

Representative Andrew Stoddard proposes the following substitute bill:

SCHOOL THREAT AMENDMENTS

2020 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:



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

27 **76-5-107.1. Threats against schools.**

28 (1) As used in this section:

29 (a) "Evidence-based restorative justice process" means a process that:

30 (i) incorporates values of respect, dignity, mutual concern, collaboration, and
31 accountability;

32 (ii) encourages members of a school community to engage in collaborative problem
33 solving; and

34 (iii) incorporates programming as defined in Subsection [53G-8-211\(1\)\(c\)](#).

35 (b) "School" means:

36 (i) a preschool;

37 (ii) a public or private elementary or secondary school; or

38 (iii) a public or private institution of higher education.

39 (2) An individual is guilty of making a threat against a school if the individual
40 threatens in person or via electronic means, either with real intent or as an intentional hoax, to
41 commit any offense involving bodily injury, death, or substantial property damage, and:

42 (a) threatens the use of a firearm or weapon or hoax weapon of mass destruction, as
43 defined in Section [76-10-401](#);

44 (b) acts with intent to:

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

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

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

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

52 (3) (a) A violation of Subsection (2)(a), (b)(i), or (b)(iii) is a class A misdemeanor.

53 (b) A violation of Subsection (2)(b)(ii) is a class B misdemeanor.

54 (c) A violation of Subsection (2)(c) is a class C misdemeanor.

55 (4) A minor charged under this section shall be included in a school or district level
56 evidence-based restorative justice process facilitated by a trained staff member of:

- 57 (i) the school in which the minor is enrolled;
- 58 (ii) the school district in which the minor is enrolled;
- 59 (iii) the Utah State Board of Education; or
- 60 (iv) a nationally accredited or recognized restorative justice organization or association.

61 (c) Counseling for the minor and the minor's family may be made available through
62 state and local health department programs.

63 (5) It is not a defense to this section that the individual did not attempt to carry out or
64 was incapable of carrying out the threat.

65 (6) In addition to any other penalty authorized by law, a court shall order an individual
66 convicted of a violation of this section to pay restitution to any federal, state, or local unit of
67 government, or any private business, organization, individual, or entity for expenses and losses
68 incurred in responding to the threat, unless the court states on the record the reasons why the
69 reimbursement would be inappropriate. Restitution ordered in the case of a minor adjudicated
70 for a violation of this section shall be determined in accordance with Subsection [78A-6-117\(j\)](#).

71 (7) A violation of this section shall be reported to the local law enforcement agency. If
72 the individual alleged to have violated this section is a minor, the minor may be referred to the
73 juvenile court.