



SYNOPSIS:

Under existing law, the crime of making a terrorist threat in the first degree is a Class C felony, and the crime of making a terrorist threat in the second degree is a Class A misdemeanor.

This bill would provide further for the definitions of a "credible threat" and a "threat" and would revise the elements of the crimes of making a terrorist threat in the first degree and making a terrorist threat in the second degree.

This bill would increase the criminal penalties for the crimes of making a terrorist threat in the first degree and making a terrorist threat in the second degree.

Under existing law, a public K-12 school is required to immediately suspend from attending regular classes any student whose conduct is in violation of local board of education policy and warrants criminal charges and may only readmit the student when the student satisfies certain conditions prescribed by the local board of education.

This bill would require the public school principal to immediately notify law enforcement if the conduct of the student warrants being charged with the crime of making a terrorist threat in the first or



second degree; would specifically require the immediate one-year suspension of any student charged with the crime of making a terrorist threat in the first or second degree; would provide further for the readmittance of the student under certain conditions; and would require restitution upon a finding of guilt.

A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to amend Sections 13A-10-240, 13A-10-241, as amended by Act 2024-229, 2024 Regular Session, 13A-10-242, and 16-1-24.1, Code of Alabama 1975; to provide for the definition of a credible threat and a threat; to revise the elements of and increase the penalties for the crime of making a terrorist threat in the first and second degrees; to require a public school principal to immediately notify law enforcement if the conduct of the student warrants the charge of making a terrorist threat in the first or second degree; to specifically provide that being charged with either crime is a reason for which a student shall immediately be suspended for a minimum of one year; to provide further for the conditions of readmittance; to provide for restitution upon a finding of guilt; and to add Section 13A-10-243 to the Code of Alabama 1975; to require any person found guilty of making a terrorist threat in the first or



second degree to make restitution.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 13A-10-240, 13A-10-241, as amended by Act 2024-229, 2024 Regular Session, 13A-10-242, and 16-1-24.1 of the Code of Alabama 1975, are amended to read as follows:

"§13A-10-240

As used in this article, the following terms have the following meanings:

(1) CREDIBLE THREAT. A person makes a credible threat to another when all of the following occur:

a. The person makes a statement, whether express or implied, verbally, in writing, by means of an electronic communication device, or by any other means to harm a person or property.

b. The statement is communicated to another person.

c. Under the circumstances, the threatened harm is reasonably perceived to be made with the intent and apparent ability to carry out that threat.

d. The statement causes the person to reasonably be in fear for his or her own safety or for the object of the threat.

~~(1)~~ (2) PROPERTY. Personal or real property. The term includes, but is not limited to, any of the following buildings or real property:

a. A church, mosque, synagogue, or other religious real property.

b. A public or private school.



85 ~~(2) THREATEN~~ (3) THREAT. A person ~~threatens~~ makes a
86 threat to another ~~if~~ when all of the following occur:

87 a. The person ~~intentionally and knowingly~~ makes a
88 statement, whether express or implied, verbally, in writing,
89 by means of an electronic communication device, or by any
90 other means to harm a person or property.

91 b. The statement ~~is communicated to another person~~
92 causes fear or harm.

93 ~~c. Under the circumstances, the threatened harm is~~
94 ~~credible and imminent.~~

95 ~~d. The statement, on its face and under the~~
96 ~~circumstances in which it is made, is so unequivocal,~~
97 ~~immediate, and specific as to convey to the person threatened,~~
98 ~~a gravity of purpose and an immediate prospect of execution of~~
99 ~~the threat.~~

100 ~~e. The statement causes the person to reasonably be in~~
101 ~~sustained fear for his or her own safety or for the object of~~
102 ~~the threat.~~

103 c. The statement is communicated to another person.

104 ~~(3)~~ (4) WEAPONS OF MASS DESTRUCTION. Any of the
105 following:

106 a. A destructive device as defined in 18 U.S.C. § 921.

107 b. A weapon that is designed or intended to cause death
108 or serious bodily injury through the release, dissemination,
109 or impact of toxic or poisonous chemicals.

