

SCHOOL THREAT PENALTY AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill addresses threatening or falsely reporting an emergency at a school.

Highlighted Provisions:

This bill:

- ▶ requires a student to be suspended or expelled from a public school if the student makes a false emergency report targeted at a school;
- ▶ enhances the penalties for making a threat against a school;
- ▶ makes it a second degree felony for an actor to make a false emergency report in certain circumstances; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53G-8-205, as last amended by Laws of Utah 2019, Chapter 293

76-5-107.1, as last amended by Laws of Utah 2022, Chapter 181

76-9-202, as last amended by Laws of Utah 2022, Chapter 161

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53G-8-205** is amended to read:

53G-8-205. Grounds for suspension or expulsion from a public school.

(1) A student may be suspended or expelled from a public school for ~~[any of]~~ the following reasons:

- (a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language;

33 (b) willful destruction or defacing of school property;

34 (c) behavior or threatened behavior which poses an immediate and significant threat to
35 the welfare, safety, or morals of other students or school personnel or to the operation of the
36 school;

37 (d) possession, control, or use of an alcoholic beverage as defined in Section
38 32B-1-102;

39 (e) behavior proscribed under Subsection (2) which threatens harm or does harm to the
40 school or school property, to a person associated with the school, or property associated with
41 that person, regardless of where it occurs; or

42 (f) possession or use of pornographic material on school property.

43 (2) (a) A student shall be suspended or expelled from a public school for [~~any of~~] the
44 following reasons:

45 (i) [~~any~~] a serious violation affecting another student or a staff member, or [~~any~~] a
46 serious violation occurring in a school building, in or on school property, or in conjunction
47 with [~~any~~] a school activity, including:

48 (A) the possession, control, or actual or threatened use of a real weapon, explosive, or
49 noxious or flammable material;

50 (B) the actual or threatened use of a look alike weapon with intent to intimidate another
51 person or to disrupt normal school activities; or

52 (C) the sale, control, or distribution of a drug or controlled substance as defined in
53 Section 58-37-2, an imitation controlled substance defined in Section 58-37b-2, or drug
54 paraphernalia as defined in Section 58-37a-3; [~~or~~]

55 (ii) the commission of an act involving the use of force or the threatened use of force
56 which if committed by an adult would be a felony or class A misdemeanor; or

57 (iii) making a false report of an emergency at a school under Subsection
58 76-9-202(2)(d).

59 (b) A student who commits a violation of Subsection (2)(a) involving a real or look
60 alike weapon, explosive, or flammable material shall be expelled from school for a period of
61 not less than one year subject to the following:

62 (i) within 45 days after the expulsion the student shall appear before the student's local
63 school board superintendent, the superintendent's designee, chief administrative officer of a

64 charter school, or the chief administrative officer's designee, accompanied by a parent; and

65 (ii) the superintendent, chief administrator, or designee shall determine:

66 (A) what conditions must be met by the student and the student's parent for the student
67 to return to school;

68 (B) if the student should be placed on probation in a regular or alternative school
69 setting consistent with Section 53G-8-208, and what conditions must be met by the student in
70 order to ensure the safety of students and faculty at the school the student is placed in; and

71 (C) if it would be in the best interest of both the school district or charter school, and
72 the student, to modify the expulsion term to less than a year, conditioned on approval by the
73 local school board or charter school governing board and giving highest priority to providing a
74 safe school environment for all students.

75 (3) A student may be denied admission to a public school on the basis of having been
76 expelled from that or any other school during the preceding 12 months.

77 (4) A suspension or expulsion under this section is not subject to the age limitations
78 under Subsection 53G-6-204(1).

79 (5) Each local school board and charter school governing board shall prepare an annual
80 report for the state board on:

81 (a) each violation committed under this section; and

82 (b) each action taken by the school district against a student who committed the
83 violation.

84 Section 2. Section **76-5-107.1** is amended to read:

85 **76-5-107.1. Threats against schools.**

86 (1) (a) As used in this section:

87 (i) "Hoax weapon of mass destruction" means the same as that term is defined in
88 Section 76-10-401.

89 (ii) "School" means a preschool or a public or private elementary or secondary school.

90 (b) Terms defined in Section 76-1-101.5 apply to this section.

91 (2) An actor is guilty of making a threat against a school if the actor threatens ~~[in~~
92 ~~person or via electronic means, either]~~, with real intent or as an intentional hoax, to commit
93 ~~[any]~~ an offense involving bodily injury, death, or substantial property damage and the actor:

94 (a) threatens the use of a firearm or weapon or hoax weapon of mass destruction;

95 (b) acts with intent to:

96 (i) disrupt the regular schedule of the school or influence or affect the conduct of
97 students, employees, or the general public at the school;

98 (ii) prevent or interrupt the occupancy of the school or a portion of the school, or a
99 facility or vehicle used by the school; or

100 (iii) intimidate or coerce students or employees of the school; or

101 (c) causes an official or volunteer agency organized to deal with emergencies to take
102 action due to the risk to the school or general public.

103 (3) (a) (i) A violation of Subsection (2)(a), (b)(i), or (b)(iii) is a [~~class A misdemeanor~~]
104 third degree felony.

