

ACT No. 164

2023 Regular Session

HOUSE BILL NO. 348

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

1 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

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

3 ~~(4)~~ (5) "Threat of terrorism" means communication, whether oral, visual, or
 4 written, including but not limited to electronic mail, letters, notes, social media posts,
 5 text messages, blogs, or posts on any social networking website, of any crime of
 6 violence that would reasonably cause any student, teacher, principal, or school
 7 employee to be in sustained fear for his safety, cause the evacuation of a building,
 8 or cause other serious disruption to the operation of a school.

9 ~~(5)~~ (6) "Threat of violence" means communication, whether oral, visual, or
 10 written, including but not limited to electronic mail, letters, notes, social media posts,
 11 text messages, blogs, or posts on any social networking website, of any intent to kill,
 12 maim, or cause great bodily harm to a student, teacher, principal, or school employee
 13 on school property or at any school function.

14 §409.3. Mandatory reporting

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

19 ~~(1) Immediately~~ immediately report the threat to a local law enforcement
 20 agency ~~if the threat is credible and imminent and, if the employee is not the school~~
 21 administrator, to the school administrator.

22 ~~(2) Immediately report the threat to school administrators for further~~
 23 ~~investigation, in compliance with the policy adopted pursuant to R.S. 17:409.4, if the~~
 24 ~~threat does not meet the standard provided for in Paragraph (1) of this Subsection.~~

25 B.(1) Upon being informed of the threat, the school administrator shall make
 26 reasonable efforts to attempt to inform all persons who are targets of the threat and
 27 shall take all necessary measures to protect their lives and safety.

28 (2) The school administrator next shall make reasonable efforts to attempt
 29 to notify the appropriate personnel within the school district administration.

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

APPROVED: _____