

## HB356 INTRODUCED



1 HB356  
2 7BBQF2V-1  
3 By Representatives Woods, Lomax, Stadthagen, Lipscomb,  
4 Faulkner, Mooney, Stubbs, Underwood, Robertson, Estes,  
5 Marques, Ingram, Sells, Standridge, Stringer, Kirkland,  
6 Holk-Jones, Rigsby, Kiel, Bolton, Lamb, Yarbrough, Whorton,  
7 Reynolds, Paramore, Colvin, Starnes, Carns, DuBose, Shaw  
8 RFD: Judiciary  
9 First Read: 27-Feb-25



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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 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;



## HB356 INTRODUCED

29 and would require restitution upon a finding of guilt.

30

31

32

A BILL

33

TO BE ENTITLED

34

AN ACT

35

36 Relating to crimes and offenses; to amend Sections  
37 13A-10-240, 13A-10-241, as amended by Act 2024-229, 2024  
38 Regular Session, 13A-10-242, and 16-1-24.1, Code of Alabama  
39 1975; to provide for the definition of a credible threat; to  
40 increase the penalties for the crime of making a terrorist  
41 threat in the first and second degrees; to require a public  
42 school principal to immediately notify law enforcement if the  
43 conduct of the student warrants the charge of making a  
44 terrorist threat in the first or second degree; to  
45 specifically provide that being charged with either crime is a  
46 reason for which a student shall immediately be suspended for  
47 a minimum of one year; to provide further for the conditions  
48 of readmittance; to provide for restitution upon a finding of  
49 guilt; and to add Section 13A-10-243 to the Code of Alabama  
50 1975; to require any person found guilty of making a terrorist  
51 threat in the first or second degree to make restitution.

52 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

53 Section 1. Sections 13A-10-240, 13A-10-241, as amended  
54 by Act 2024-229, 2024 Regular Session, 13A-10-242, and  
55 16-1-24.1 of the Code of Alabama 1975, are amended to read as  
56 follows:



## HB356 INTRODUCED

57           "§13A-10-240

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

60           (1) CREDIBLE THREAT. A threat made with intent and  
61 apparent ability to carry out that threat, or with the intent  
62 to cause the disruption of a school, church, or government  
63 activity.

64           ~~(1)~~ (2) PROPERTY. Personal or real property. The term  
65 includes, but is not limited to, any of the following  
66 buildings or real property:

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

69           b. A public or private school.

70           ~~(2)~~ (3) THREATEN. A person threatens another if all of  
71 the following occur:

72           a. The person intentionally and knowingly makes a  
73 statement verbally, in writing, by means of an electronic  
74 communication device, or by any other means to harm a person  
75 or property.

76           b. The statement is communicated to another person.

77           c. Under the circumstances, the threatened harm is  
78 credible and imminent.

79           d. The statement, on its face and under the  
80 circumstances in which it is made, is so unequivocal,  
81 immediate, and specific as to convey to the person threatened,  
82 a gravity of purpose and an immediate prospect of execution of  
83 the threat.

84           e. The statement causes the person to reasonably be in



## HB356 INTRODUCED

85 sustained fear for his or her own safety or for the object of  
86 the threat.

87 ~~(3)~~ (4) WEAPONS OF MASS DESTRUCTION. Any of the  
88 following:

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

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

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

95 d. A weapon that is designed to release radiation or  
96 radioactivity at a level dangerous to human life."

97 "§13A-10-241

98 (a) A person commits the crime of making a terrorist  
99 threat in the first degree when he or she, based on an  
100 objective evaluation, credibly threatens to commit a crime of  
101 violence against a person or to damage any property by use of  
102 a bomb, explosive, weapon of mass destruction, firearm, deadly  
103 weapon, dangerous instrument, or other mechanism and any of  
104 the following occurs:

105 (1) The threat causes or intends to cause the  
106 evacuation of any real property.

107 (2) The threat causes or intends to cause the  
108 disruption of a school, church, or government activity.

109 (3) The threat is with intent to retaliate against the  
110 victim because of his or her involvement or participation as  
111 any of the following:

112 a. A witness or party in any judicial or administrative



## HB356 INTRODUCED

113 proceeding.

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

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

122           (4) The threat is made against an elected public  
123 official or his or her staff.

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

126           "§13A-10-242

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

133           (b) The crime of making a terrorist threat in the  
134 second degree is a Class-~~A misdemeanor~~ D felony."

