2020 Regular Session

HOUSE BILL NO. 432

BY REPRESENTATIVE BACALA

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

1	AN ACT
2	To amend and reenact R.S. 17:409.2(1) through (3) and 409.4(A) and (B) and to repeal R.S.
3	17:409.5, relative to school safety; to revise procedures relative to students
4	investigated for making threats of violence or terrorism; to require schools to
5	conduct a threat assessment of any student allegedly making a threat; to provide
6	relative to proceedings regarding the mental health of students; and to provide for
7	related matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. R.S. 17:409.2(1) through (3) and 409.4(A) and (B) are hereby amended
10	and reenacted to read as follows:
11	§409.2. Definitions
12	For the purposes of this Subpart:
13	(1) "School" shall have the meaning ascribed to it by R.S. 17:236.
14	(2) "Student" means any person registered or enrolled at a school.
15	(3) "Threat is credible (1) "Credible and imminent" means that the available
16	facts, when viewed in light of surrounding circumstances, would cause a reasonable
17	person to believe that the <u>a</u> person communicating the <u>a</u> threat actually intends to
18	carry out the threat in the near future or has the apparent ability to carry out the threat
19	in the near future.
20	(2) "School" shall have the meaning ascribed to it by R.S. 17:236.

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

1	(3) "Student" means any person registered or enrolled at a school.
2	* * *
3	§409.4. Investigation of threats of violence or threats of terrorism Threat
4	assessment; investigation
5	A.(1) Each public school governing authority shall develop and adopt a
6	policy for the investigation of threats of violence or threats of terrorism that have
7	been reported to a school administrator, which policy shall include conducting an
8	interview with the person reporting a threat, the person allegedly making a threat,
9	and all witnesses, conducting a threat assessment of any student allegedly making
10	a threat, and securing any evidence, including but not limited to statements, writings,
11	recordings, electronic messages, and photographs.
12	(2) If the investigation results in produces evidence or information that
13	supports that a reasonable belief that the threat is credible and imminent, the threat
14	shall be immediately reported to a local law enforcement agency.
15	(3) Nothing in this Subsection relative to investigations and assessments at
16	the school level prohibits the use of procedures and proceedings provided in Chapter
17	1 of Title 28 of the Louisiana Revised Statutes of 1950 or Title XIV of the Children's
18	Code.
19	B. (1) Any law enforcement agency receiving notification of an alleged threat
20	of violence or threat of terrorism under this Subpart shall:
21	(1)(a) Begin an investigation not later than the first day that school is in
22	session after the report is received and endeavor to complete the investigation not
23	later than three school days after the report is received.
24	(2)(b) Notify the principal of the school that is the target of a threat of
25	violence or threat of terrorism. If the principal is not available or cannot be
26	contacted, the law enforcement agency shall notify any school official authorized to
27	act in an emergency situation.
28	(2) If a law enforcement agency determines, based on the investigation
29	required by Subparagraph (1)(a) of this Subsection, that a threat is credible and

- 1 imminent, the agency shall report the threat to the district attorney, who may institute
- 2 proceedings as provided in Chapter 1 of Title 28 of the Louisiana Revised Statutes
- 3 <u>of 1950 or Title XIV of the Children's Code.</u>
- 4 Section 2. R.S. 17:409.5 is hereby repealed in its entirety.

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 432 Original	2020 Regular Session	Bacala
ID 452 Oliginal	2020 Regular Session	Dacala

Abstract: Revises procedures relative to students investigated for threats of violence or terrorism.

<u>Present law</u> requires each public school governing authority to adopt a policy for the investigation of threats of violence or terrorism. <u>Proposed law</u> additionally requires such investigation to include a threat assessment of any student allegedly making a threat. Also provides that no <u>present law</u> or <u>proposed law</u> relative to the investigations and assessments at the school level prohibits the use of <u>present law</u> proceedings (specifically those provided in the state's behavioral health law, R.S. 28:1 et seq., or mental health proceedings for juveniles, Ch.C. Art. 1401 et seq.).

<u>Present law</u> provides that if the school-level investigation produces evidence or information that supports that a threat is credible and imminent, the threat shall be immediately reported to a local law enforcement agency. <u>Proposed law</u> instead applies this reporting requirement to when such evidence or information supports "a reasonable belief" that a threat is credible and imminent.

<u>Present law</u> provides that if the law enforcement agency determines that the threat is credible and imminent, it shall report the threat to the district attorney. <u>Proposed law</u> retains <u>present law</u>.

<u>Present law</u> authorizes the district attorney to then file a petition with the court for medical, psychological, and psychiatric examination and specifies procedures for such examination process. <u>Proposed law</u> repeals these procedural provisions and instead authorizes the district attorney to institute proceedings pursuant to <u>present law</u> (specifically the state's behavioral health law, R.S. 28:1 et seq., or mental health proceedings for juveniles, Ch.C. Art. 1401 et seq.).

(Amends 17:409.2 (1)-(3) and 409.4(A) and (B); Repeals R.S. 17:409.5)