

**SCHOOL THREAT AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Andrew Stoddard**

Senate Sponsor: \_\_\_\_\_

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**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:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**76-5-107.1**, Utah Code Annotated 1953

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



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

29 **76-5-107.1. Threats against schools.**

30 (1) As used in this section:

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

32 (i) incorporates values of respect, dignity, mutual concern, collaboration, and  
33 accountability;

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

36 (iii) incorporates programming as defined in Subsection [53A-11-911\(1\)\(d\)](#).

37 (b) "School" means:

38 (i) a preschool;

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

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

41 (2) A person is guilty of making a threat against a school if the person threatens in

42 person or via electronic means, either with real intent or as an intentional hoax, to commit any  
43 offense involving bodily injury, death, or substantial property damage, and:

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

46 (b) acts with intent to:

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

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

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

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

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

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

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

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

- 59           (a) is a minor;
- 60           (b) has made a threat against a school; and
- 61           (c) is enrolled in the school against which the threat was made.
- 62           (5) (a) A minor charged under Subsection (4) shall submit to a mental health
- 63 assessment conducted by a certified staff person of a state or local mental health authority, or
- 64 similar community contractor of the student prior to being referred to juvenile court.
- 65           (b) Prior to, or in addition to, referral to the juvenile court, the minor shall be included
- 66 in a school or district level evidence-based restorative justice process facilitated by a trained
- 67 member of:
- 68           (i) the school in which the minor is enrolled;
- 69           (ii) the school district in which the minor is enrolled;
- 70           (iii) the Utah State Board of Education; or
- 71           (iv) a nationally accredited or recognized restorative justice organization or association.
- 72           (c) Counseling for the minor and the minor's family may be made available through
- 73 state and local health department programs.
- 74           (6) It is not a defense to this section that the individual did not attempt to carry out or
- 75 was incapable of carrying out the threat.
- 76           (7) In addition to any other penalty authorized by law, a court shall order an individual
- 77 convicted of a violation of this section to pay restitution to any federal, state, or local unit of
- 78 government, or any private business, organization, individual, or entity for expenses and losses
- 79 incurred in responding to the threat, unless the court states on the record the reasons why the
- 80 reimbursement would be inappropriate.