



LEGAL PROTECTIONS FOR PUBLIC HEALTH OFFICIALS


Louisiana Fact Sheet

Threatening a Public Official

Nationwide, state and local public health officials working to protect the public from COVID-19 are on the receiving end of threatening and harassing conduct for simply fulfilling their duty to protect the public health. In response, the Network conducted research to examine whether the states and Washington, D.C., have criminal statutes punishing individuals who impede public health officials' duties with such behavior. Our research is presented in this [chart](#). Many states have adopted statutes to protect public officials generally; included here are those with broad enough language to include public health officials. However, we have also included the three states with laws that if broadened, would encompass public health officials, namely, Illinois, North Carolina, and Vermont. While 35 states and Washington, D.C., have such a statute, the remaining 15 states either do not have a statute protecting government officials in these circumstances or do not have one protecting public health officials. Of the 35 states and Washington, D.C., all but two, Louisiana and Oklahoma, include protections for state **and** local officials. Below is more information on Louisiana's relevant law.

Louisiana Revised Statutes, § 14:122.2, Threatening a Public Official or Law Enforcement Officer

- A. (1) Threatening a public official or law enforcement officer is engaging in any verbal or written communication that communicates a true threat to a public official or law enforcement officer.
- (2) Whoever commits the crime of threatening a public official or law enforcement officer shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both.
- B. For purposes of this Section:
- (1) "Law enforcement officer" means any employee of the state, a municipality, a sheriff, or other public agency, whose permanent duties actually include the making of arrests, the performing of searches and seizures, or the execution of criminal warrants, and who is responsible for the prevention or detection of crime or for the enforcement of the penal, traffic, or highway laws of this state.
- (2) "Public official" means any executive, ministerial, administrative, judicial, or legislative officer of the state of Louisiana.



(3) “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. The person need not actually intend to carry out the threat.

(4) “Verbal or written communication” means any textual, visual, written, or oral communication, including communications made through social media.

Penalties

Louisiana Revised Statutes, §14:122.2

Up to 6 months imprisonment and/or up to a \$500 fine

Summary

A person is guilty of threatening a **state** public official when they communicate a true threat verbally or in writing. If convicted, that that person faces up to 6 months imprisonment and a fine of up to \$500.

Template for Notifying Violators

Below is a sample template for notifying individuals regarding their conduct relative to the code.

Louisiana Revised Statutes, §14:122.2 protects state public officials from true threats. [insert here a description of the conduct with a date—for example: On August 28, 2020, you sent an email to the Louisiana Governor threatening his life if he announced a mask mandate.] *This may constitute a violation of §14:122.2. If convicted, you face up to 6 months imprisonment and a fine of up to \$500.*

- If the conduct is extreme, add: *We have notified the [insert proper law enforcement agency] of this conduct.*
- If the conduct does not rise to the level of reporting, add: *Should you continue with this conduct, we may report the matter to [insert law enforcement agency].*