135           "§16-1-24.1

136           (a) The Legislature finds a compelling public interest  
137 in ensuring that schools are made safe and drug-free for all  
138 students and school employees. The Legislature finds the need  
139 for a comprehensive safe school and drug-free school policy to  
140 be adopted by the State Board of Education. This policy should



## HB356 INTRODUCED

141 establish minimum standards for classes of offenses and  
142 prescribe uniform minimum procedures and penalties for those  
143 who violate the policies. It is the intent of the Legislature  
144 that our schools remain safe and drug-free for all students  
145 and school employees. The State Board of Education shall adopt  
146 and all local boards of education shall uniformly enforce  
147 policies that protect all students and school employees. The  
148 State Board of Education shall require local school systems to  
149 modify their policies, practices, or procedures so as to  
150 ensure a safe school environment free of illegal drugs,  
151 alcohol, or weapons. Any rules ~~and regulations~~ adopted by the  
152 State Board of Education pursuant to this section shall be  
153 exempt from Section 41-22-3(3). These modifications shall  
154 include the formulation of a discipline plan setting forth  
155 policies, practices, and procedures dealing with students or  
156 other ~~persons~~ individuals who bring illegal drugs, alcohol, or  
157 weapons on a school campus. The discipline plan shall also  
158 include uniform drug-free school policies with uniform  
159 penalties.

160 (b) (1) The principal shall notify appropriate law  
161 enforcement officials when any ~~person~~ student or school  
162 employee violates local board of education policies concerning  
163 drugs, alcohol, weapons, physical harm to ~~a person~~ an  
164 individual, or threatened physical harm to ~~a person~~ an  
165 individual.

166 (2) The principal shall notify appropriate law  
167 enforcement officials immediately upon notice of any  
168 individual making a terrorist threat pursuant to Section



## HB356 INTRODUCED

169 13A-10-241 or Section 13A-10-242.

170 (3) If any criminal charge is warranted arising from  
171 the conduct described in subdivision (1) or (2), the principal  
172 ~~is authorized to~~ may sign ~~the appropriate~~ a warrant or  
173 complaint. If that ~~person~~ accused individual is a student  
174 enrolled in any public school in ~~the State of Alabama~~ this  
175 state, the local school system shall immediately suspend that  
176 ~~person~~ student from attending regular classes and schedule a  
177 hearing at the earliest possible date, ~~which shall not be~~  
178 ~~later than five school days~~ pursuant to the due process  
179 procedures provided in Section 16-1-14. The length of the  
180 suspension shall depend on the outcome of the disciplinary  
181 hearing before the local board of education. The ~~decision to~~  
182 ~~suspend or initiate~~ initiation of criminal charges against a  
183 student, ~~or both~~, shall include a review and consideration of  
184 the student's exceptional status, if applicable, under Chapter  
185 39, or appropriate federal statutory or case law.

186 (c) ~~If a person~~ Except as otherwise provided in  
187 subsection (e), if a student or school employee is found to  
188 have violated a local board of education policy concerning  
189 drugs, alcohol, weapons, physical harm to ~~a person~~ an  
190 individual, or threatened physical harm to ~~a person~~ an  
191 individual, the ~~person~~ student or school employee may not be  
192 readmitted to the public schools of this state until ~~(1)~~: (i)  
193 all criminal charges or offenses arising from the conduct, if  
194 any, have been disposed of by appropriate authorities; and ~~(2)~~  
195 (ii) the ~~person~~ student or school employee has satisfied all  
196 other requirements imposed by the local board of education as





## HB356 INTRODUCED

197 a condition for readmission.

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

210 (e) (1) If a student is charged with the crime of making  
211 a terrorist threat in the first or second degree, he or she  
212 shall be immediately suspended from attending regular classes  
213 and banned from all public K-12 school property in the state  
214 for a minimum of one year, or earlier upon the dismissal of  
215 all related criminal charges. The student may not be  
216 readmitted to the public schools of this state until: (i) all  
217 criminal charges or offenses arising from the conduct have  
218 been disposed of by appropriate authorities; (ii) the student  
219 has completed a psychiatric or psychological evaluation and  
220 counseling prescribed by the court, at the expense of the  
221 parent or guardian of the student; and (iii) the student has  
222 satisfied all other requirements imposed by the local board of  
223 education as a condition for readmission.