110 c. A weapon involving a biological agent, toxin, or
111 vector, as those terms are defined in 18 U.S.C. § 178.

112 d. A weapon that is designed to release radiation or



radioactivity at a level dangerous to human life."

"§13A-10-241

(a) A person commits the crime of making a terrorist threat in the first degree when ~~he or she,~~:

(1) A person, based on an objective evaluation, ~~credibly threatens~~ makes a credible threat to commit a crime of violence against a person or to damage any property by use of a bomb, explosive, weapon of mass destruction, firearm, deadly weapon, dangerous instrument, or other mechanism and any of the following occurs:

~~(1)~~ a. The credible threat causes or is intended to cause the evacuation of any real property.

~~(2) The threat causes the disruption of a school, church, or government activity.~~

~~(3)~~ b. The credible threat is with intent to retaliate against ~~the victim~~ a person because of his or her involvement or participation as any of the following:

~~a.~~ 1. A witness or party in any judicial or administrative proceeding.

~~b.~~ 2. A person who produced records, documents, or other objects in a judicial or administrative proceeding.

~~c.~~ 3. A person who provided to a law enforcement officer, adult or juvenile probation officer, prosecuting attorney, or judge any information relating to the commission or possible commission of an offense under the laws of this state, of the United States, or a violation of conditions of bail, pretrial release, probation, or parole.

~~(4)~~ c. The credible threat is made against an elected



public official or his or her staff.

(2) A person makes a threat to commit a crime of violence against a person or to damage any property by use of a bomb, explosive, weapon of mass destruction, firearm, deadly weapon, dangerous instrument, or other mechanism, and that threat causes or is intended to cause the disruption of a school, church, or government activity.

(b) The crime of making a terrorist threat in the first degree is a Class ~~C~~ B felony."

"§13A-10-242

(a) A person commits the crime of making a terrorist threat in the second degree when he or she, ~~based on an objective evaluation, credibly threatens~~ makes a threat to commit a crime of violence against a person or to damage any property by use of a bomb, explosive, weapon of mass destruction, firearm, deadly weapon, dangerous instrument, or other mechanism.

(b) (1) ~~The~~ Except as provided in subdivision (2) the crime of making a terrorist threat in the second degree is a Class A misdemeanor.

(2) The crime of making a terrorist threat in the second degree is a Class D felony if either of the following occur:

a. The person has a prior adjudication or conviction of making a terrorist threat in any degree.

b. The person commits a second or subsequent offense of making a terrorist threat in the second degree within one year of making another terrorist threat in any degree."



"§16-1-24.1

(a) The Legislature finds a compelling public interest in ensuring that schools are made safe and drug-free for all students and school employees. The Legislature finds the need for a comprehensive safe school and drug-free school policy to be adopted by the State Board of Education. This policy should establish minimum standards for classes of offenses and prescribe uniform minimum procedures and penalties for those who violate the policies. It is the intent of the Legislature that our schools remain safe and drug-free for all students and school employees. The State Board of Education shall adopt and all local boards of education shall uniformly enforce policies that protect all students and school employees. The State Board of Education shall require local school systems to modify their policies, practices, or procedures so as to ensure a safe school environment free of illegal drugs, alcohol, or weapons. Any rules ~~and regulations~~ adopted by the State Board of Education pursuant to this section shall be exempt from Section 41-22-3(3). These modifications shall include the formulation of a discipline plan setting forth policies, practices, and procedures dealing with students or other ~~persons~~ individuals who bring illegal drugs, alcohol, or weapons on a school campus. The discipline plan shall also include uniform drug-free school policies with uniform penalties.

(b) (1) The principal shall notify appropriate law enforcement officials when any ~~person~~ student or school employee violates local board of education policies concerning



197 drugs, alcohol, weapons, physical harm to ~~a person~~ an
198 individual, or threatened physical harm to ~~a person~~ an
199 individual.