105 (ii) A violation of Subsection (2)(b)(ii) is a class [~~B~~] A misdemeanor.

106 (iii) A violation of Subsection (2)(c) is a class [~~C~~] B misdemeanor.

107 (b) (i) In addition to [~~any other~~] another penalty authorized by law, a court shall order
108 an actor convicted [~~of a violation of~~] under this section to pay restitution to [~~any~~] a federal,
109 state, or local unit of government, or [~~any~~] a private business, organization, individual, or entity
110 for expenses and losses incurred in responding to the threat, unless the court states on the
111 record the reasons why the reimbursement would be inappropriate.

112 (ii) Restitution ordered in the case of a minor adjudicated for a violation of this section
113 shall be determined in accordance with Section 80-6-710.

114 (4) It is not a defense to this section that the actor did not attempt to carry out the threat
115 or was incapable of carrying out the threat.

116 (5) [~~(a)~~] A violation of this section shall be reported to the local law enforcement
117 agency.

118 [~~(b) If the actor alleged to have violated this section is a minor, the minor may be~~
119 referred to the juvenile court.]

120 (6) Counseling for [~~the~~] a minor alleged to have violated this section and the minor's
121 family may be made available through state and local health department programs.

122 Section 3. Section **76-9-202** is amended to read:

123 **76-9-202. Emergency reporting -- Interference -- False report.**

124 (1) (a) As used in this section:

125 [~~(a)~~] (i) "Emergency" means a situation in which property or human life is in jeopardy

126 and the prompt summoning of aid is essential to the preservation of human life or property.

127 ~~[(b)]~~ (ii) "Party line" means a subscriber's line or telephone circuit:

128 ~~[(+)]~~ (A) that consists of two or more connected main telephone stations; and

129 ~~[(+)]~~ (B) where each telephone station has a distinctive ring or telephone number.

130 (b) Terms defined in Sections 76-1-101.5 apply to this section.

131 (2) An actor is guilty of emergency reporting abuse if the actor:

132 (a) intentionally refuses to yield or surrender the use of a party line or a public pay
133 telephone to another individual upon being informed that the telephone is needed to report a
134 fire or summon police, medical, or other aid in case of emergency, unless the telephone is
135 likewise being used for an emergency call;

136 (b) asks for or requests the use of a party line or a public pay telephone on the pretext
137 that an emergency exists, knowing that no emergency exists;

138 (c) except as provided in Subsection (2)(d), reports an emergency or causes an
139 emergency to be reported, through any means, to ~~[any]~~ a public, private, or volunteer entity
140 whose purpose is to respond to fire, police, or medical emergencies, when the actor knows the
141 reported emergency does not exist; or

142 (d) makes a false report, or intentionally aids, abets, or causes ~~[a third party]~~ another
143 person to make a false report, through any means to an emergency response service, including a
144 law enforcement dispatcher or a 911 emergency response service, if the false report claims that:

145 (i) an ~~[ongoing]~~ emergency exists or will exist;

146 (ii) the emergency described in Subsection (2)(d)(i) ~~[currently involves, or]~~ involves an
147 imminent or future threat of ~~[;]~~ serious bodily injury, serious physical injury, or death; and

148 (iii) the emergency described in Subsection (2)(d)(i) is occurring or will occur at a
149 specified location.

150 (3) (a) A violation of Subsection (2)(a) or (b) is a class C misdemeanor.

151 (b) A violation of Subsection (2)(c) is a class B misdemeanor, except as provided
152 under Subsection (3)(c).

153 (c) A violation of Subsection (2)(c) is a second degree felony if the report is regarding
154 a weapon of mass destruction, as defined in Section 76-10-401.

155 (d) A violation of Subsection (2)(d) ~~[: (i) except as provided in Subsection (3)(d)(ii), is~~
156 ~~a third degree felony, or (ii)]~~ is a second degree felony ~~[if:]~~

157 ~~[(A) while acting in response to the report, the emergency responder causes physical~~
158 ~~injury to an individual at the location described in Subsection (2)(d)(iii), or]~~

159 ~~[(B) the actor makes the false report or aids, abets, or causes a third party to make the~~
160 ~~false report with intent to ambush, attack, or otherwise harm a responding law enforcement~~
161 ~~officer or emergency responder].~~

162 (4) (a) In addition to ~~[any other]~~ another penalty authorized by law, a court shall order
163 an actor convicted of a violation of this section to reimburse[?]

164 (i) ~~[any]~~ a federal, state, or local unit of government, or ~~[any]~~ a private business,
165 organization, individual, or entity for all expenses and losses incurred in responding to the
166 violation~~[; and]~~.

167 (ii) ~~[an individual described in Subsection (3)(d)(i) for the costs for the treatment of~~
168 ~~the physical injury and any psychological injury caused by the offense.]~~

169 (b) The court may order that the defendant pay less than the full amount of the costs
170 described in Subsection (4)(a) only if the court states on the record the reasons why the
171 reimbursement would be inappropriate.

172 Section 4. **Effective date.**

173 This bill takes effect on May 1, 2024.