224 (2) In addition to the recovery of damages and court



## HB356 INTRODUCED

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

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

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

246 a. A parent, or guardian, ~~custodian, or person,~~  
247 excluding a foster parent, responsible for the care or control  
248 of a ~~minor child~~ student enrolled in a public school system  
249 shall be responsible financially for ~~such child's~~ the  
250 destructive acts of the student against school property or  
251 ~~persons~~ another individual.

252 b. A parent, or guardian, ~~custodian, or person,~~



## HB356 INTRODUCED

253 excluding a foster parent, responsible for the care or control  
254 of a ~~minor child~~ student enrolled in a public school system  
255 may be requested to appear at the school by an appropriate  
256 school official for a conference regarding the acts of the  
257 ~~child~~ student specified in paragraph a.

258 c. A parent, or guardian, ~~custodian, or person,~~  
259 excluding a foster parent, responsible for the care or control  
260 of a ~~minor child~~ student enrolled in a public school system  
261 who has been summoned by proper notification by an appropriate  
262 school official shall ~~be required under this provision to~~  
263 attend ~~such~~ the discipline conference specified in paragraph  
264 b.

265 (3) Any public school system ~~shall be entitled to~~ may  
266 recover actual damages, plus necessary court costs, from the  
267 parent or guardian, or both, of any ~~minor~~ student who  
268 maliciously and willfully damages or destroys property  
269 belonging to the school system. ~~However, this section~~ This  
270 subdivision shall not apply to ~~parents~~ any parent whose  
271 parental control of ~~any child~~ a student has been removed by  
272 court order or decree or to ~~parents~~ any parent of an  
273 exceptional ~~children~~ child with specific mental and physical  
274 impairments if the damage is determined to result from the  
275 impairments. The action authorized in this ~~section~~ subdivision  
276 shall be in addition to all other actions which the school  
277 system ~~is entitled to~~ may maintain and nothing in this ~~section~~  
278 subdivision shall preclude recovery in a greater amount from  
279 the ~~minor~~ student or from ~~a person~~ an individual, including  
280 the parents or guardian, or both, for damages to which ~~such~~



## HB356 INTRODUCED

281 ~~minor other person~~ the student would otherwise be liable.

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

284 ~~(f)~~ (g) The local ~~school~~ board of education shall adopt  
285 and make available to all teachers, school personnel,  
286 students, and parents or guardians, at the beginning of ~~the~~  
287 ~~1992-93 school year and~~ each school year ~~thereafter~~, a code of  
288 student conduct developed in consultation with teachers,  
289 school personnel, students, and parents or guardians. The code  
290 shall be based on the rules governing student conduct and  
291 discipline adopted by the ~~school~~ local board of education and  
292 may be made available at the school level in the student  
293 handbook or similar publication. The code shall include, but  
294 not be limited to, all of the following:

295 (1) Specific grounds for disciplinary action.

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

298 (3) An explanation of the responsibilities and rights  
299 of students with regard to attendance, respect for ~~persons~~  
300 individuals, entities, and property, knowledge and observation  
301 of rules of conduct, the right to learn, free speech and  
302 student publications, assembly, privacy, and participation in  
303 school programs and activities.

304 ~~(g)~~ (h) Except in the case of excessive force or cruel  
305 and unusual punishment, no certified or noncertified employee  
306 of the State Board of Education or any local board of  
307 education shall be civilly liable for any action carried out  
308 in conformity with state law and system or school rules



## HB356 INTRODUCED

309 regarding the control, discipline, suspension, and expulsion  
310 of students.

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

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

318 §13A-10-243

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

322 (1) To the owner of any real property or school,  
323 church, or government entity affected by the making of the  
324 terrorist threat.

325 (2) To the primary investigative law enforcement and  
326 prosecutorial entities for any legitimate cost incurred in the  
327 course of the investigation or prosecution. Where the  
328 terrorist threat results in an emergency response, the  
329 defendant shall be ordered to pay restitution for the expenses  
330 incurred by any local, state, or federal law enforcement or  
331 assisting governmental agency. Expenses include any reasonable  
332 costs directly incurred, including the costs of police,  
333 firefighting, and emergency medical services, and the  
334 personnel costs of those persons who respond to the incident.

335 Section 3. This act shall become effective on July 1,  
336 2025.