2023 Regular Session

HOUSE BILL NO. 348

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BY REPRESENTATIVES JENKINS, BACALA, BOYD, BRASS, BUTLER, CORMIER, EDMONDS, FISHER, GLOVER, HARRIS, JEFFERSON, JORDAN, KNOX, LACOMBE, LAFLEUR, LARVADAIN, LYONS, MCFARLAND, MOORE, NEWELL, PHELPS, AND WILLARD

AN ACT

2 To amend and reenact R.S. 17:409.2, 409.3, 409.4(A)(2) and (B)(1), and 409.5(A)(1)(a) and 3 (B) and to enact R.S. 17:409.5(C), relative to school safety; to revise procedures for 4 the reporting and investigation of threats of terrorism and violence; to revise 5 definitions; and to provide for related matters. 6 Be it enacted by the Legislature of Louisiana: 7 Section 1. R.S. 17:409.2, 409.3, 409.4(A)(2) and (B)(1), and 409.5(A)(1)(a) and (B) 8 are hereby amended and reenacted and R.S. 17:409.5(C) is hereby enacted to read as 9 follows: 10 §409.2. Definitions 11 As used in this Subpart, the following terms have the following meanings: 12 (1) "Risk is imminent" means that the available facts, when viewed in light 13 of surrounding circumstances, would cause a reasonable person to believe that the 14 event stated in the threat is about to happen. 15 (1) (2) "School" shall have the meaning ascribed to it by R.S. 17:236. 16 (2) (3) "Student" means any person registered or enrolled at a school. 17 (3) (4) "Threat is credible and imminent" means that the available facts, 18 when viewed in light of surrounding circumstances, would cause a reasonable person 19 to believe that the person communicating the threat actually intends to carry out the

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

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threat in the near future or has the apparent ability to carry out the threat in the near future.

(4) (5) "Threat of terrorism" means communication, whether oral, visual, or written, including but not limited to electronic mail, letters, notes, social media posts, text messages, blogs, or posts on any social networking website, of any crime of violence that would reasonably cause any student, teacher, principal, or school employee to be in sustained fear for his safety, cause the evacuation of a building, or cause other serious disruption to the operation of a school.

(5) (6) "Threat of violence" means communication, whether oral, visual, or written, including but not limited to electronic mail, letters, notes, social media posts, text messages, blogs, or posts on any social networking website, of any intent to kill, maim, or cause great bodily harm to a student, teacher, principal, or school employee on school property or at any school function.

## §409.3. Mandatory reporting

A. Any administrator, teacher, counselor, bus operator, or other school employee, whether full-time or part-time, who learns of a threat of violence or threat of terrorism, whether through oral communication, written communication, or electronic communication, shall:

- (1) Immediately immediately report the threat to a local law enforcement agency if the threat is credible and imminent and, if the employee is not the school administrator, to the school administrator.
- (2) Immediately report the threat to school administrators for further investigation, in compliance with the policy adopted pursuant to R.S. 17:409.4, if the threat does not meet the standard provided for in Paragraph (1) of this Subsection.
- B.(1) Upon being informed of the threat, the school administrator shall make reasonable efforts to attempt to inform all persons who are targets of the threat and shall take all necessary measures to protect their lives and safety.
- (2) The school administrator next shall make reasonable efforts to attempt to notify the appropriate personnel within the school district administration.

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1	(3) The school administrator and the school district administrator then shall
2	determine if risk is imminent for any other persons because of the threat, and if so,
3	notify them and make reasonable efforts to attempt to take measures to protect their
4	lives and safety.
5	(4) The school administrator and the school district administrator then shall
6	determine whether to notify parents of the students at the school.
7	B. C. No person shall have a cause of action against any person for any
8	action taken or statement made in adherence with the requirement for reporting as
9	provided in this Subpart. However, the immunity from liability provided in this
10	Subsection shall not apply to any action or statement if the action or statement was
11	maliciously, willfully, and deliberately intended to cause harm to, harass, or
12	otherwise deceive law enforcement or school officials.
13	§409.4. Investigation of threats of violence or threats of terrorism
14	A.
15	* * *
16	(2) If the investigation results in evidence or information that supports that
17	a threat is credible and imminent, the threat shall be immediately reported to a local
18	law enforcement agency school and school district shall implement measures to
19	provide for ongoing protection of the safety and lives of all students and staff at the
20	school.
21	B. Any law enforcement agency receiving notification of an alleged threat
22	of violence or threat of terrorism under this Subpart shall:
23	(1) Begin Immediately begin an investigation not later than the first day that
24	school is in session after the report is received and endeavor to complete the
25	investigation not later than three school days after the report is received.
26	* * *
27	§409.5. Restrictions and examination
28	A.(1)(a) If a law enforcement agency, based on its investigation as required
29	by R.S. 17:409.4(B)(1), determines that a student's threat is credible and imminent,

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it shall report it to the district attorney, who may file a petition no later than seven days after receiving such report with the appropriate judicial district court for medical, psychological, and psychiatric examination as outlined in this Subsection. Where the district attorney, in his discretion, decides not to file the petition or does not file such petition during the requisite period, the student who is the subject of a complaint and investigation shall be permitted to return to school unless the student is charged with assault on a teacher as provided in R.S. 14:38.2 or battery on a teacher as provided in R.S. 14:34.3. The school administration shall permit a student who is the subject of a complaint and investigation to return to school if at any point prior to a hearing the threat is determined not to be credible after an investigation by the school administration, a law enforcement agency, or the district attorney or by order of the court after a hearing unless the student is charged with assault on a teacher as provided in R.S. 14:38.2 or battery on a teacher as provided in R.S. 14:34.3. The school administrator shall notify any person who was a target of the threat at least two school days prior to the student's return. The school administrator or his designee may conduct a search of the student or his property for weapons upon the student's return.

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B. If the person who is reported to a local law enforcement agency pursuant to R.S. 17:409.3(A) is not a student, he shall not be permitted to be within five hundred feet of any school until he has undergone a formal medical or mental health evaluation and has been deemed by a health care healthcare professional to not be dangerous to himself or others. After such a determination, the person shall not be permitted in a school unless he has notified the school administrator of his intent to visit the school and he is notified that the administrator has provided at least two school days' notice regarding the visit to anyone in the school who was directly threatened by the person. The school administrator may deny such person the right to visit the school.

1	C. No person shall have a cause of action against any person for an action
2	taken or statement made in adherence with this Section unless based on conduct that
3	is maliciously, willfully, and deliberately intended to cause harm or harass.
	SPEAKER OF THE HOUSE OF REPRESENTATIVES
	PRESIDENT OF THE SENATE
	GOVERNOR OF THE STATE OF LOUISIANA

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APPROVED: \_\_\_\_\_