

SCHOOL THREAT AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Andrew Stoddard

Senate Sponsor: _____

LONG TITLE

General Description:

This bill creates the crime of threats against schools.

Highlighted Provisions:

This bill:

- ▶ creates the crime of threats against schools;
- ▶ defines schools as a preschool, elementary or secondary school, or institution of higher education;
- ▶ provides that a threat against a school can be real or a hoax; and
- ▶ provides penalties and requires restitution.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

76-5-107.1, Utah Code Annotated 1953

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

Section 1. Section **76-5-107.1** is enacted to read:

76-5-107.1. Threats against schools.



28 (1) As used in this section, "school" means:
29 (a) a preschool;
30 (b) a public or private elementary or secondary school; or
31 (c) a public or private institution of higher education.
32 (2) A person is guilty of making a threat against a school if the person threatens in
33 person or via electronic means, either with real intent or as a hoax, to commit any offense
34 involving bodily injury, death, or substantial property damage, and:
35 (a) threatens the use of a weapon or hoax weapon of mass destruction, as defined in
36 Section [76-10-401](#); or
37 (b) acts with intent to:
38 (i) disrupt the regular schedule of the school or influence or affect the conduct of
39 students, employees, or the general public at the school;
40 (ii) prevent or interrupt the occupancy of the school or a portion of the school, or a
41 facility or vehicle used by the school;
42 (iii) intimidate or coerce students or employees of the school; or
43 (iv) cause an official or volunteer agency organized to deal with emergencies to take
44 action due to the risk to the school or general public.
45 (3) (a) A violation of Subsection (2)(a) or (b)(i) is a third degree felony.
46 (b) A violation of Subsection (2)(b)(ii) is a class A misdemeanor.
47 (c) A violation of Subsection (2)(b)(iii) or (iv) is a class B misdemeanor.
48 (4) It is not a defense to this section that the individual did not attempt to carry out or
49 was incapable of carrying out the threat.
50 (5) In addition to any other penalty authorized by law, a court shall order an individual
51 convicted of a violation of this section to pay restitution to any federal, state, or local unit of
52 government, or any private business, organization, individual, or entity for expenses and losses
53 incurred in responding to the threat, unless the court states on the record the reasons why the
54 reimbursement would be inappropriate.