain definitions.

New law defines the term "developmental disability".

Prior law provided 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 was not a student or produced an injury that required 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.

New law repeals prior law. New law provides that if a battery committed by a student does not produce an injury that causes serious bodily injury, the student is subject to a fine not to exceed \$1,000 or imprisonment for not less than 30 days nor more than 6 months, with at least 72 hours of the sentence imposed without benefit of suspension of sentence.

New law provides that if the offender is a student and the battery produces an injury that causes serious bodily injury, the penalty is 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.

New law requires the court to order an evaluation of the offender to assist the court in determining proper disposition if the offender is a student who has not previously been evaluated for a developmental disability.

Existing law provides relative to a battery committed by a nonstudent. Provides for 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. New law requires that at least six months be served without the benefit of parole, probation, or suspension of sentence.

Further provides for imposition of the new law penalty regardless of whether the battery inflicted serious bodily injury.

New law applies the penalty in existing law to a nonstudent offender regardless of whether the battery produces injury or causes serious bodily injury.

Existing law (Ch.C. Art. 897.1) provides for the disposition of juvenile offenders after adjudication for certain felony-grade delinquent acts.

New law requires the court to commit a child to the custody of the Dept. of Public Safety and Corrections (DPS&C), or to the custody of a secure public or private institution, to be confined in secure placement for not less than six months without benefit of probation, suspension of imposition, or execution of sentence after adjudication for a felony-grade delinquent act based upon battery of a school teacher.

New law requires the court 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.

New law further requires any costs associated with the counseling program to be borne by the child or a parent, tutor, guardian, or other person who is financially responsible for the care of the child.

Effective August 1, 2026.

(Amends R.S. 14:34.3(A), (B)(intro. para.), and (C) and Ch.C. Art. 897.1(D)-(G); Adds R.S. 14:34.3(B)(4) and Ch.C. Art. 897.1(H))