200 (2) The principal shall notify appropriate law
201 enforcement officials immediately upon notice of any
202 individual making a terrorist threat pursuant to Section
203 13A-10-241 or Section 13A-10-242.

204 (3) If any criminal charge is warranted arising from
205 the conduct described in subdivision (1) or (2), the principal
206 ~~is authorized to~~ may sign ~~the appropriate~~ a warrant ~~or~~
207 complaint. If that ~~person~~ accused individual is a student
208 enrolled in any public school in ~~the State of Alabama~~ this
209 state, the local school system shall immediately suspend that
210 ~~person~~ student from attending regular classes and schedule a
211 hearing at the earliest possible date, ~~which shall not be~~
212 ~~later than five school days~~ pursuant to the due process
213 procedures provided in Section 16-1-14. The length of the
214 suspension shall depend on the outcome of the disciplinary
215 hearing before the local board of education. The ~~decision to~~
216 ~~suspend or initiate~~ initiation of criminal charges against a
217 student, ~~or both~~, shall include a review and consideration of
218 the student's exceptional status, if applicable, under Chapter
219 39, or appropriate federal statutory or case law.

220 (c) ~~If a person~~ Except as otherwise provided in
221 subsection (e), if a student or school employee is found to
222 have violated a local board of education policy concerning
223 drugs, alcohol, weapons, physical harm to ~~a person~~ an
224 individual, or threatened physical harm to ~~a person~~ an



individual, the ~~person~~ student or school employee may not be readmitted to the public schools of this state until ~~(1): (i)~~ all criminal charges or offenses arising from the conduct, if any, have been disposed of by appropriate authorities; and ~~(2)~~ (ii) the ~~person~~ student or school employee has satisfied all other requirements imposed by the local board of education as a condition for readmission.

(d) ~~Any person~~ Except as otherwise provided in subsection (e), any student or school employee ~~determined to be guilty~~ adjudicated or convicted of ~~an~~ a criminal offense involving drugs, alcohol, weapons, physical harm to ~~a person~~ an individual, or threatened physical harm to ~~a person~~ an individual, may not be readmitted to the public schools of this state ~~upon such~~ until the student or school employee has satisfied the conditions ~~as~~ prescribed by the local board of education ~~shall prescribe~~ for preservation of the safety or security of students and employees of the local ~~school~~ board of education, which may include, but are not limited to, psychiatric or psychological evaluation and counseling.

(e) (1) If a student is charged with the crime of making a terrorist threat in the first or second degree, he or she shall be immediately suspended from attending regular classes and banned from all public K-12 school property in the state for a minimum of one year, or earlier upon the dismissal of all related criminal charges. The student may not be readmitted to the public schools of this state until: (i) all criminal charges or offenses arising from the conduct have been disposed of by appropriate authorities; (ii) the student



has completed a psychiatric or psychological evaluation and counseling prescribed by the court, at the expense of the parent or guardian of the student; and (iii) the student has satisfied all other requirements imposed by the local board of education as a condition for readmission.

(2) In addition to the recovery of damages and court costs provided in subdivision (f)(3), upon a student being adjudicated or convicted of the crime of making a terrorist threat in the first or second degree, the student shall be expelled from school, and the court shall order the student and the parent or guardian of the student to pay restitution to law enforcement, emergency medical service providers, and the local board of education for any costs incurred relating to the crime.

~~(e)~~ (f) (1) A copy of the school system's discipline plan shall be distributed to all students enrolled in the system and their parents, or guardians, ~~or custodians~~ shall read the plan and sign a statement verifying that they have been given notice of the discipline policies of their respective school system. The ~~school~~ local board of education shall have its official discipline plan reviewed on an annual basis to ensure that its policies and procedures are currently in compliance with applicable statutes, case law, and state and federal constitutional provisions.

(2) ~~All~~ The discipline ~~plans~~ plan of a school ~~systems~~ system shall include, but not be limited to, all of the following:

a. A parent, or guardian, ~~custodian, or person,~~



281 excluding a foster parent, responsible for the care or control
282 of a ~~minor child~~ student enrolled in a public school system
283 shall be responsible financially for ~~such child's~~ the
284 destructive acts of the student against school property or
285 ~~persons~~ another individual.

