



LOUISIANA STATE LAW INSTITUTE

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February 29, 2016

Representative Taylor Barras
Speaker of the House of Representatives
P.O. Box 94062
Baton Rouge, Louisiana 70804

RE: HR 148 of 2015

Dear Mr. Speaker:

The Louisiana State Law Institute respectfully submits herewith its interim report to the legislature in response to 2015 House Resolution No. 148, relative to adding assault on a school teacher and battery of a school teacher to the list of crimes of violence.

Sincerely,

A handwritten signature in blue ink that reads "William E. Crawford".

William E. Crawford
Director

WEC/puc
Enclosure

cc: Representative Mike Johnson

email cc: David R. Poynter Legislative Research Library
drplibrary@legis.la.us
Secretary of State, Mr. Tom Schedler
admin@sos.louisiana.gov

**LOUISIANA STATE LAW INSTITUTE
CRIMINAL CODE AND CODE OF CRIMINAL PROCEDURE
COMMITTEE**

**INTERIM REPORT TO THE LEGISLATURE
IN RESPONSE TO HR 148 OF THE 2015 REGULAR SESSION**

**Relative to adding assault on a school teacher and battery of a school teacher
to the list of crimes of violence**

Prepared for the
Louisiana Legislature on

February 29, 2016

Baton Rouge, Louisiana

**LOUISIANA STATE LAW INSTITUTE
CRIMINAL CODE AND CODE OF CRIMINAL PROCEDURE
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To: Representative Taylor F. Barras
Speaker of the House of Representatives
P.O. Box 94062
Baton Rouge, Louisiana 70804

**INTERIM REPORT TO THE LOUISIANA LEGISLATURE
IN RESPONSE TO HR NO. 148 OF THE 2015 REGULAR SESSION**

House Resolution No. 148 of the 2015 Regular Session, attached, authorizes and directs the Louisiana State Law Institute “to study the issue of adding the crimes of assault on a school teacher (R.S. 14:38.2) and battery of a school teacher (R.S. 14:34.3) to the offenses enumerated as crimes of violence in R.S. 14:2(B)”. In fulfillment of this request, the Law Institute assigned the project to its Criminal Code and Code of Criminal Procedure Committee.

Background research concerning whether to add assault and battery of a school teacher as crimes of violence is being conducted and compiled. The Criminal Code and Code of Criminal Procedure Committee plans to meet several times over the course of the next year in conjunction with all of the appropriate agencies and associations to consider this research and to make recommendations concerning the issue in order to ensure the most effective and efficient administration of justice in the state of Louisiana.

A final report will be submitted to the Legislature once the Criminal Code and Code of Criminal Procedure Committee has received approval of the project from the Council of the Law Institute.

Respectfully submitted,

Judge Guy Holdridge, Acting Reporter
Criminal Code and Code of Criminal Procedure Committee
Louisiana State Law Institute

2015 Regular Session

HOUSE RESOLUTION NO. 148

BY REPRESENTATIVE MIKE JOHNSON

A RESOLUTION

To authorize and direct the Louisiana State Law Institute to study the issue of adding the crimes of assault on a school teacher (R.S. 14:38.2) and battery of a school teacher (R.S. 14:34.3) to the offenses enumerated as crimes of violence in R.S. 14:2(B) and to report its findings to the Legislature of Louisiana, including any recommendations for legislative changes as are appropriate, prior to the convening of the 2016 Regular Session.

WHEREAS, Louisiana law provides for the crimes of assault on a school teacher (R.S. 14:38.2) and battery of a school teacher (R.S. 14:34.3) and further provides for a list of offenses that are enumerated as crimes of violence in R.S. 14:2(B); and

WHEREAS, an effective justice system should contain mechanisms that enable victims of violent crimes to be informed as to the whereabouts of their attacker and the outcome of any adjudication or hearing related to the offense; and

WHEREAS, a teacher or other school employee who has been a victim of a violent act by a student should not have to be subjected to that student's continued presence on campus; and

WHEREAS, the Louisiana Legislature recognizes the need for teachers and other school employees to feel safe and secure in their place of employment; and

WHEREAS, the criminal justice system is complex, and any changes to the law would benefit from careful and comprehensive study, taking into account the needs of victims, the rights of the accused, and the important public interests that underlie the criminal justice system.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby authorize and direct the Louisiana State Law Institute to study the issue of adding the crimes of assault on a school teacher (R.S. 14:38.2) and battery of a school teacher (R.S. 14:34.3) to the offenses enumerated as crimes of violence in R.S. 14:2(B) and to report its findings to the Legislature of Louisiana, including any recommendations for legislative changes as are appropriate.

BE IT FURTHER RESOLVED that the report be submitted to the Legislature of Louisiana prior to the convening of the 2016 Regular Session of the Legislature of Louisiana.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute work in conjunction with and obtain input from all stakeholders deemed appropriate.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the Louisiana State Law Institute.

SPEAKER OF THE HOUSE OF REPRESENTATIVES