

**SCHOOL THREAT AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Andrew Stoddard**

Senate Sponsor: Kirk A. Cullimore

Cosponsor:

Suzanne Harrison

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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;
- ▶ reduces the level if the perpetrator is a minor;
- ▶ 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, "school" means a preschool or a public or private  
31 elementary or secondary school.

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

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

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; or

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

43 (c) causes 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), (b)(i), or (b)(iii) is a class A misdemeanor.

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

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

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

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

52 (6) In addition to any other penalty authorized by law, a court shall order an individual  
53 convicted of a violation of this section to pay restitution to any federal, state, or local unit of  
54 government, or any private business, organization, individual, or entity for expenses and losses

55 incurred in responding to the threat, unless the court states on the record the reasons why the  
56 reimbursement would be inappropriate. Restitution ordered in the case of a minor adjudicated  
57 for a violation of this section shall be determined in accordance with Subsection [78A-6-117\(j\)](#).

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