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**SCHOOL THREAT PENALTY AMENDMENTS**  
2024 GENERAL SESSION  
STATE OF UTAH  
**Chief Sponsor: Ryan D. Wilcox**  
Senate Sponsor: Don L. Ipson

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**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

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*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

28 reasons:

- 29 (a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive  
 30 behavior, including the use of foul, profane, vulgar, or abusive language;  
 31 (b) willful destruction or defacing of school property;  
 32 (c) behavior or threatened behavior which poses an immediate and significant threat to  
 33 the welfare, safety, or morals of other students or school personnel or to the operation  
 34 of the school;  
 35 (d) possession, control, or use of an alcoholic beverage as defined in Section 32B-1-102;  
 36 (e) behavior proscribed under Subsection (2) which threatens harm or does harm to the  
 37 school or school property, to a person associated with the school, or property  
 38 associated with that person, regardless of where it occurs; or  
 39 (f) possession or use of pornographic material on school property.

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

- 42 (i) ~~[any]~~ a serious violation affecting another student or a staff member, or ~~[any]~~ a  
 43 serious violation occurring in a school building, in or on school property, or in  
 44 conjunction with ~~[any]~~ a school activity, including:  
 45 (A) the possession, control, or actual or threatened use of a real weapon,  
 46 explosive, or noxious or flammable material;  
 47 (B) the actual or threatened use of a look alike weapon with intent to intimidate  
 48 another person or to disrupt normal school activities; or  
 49 (C) the sale, control, or distribution of a drug or controlled substance as defined in  
 50 Section 58-37-2, an imitation controlled substance defined in Section 58-37b-2,  
 51 or drug paraphernalia as defined in Section 58-37a-3;~~[-or]~~  
 52 (ii) the commission of an act involving the use of force or the threatened use of force  
 53 which if committed by an adult would be a felony or class A misdemeanor; or  
 54 (iii) making a false report of an emergency at a school under Subsection 76-9-202  
 55 (2)(d).

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

- 59 (i) within 45 days after the expulsion the student shall appear before the student's  
 60 local school board superintendent, the superintendent's designee, chief  
 61 administrative officer of a charter school, or the chief administrative officer's

- 62           designee, accompanied by a parent; and
- 63           (ii) the superintendent, chief administrator, or designee shall determine:
- 64           (A) what conditions must be met by the student and the student's parent for the
- 65           student to return to school;
- 66           (B) if the student should be placed on probation in a regular or alternative school
- 67           setting consistent with Section 53G-8-208, and what conditions must be met by
- 68           the student in order to ensure the safety of students and faculty at the school the
- 69           student is placed in; and
- 70           (C) if it would be in the best interest of both the school district or charter school,
- 71           and the student, to modify the expulsion term to less than a year, conditioned
- 72           on approval by the local school board or charter school governing board and
- 73           giving highest priority to providing a safe school environment for all students.
- 74 (3) A student may be denied admission to a public school on the basis of having been
- 75 expelled from that or any other school during the preceding 12 months.
- 76 (4) A suspension or expulsion under this section is not subject to the age limitations under
- 77 Subsection 53G-6-204(1).
- 78 (5) Each local school board and charter school governing board shall prepare an annual
- 79 report for the state board on:
- 80           (a) each violation committed under this section; and
- 81           (b) each action taken by the school district against a student who committed the
- 82 violation.

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

84 **76-5-107.1 . Threats against schools.**

- 85 (1) (a) As used in this section:
- 86           (i) "Hoax weapon of mass destruction" means the same as that term is defined in
- 87           Section 76-10-401.
- 88           (ii) "School" means a preschool or a public or private elementary or secondary school.
- 89           (b) Terms defined in Section 76-1-101.5 apply to this section.
- 90 (2) An actor is guilty of making a threat against a school if the actor threatens~~[in person~~
- 91 ~~or via electronic means, either]~~ , with real intent or as an intentional hoax, to commit [any]
- 92 an offense involving bodily injury, death, or substantial property damage and the actor:
- 93           (a) threatens the use of a firearm or weapon or hoax weapon of mass destruction;
- 94           (b) acts with intent to:
- 95           (i) disrupt the regular schedule of the school or influence or affect the conduct of