286 b. A parent, or guardian, ~~custodian, or person,~~
287 excluding a foster parent, responsible for the care or control
288 of a ~~minor child~~ student enrolled in a public school system
289 may be requested to appear at the school by an appropriate
290 school official for a conference regarding the acts of the
291 ~~child~~ student specified in paragraph a.

292 c. A parent, or guardian, ~~custodian, or person,~~
293 excluding a foster parent, responsible for the care or control
294 of a ~~minor child~~ student enrolled in a public school system
295 who has been summoned by proper notification by an appropriate
296 school official shall ~~be required under this provision to~~
297 attend ~~such~~ the discipline conference specified in paragraph
298 b.

299 (3) Any public school system ~~shall be entitled to~~ may
300 recover actual damages, plus necessary court costs, from the
301 parent or guardian, or both, of any ~~minor~~ student who
302 maliciously and willfully damages or destroys property
303 belonging to the school system. ~~However, this section~~ This
304 subdivision shall not apply to ~~parents~~ any parent whose
305 parental control of ~~any child~~ a student has been removed by
306 court order or decree or to ~~parents~~ any parent of an
307 exceptional ~~children~~ child with specific mental and physical
308 impairments if the damage is determined to result from the



impairments. The action authorized in this ~~section~~ subdivision shall be in addition to all other actions which the school system ~~is entitled to~~ may maintain and nothing in this ~~section~~ subdivision shall preclude recovery in a greater amount from the ~~minor student~~ or from ~~a person~~ an individual, including the parents or guardian, or both, for damages to which ~~such minor other person~~ the student would otherwise be liable.

~~(4) This section shall apply only to acts committed on or after August 1, 1992.~~

~~(f)~~ (g) The local ~~school~~ board of education shall adopt and make available to all teachers, school personnel, students, and parents or guardians, at the beginning of ~~the 1992-93 school year and~~ each school year ~~thereafter~~, a code of student conduct developed in consultation with teachers, school personnel, students, and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the ~~school~~ local board of education and may be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to, all of the following:

(1) Specific grounds for disciplinary action.

(2) Procedures to be followed for acts requiring discipline.

(3) An explanation of the responsibilities and rights of students with regard to attendance, respect for ~~persons~~ individuals, entities, and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in



337 school programs and activities.

338 ~~(g)~~ (h) Except in the case of excessive force or cruel
339 and unusual punishment, no certified or noncertified employee
340 of the State Board of Education or any local board of
341 education shall be civilly liable for any action carried out
342 in conformity with state law and system or school rules
343 regarding the control, discipline, suspension, and expulsion
344 of students.

345 ~~(h)~~ (i) Nothing in this section shall be construed to
346 prevent a local board of education from ~~promulgating~~ adopting
347 more stringent rules ~~and regulations~~ than those adopted on the
348 state level, in order to foster and maintain a safe and
349 drug-free environment in the public schools."

350 Section 2. Section 13A-10-243 is added to the Code of
351 Alabama 1975, to read as follows:

352 §13A-10-243

353 A person convicted or adjudicated of making a terrorist
354 threat in the first degree or second degree shall be ordered
355 to make restitution as follows:

356 (1) To the owner of any real property or school,
357 church, or government entity affected by the making of the
358 terrorist threat.

359 (2) To the primary investigative law enforcement and
360 prosecutorial entities for any legitimate cost incurred in the
361 course of the investigation or prosecution. Where the
362 terrorist threat results in an emergency response, the
363 defendant shall be ordered to pay restitution for the expenses
364 incurred by any local, state, or federal law enforcement or



365 assisting governmental agency. Expenses include any reasonable
366 costs directly incurred, including the costs of police,
367 firefighting, and emergency medical services, and the
368 personnel costs of those persons who respond to the incident.

369 Section 3. This act shall become effective on July 1,
370 2025.