

## HOUSE SUMMARY OF SENATE AMENDMENTS

**HB 307**

**2019 Regular Session**

**Mike Johnson**

CRIME: Provides relative to bribery and intimidation of public officials and law enforcement officers

### Synopsis of Senate Amendments

1. Adds changes to the present law crime of threatening a public official to add law enforcement officers as victims of the crime, to prohibit "true threats" made against law enforcement officers and public officials, and to apply to threats made through social media.
2. With regard to the crime of threatening a public official, removes the present law provision providing specific penalties when the person commits the crime of threatening a public official with the intent to influence or in retaliation for his conduct in relation to his position, employment, or official duty.
3. Defines "law enforcement officer", "true threats", and "verbal or written communication" for purposes of present law and proposed law.

### Digest of Bill as Finally Passed by Senate

Present law (R.S. 14:122) provides for the crime of public intimidation, which is the use of violence, force, or threats upon certain public persons with the intent to influence his conduct in relation to his position, employment, or duty.

Present law further provides for the crime of public retaliation, which is defined as the use of violence, force, or threats upon an elected official when such violence, force, or threat is related to the duties of the elected official or is in retaliation or retribution for actions taken by the elected official as part of his official duties.

Present law provides for penalties of a fine of up to \$1,000, or imprisonment, with or without hard labor, for up to five years, or both.

Proposed law amends the present law crimes to include extortionate threats and true threats.

Proposed law provides that "extortionate threats" occur when a person communicates an unlawful threat to harm another person with the intention to obtain anything of value or any acquittance, advantage, or immunity of any description and the person would not otherwise be able to lawfully secure such advantage willingly from the victim.

Proposed law provides that "true threats" occur when a person communicates a serious expression of an intent to commit an unlawful act of violence upon a person or group of persons with the intent to place such persons in fear of bodily harm or death. Proposed law further provides that the person need not actually intend to carry out the threat.

Proposed law retains present law penalties.

Present law (R.S. 14:122.2) defines the crime of threatening a public official as any verbal or written communication which threatens serious bodily injury or death to a public official.

Proposed law retains present law, but amends the crime to do all of the following:

- (1) Expand its application to true threats made to a public official or law enforcement officer.

- (2) Expand its application to threats made through social media.

Present law provides that whoever commits the crime of threatening a public official shall be fined not more than \$500, or imprisoned for not more than six months, or both.

Present law further provides that these penalties shall apply when the person commits the crime of threatening a public official with the intent to influence his conduct in relation to his position, employment, or official duty, or in retaliation as reprisal for his previous action in relation to his position, employment, or official duty.

Proposed law retains the present law penalties, but applies them generally to persons who commit the offense as defined by proposed law and removes the provision providing specific penalties when the person commits the crime of threatening a public official with the intent to influence or in retaliation for his conduct in relation to his position, employment, or official duty.

Present law defines "public official" as any executive, ministerial, administrative, judicial, or legislative officer of the state of La.

Proposed law retains present law and further defines "law enforcement officer", "true threats" and "verbal or written communication".

(Amends R.S. 14:122(A)(intro. para.), (B)(intro. para.) and (C), and 122.2; Adds R.S. 14:122(D))