- 96 students, employees, or the general public at the school;
- 97 (ii) prevent or interrupt the occupancy of the school or a portion of the school, or a  
98 facility or vehicle used by the school; or
- 99 (iii) intimidate or coerce students or employees of the school; or
- 100 (c) causes an official or volunteer agency organized to deal with emergencies to take  
101 action due to the risk to the school or general public.
- 102 (3) (a) (i) A violation of Subsection (2)(a), (b)(i), or (b)(iii) is a ~~[class A misdemeanor]~~  
103 third degree felony.
- 104 (ii) A violation of Subsection (2)(b)(ii) is a class ~~[B]~~ A misdemeanor.
- 105 (iii) A violation of Subsection (2)(c) is a class ~~[C]~~ B misdemeanor.
- 106 (b) (i) In addition to ~~[any other]~~ another penalty authorized by law, a court shall order  
107 an actor convicted ~~[of a violation of]~~ under this section to pay restitution to ~~[any]~~ a  
108 federal, state, or local unit of government, or ~~[any]~~ a private business, organization,  
109 individual, or entity for expenses and losses incurred in responding to the threat,  
110 unless the court states on the record the reasons why the reimbursement would be  
111 inappropriate.
- 112 (ii) Restitution ordered in the case of a minor adjudicated for a violation of this  
113 section 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 or  
115 was incapable of carrying out the threat.
- 116 (5) ~~[(a)]~~ A violation of this section shall be reported to the local law enforcement agency.  
117 ~~[(b) If the actor alleged to have violated this section is a minor, the minor may be  
118 referred to the juvenile court.]~~
- 119 (6) Counseling for ~~[the]~~ a minor alleged to have violated this section and the minor's family  
120 may be made available through state and local health department programs.
- 121 Section 3. Section **76-9-202** is amended to read:
- 122 **76-9-202 . Emergency reporting -- Interference -- False report.**
- 123 (1) (a) As used in this section:
- 124 ~~[(a)]~~ (i) "Emergency" means a situation in which property or human life is in jeopardy  
125 and the prompt summoning of aid is essential to the preservation of human life or  
126 property.
- 127 ~~[(b)]~~ (ii) "Party line" means a subscriber's line or telephone circuit:
- 128 ~~[(i)]~~ (A) that consists of two or more connected main telephone stations; and  
129 ~~[(ii)]~~ (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
- 134 report a fire or summon police, medical, or other aid in case of emergency, unless the
- 135 telephone is 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
- 140 entity whose purpose is to respond to fire, police, or medical emergencies, when the
- 141 actor knows the 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,
- 144 including a law enforcement dispatcher or a 911 emergency response service, if the
- 145 false report claims that:
- 146 (i) an ~~[ongoing]~~ emergency exists or will exist;
- 147 (ii) the emergency described in Subsection (2)(d)(i) ~~[currently involves, or-]~~ involves
- 148 an imminent or future threat of[;] serious bodily injury, serious physical injury, or
- 149 death; and
- 150 (iii) the emergency described in Subsection (2)(d)(i) is occurring or will occur at a
- 151 specified location.
- 152 (3) (a) A violation of Subsection (2)(a) or (b) is a class C misdemeanor.
- 153 (b) A violation of Subsection (2)(c) is a class B misdemeanor, except as provided under
- 154 Subsection (3)(c).
- 155 (c) A violation of Subsection (2)(c) is a second degree felony if the report is regarding a
- 156 weapon of mass destruction, as defined in Section 76-10-401.
- 157 (d) A violation of Subsection (2)(d)[;]
- 158 ~~[(i) except as provided in Subsection (3)(d)(ii), is a third degree felony; or (ii)]~~ is a
- 159 second degree felony [if:] .
- 160 ~~[(A) while acting in response to the report, the emergency responder causes physical~~
- 161 ~~injury to an individual at the location described in Subsection (2)(d)(iii); or]~~
- 162 ~~[(B) the actor makes the false report or aids, abets, or causes a third party to make~~
- 163 ~~the false report with intent to ambush, attack, or otherwise harm a responding law~~

164 enforcement officer or emergency responder.]

165 (4) (a) In addition to ~~[any other]~~ another penalty authorized by law, a court shall order an

166 actor convicted of a violation of this section to reimburse ~~[(i) any]~~ a federal, state, or

167 local unit of government, or ~~[any]~~ a private business, organization, individual, or

168 entity for all expenses and losses incurred in responding to the violation ~~[: and]~~ .

169 ~~[(ii) an individual described in Subsection (3)(d)(ii) for the costs for the treatment of~~

170 ~~the physical injury and any psychological injury caused by the offense.]~~

171 (b) The court may order that the defendant pay less than the full amount of the costs

172 described in Subsection (4)(a) only if the court states on the record the reasons why

173 the reimbursement would be inappropriate.

174 Section 4. **Effective date.**

175 This bill takes effect on May 1, 2024.