

**CRIMINAL LAWS GOVERNING**

**ASSAULT AND BATTERY  
ON EDUCATORS**

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Revised August, 2009

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**Important: This material is dated and is subject to revision. Revised 8/09.**

**Louisiana Revised Statute 14:36. Assault defined**

Assault is an attempt to commit a battery, or the intentional placing of another in reasonable apprehension of receiving a battery. *Acts 1978, No. 394, § 1.*

**Louisiana Revised Statute 14:38. Simple assault**

Simple assault is an assault committed without a dangerous weapon.

Whoever commits a simple assault shall be fined not more than two hundred dollars, or imprisoned for not more than ninety days, or both. *Acts 1978, No. 394, § 1.*

**Louisiana Revised Statute 14:38.2. Assault on a school teacher**

A. (1) Assault on a school teacher is an assault committed when the offender has reasonable grounds to believe the victim is a school teacher acting in the performance of his duties.

(2)(a) For purposes of this Section, "school teacher" means any teacher, instructor, administrator, staff person, or employee of any public or private elementary, secondary, vocational-technical training, special, or postsecondary school or institution. For purposes of this Section, "school teacher" shall also include any teacher aide and paraprofessional, school bus driver, food service worker, and other clerical, custodial, or maintenance personnel employed by a city, parish, or other local public school board.

(b) For the purposes of this Section, "assault" means an attempt to commit on a school teacher a battery or the intentional placing of a school teacher in reasonable apprehension of receiving a battery or making statements threatening physical harm to a school teacher.

B. Whoever commits the crime of assault on a school teacher shall be fined not more than two thousand dollars or imprisoned not less than thirty days nor more than one hundred eighty days, or both. *Added by Acts 1994, 3rd Ex.Sess., No. 44, § 1. Amended by Acts 2006, No. 733, § 1, eff. July 1, 2006; Acts 2008, No. 295, § 1, eff. June 17, 2008.*

### **Louisiana Revised Statute 14:33. Battery defined**

Battery is the intentional use of force or violence upon the person of another; or the intentional administration of a poison or other noxious liquid or substance to another. *Acts 1978, No. 394, § 1.*

### **Louisiana Revised Statute 14:34.3. Battery of a school teacher**

A. (1) Battery of a school teacher is a battery committed without the consent of the victim when the offender has reasonable grounds to believe the victim is a school teacher acting in the performance of employment duties.

(2) For purposes of this Section, "school teacher" shall include any teacher or instructor, administrator, staff person, or employee of any public or private elementary, secondary, vocational-technical training, special, or postsecondary school or institution. For purposes of this Section, "school teacher" shall also include any teacher aide and paraprofessional, school bus driver, food service worker, and other clerical, custodial, or maintenance personnel employed by a city, parish, or other local public school board.

B. Whoever commits the crime of battery of a school teacher shall be fined not more than five thousand dollars or imprisoned not less than thirty days nor more than one year. At least seventy-two hours of the sentence imposed shall be imposed without benefit of suspension of sentence. *Added by Acts 1985, No. 871, § 1. Amended by Acts 1994, 3rd Ex.Sess., No. 44, § 1; Acts 1999, No. 936, § 1; Acts 2008, No. 295, § 1, eff. June 17, 2008.*

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#### Definition of Civil Assault (Black's Law Dictionary)

"An intentional, unlawful offer of corporal injury to another by force, or force unlawfully directed toward person of another, under such circumstances as create well-founded fear of imminent peril, coupled with apparent present ability to execute attempt, if not prevented."

#### Definition of "Simple Assault" (Black's Law Dictionary)

"One committed with no intention to do any other injury. An offer or attempt to do bodily harm which falls short of an actual battery; an offer or attempt to beat another, but without touching him; for example, a blow delivered within striking distance, but which does not reach its mark. . . also, sometimes, the use of physical violence upon another without circumstances of aggravation."

#### Definition of Civil Battery (Black's Law Dictionary)

"Any unlawful beating, or other wrongful physical violence or constraint, inflicted on a human being without his consent....An unlawful touching of the person of another by the aggressor himself or any other substance put in motion by him . . . the slightest touching of another, or of his clothes or anything else attached to his person, if done in a rude, insolent, or angry manner. . . . the actual offer to use force to the injury of another person is assault; the use of it is battery, which always includes an assault; hence the two terms are commonly combined in the term 'assault and battery.'"