

# HB0171S01 compared with HB0171

~~text~~ shows text that was in HB0171 but was deleted in HB0171S01.

inserted text shows text that was not in HB0171 but was inserted into HB0171S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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;

~~reduces the level if the perpetrator is a minor;~~

~~requires that the minor undergo a mental health assessment;~~

- ▶ provides that a threat against a school can be real or a hoax; and
- ▶ provides penalties and requires restitution.

#### Money Appropriated in this Bill:

## HB0171S01 compared with HB0171

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.**

(1) As used in this section:

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

(i) incorporates values of respect, dignity, mutual concern, collaboration, and accountability;  
(ii) encourages members of a school community to engage in collaborative problem solving; and

(iii) incorporates programming as defined in Subsection ~~53A-11-911~~ 53G-8-211(1)(d)c).

(b) "School" means:

(i) a preschool;  
(ii) a public or private elementary or secondary school; or  
(iii) a public or private institution of higher education.

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

(a) threatens the use of a ~~firearm or~~ weapon or hoax weapon of mass destruction, as defined in Section 76-10-401;

(b) acts with intent to:

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

## HB0171S01 compared with HB0171

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

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

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

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

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

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

(4) A ~~violation of Subsection (2) is a class B misdemeanor if the person accused of committing the offense:~~

~~—— (a) is a minor;~~

~~—— (b) has made a threat against a school; and~~

~~—— (c) is enrolled in the school against which the threat was made.~~

~~—— (5) (a) A }minor charged under {Subsection (4) shall submit to a mental health assessment conducted by a certified staff person of a state or local mental health authority, or similar community contractor of the student prior to being referred to juvenile court.~~

~~—— (b) Prior to, or in addition to, referral to the juvenile court, the minor} this section shall be included in a school or district level evidence-based restorative justice process facilitated by a trained staff member of:~~

(i) the school in which the minor is enrolled;

(ii) the school district in which the minor is enrolled;

(iii) the Utah State Board of Education; or

(iv) a nationally accredited or recognized restorative justice organization or association.

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

~~(6)5~~ It is not a defense to this section that the individual did not attempt to carry out or was incapable of carrying out the threat.

~~(7)6~~ In addition to any other penalty authorized by law, a court shall order an individual convicted of a violation of this section to pay restitution to any federal, state, or local unit of government, or any private business, organization, individual, or entity for expenses and losses incurred in responding to the threat, unless the court states on the record the reasons why

## HB0171S01 compared with HB0171

the reimbursement would be inappropriate. Restitution ordered in the case of a minor adjudicated for a violation of this section shall be determined in accordance with Subsection 78A-6-117(j).

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