

HB85 INTRODUCED



1 HB85
2 ZU33RRK-1
3 By Representative Woods
4 RFD: Judiciary
5 First Read: 04-Feb-25
6 PFD: 06-Jan-25



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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 K-12 public 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 sign a complaint if the conduct of the student warrants criminal charges, 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.



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A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to amend Sections 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 increase the penalties for the crime of making a terrorist threat in the first and second degrees; to require a public school principal to sign a complaint if the conduct of the student warrants any criminal charges; 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; and to provide for restitution upon a finding of guilt.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 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-10-241

(a) A person commits the crime of making a terrorist threat in the first degree when he or she, based on an objective evaluation, credibly threatens 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, or other mechanism and any of the following occurs:



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57 (1) The threat causes the evacuation of any real
58 property.

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

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

64 a. A witness or party in any judicial or administrative
65 proceeding.

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

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

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

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

78 "§13A-10-242

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



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85 (b) The crime of making a terrorist threat in the
86 second degree is a Class ~~A misdemeanor~~ D felony.

87 "§16-1-24.1

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

112 (b) The principal shall notify appropriate law



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113 enforcement officials when any ~~person~~ student or school
114 employee violates local board of education policies concerning
115 drugs, alcohol, weapons, physical harm to ~~a person~~ an
116 individual, or threatened physical harm to ~~a person~~ an
117 individual. If any criminal charge is warranted arising from
118 the conduct, the principal ~~is authorized to~~ shall sign ~~the~~
119 ~~appropriate~~ a warrant or complaint. If that ~~person~~ individual
120 is a student enrolled in any public school in ~~the State of~~
121 ~~Alabama~~ this state, the local school system shall immediately
122 suspend that ~~person~~ student from attending regular classes and
123 schedule a hearing at the earliest possible date, ~~which shall~~
124 ~~not be later than five school days~~ pursuant to the due process
125 procedures provided in Section 16-1-14. The length of the
126 suspension shall depend on the outcome of the disciplinary
127 hearing before the local board of education. The ~~decision to~~
128 ~~suspend or initiate~~ initiation of criminal charges against a
129 student, ~~or both~~, shall include a review and consideration of
130 the student's exceptional status, if applicable, under Chapter
131 39, or appropriate federal statutory or case law.

132 (c) ~~If a person~~ Except as otherwise provided in
133 subsection (e), if a student or school employee is found to
134 have violated a local board of education policy concerning
135 drugs, alcohol, weapons, physical harm to ~~a person~~ an
136 individual, or threatened physical harm to ~~a person~~ an
137 individual, the ~~person~~ student or school employee may not be
138 readmitted to the public schools of this state until ~~(1):~~ (i)
139 all criminal charges or offenses arising from the conduct, if
140 any, have been disposed of by appropriate authorities; and ~~(2)~~



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141 (ii) the ~~person~~ student or school employee has satisfied all
142 other requirements imposed by the local board of education as
143 a condition for readmission.

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

156 (e) (1) If a student is charged with the crime of making
157 a terrorist threat in the first or second degree, he or she
158 shall be immediately suspended from attending regular classes
159 and banned from all public K-12 school property in the state
160 for a minimum of one year, or earlier upon the dismissal of
161 all related criminal charges. The student may not be
162 readmitted to the public schools of this state until: (i) all
163 criminal charges or offenses arising from the conduct have
164 been disposed of by appropriate authorities; (ii) the student
165 has completed a psychiatric or psychological evaluation and
166 counseling prescribed by the court, at the expense of the
167 parent or guardian of the student; and (iii) the student has
168 satisfied all other requirements imposed by the local board of



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169 education as a condition for readmission.

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

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

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

192 a. A parent, or guardian, ~~custodian, or person,~~
193 excluding a foster parent, responsible for the care or control
194 of a ~~minor child~~ student enrolled in a public school system
195 shall be responsible financially for ~~such child's~~ the
196 destructive acts of the student against school property or



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197 ~~persons~~ another individual.

198 b. A parent, or guardian, ~~custodian, or person~~,
199 excluding a foster parent, responsible for the care or control
200 of a ~~minor child~~ student enrolled in a public school system
201 may be requested to appear at the school by an appropriate
202 school official for a conference regarding the acts of the
203 ~~child~~ student specified in paragraph a.

204 c. A parent, or guardian, ~~custodian, or person~~,
205 excluding a foster parent, responsible for the care or control
206 of a ~~minor child~~ student enrolled in a public school system
207 who has been summoned by proper notification by an appropriate
208 school official shall ~~be required under this provision to~~
209 attend ~~such~~ the discipline conference specified in paragraph
210 b.

211 (3) Any public school system ~~shall be entitled to~~ may
212 recover actual damages, plus necessary court costs, from the
213 parent or guardian, or both, of any ~~minor~~ student who
214 maliciously and willfully damages or destroys property
215 belonging to the school system. ~~However, this section~~ This
216 subdivision shall not apply to ~~parents~~ any parent whose
217 parental control of ~~any child~~ a student has been removed by
218 court order or decree or to ~~parents~~ any parent of an
219 exceptional ~~children~~ child with specific mental and physical
220 impairments if the damage is determined to result from the
221 impairments. The action authorized in this ~~section~~ subdivision
222 shall be in addition to all other actions which the school
223 system ~~is entitled to~~ may maintain and nothing in this ~~section~~
224 subdivision shall preclude recovery in a greater amount from



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225 the ~~minor~~ student or from ~~a person~~ an individual, including
226 the parents or guardian, or both, for damages to which ~~such~~
227 ~~minor other person~~ the student would otherwise be liable.

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

230 ~~(f)~~ (g) The local ~~school~~ board of education shall adopt
231 and make available to all teachers, school personnel,
232 students, and parents or guardians, at the beginning of ~~the~~
233 ~~1992-93 school year and~~ each school year ~~thereafter~~, a code of
234 student conduct developed in consultation with teachers,
235 school personnel, students, and parents or guardians. The code
236 shall be based on the rules governing student conduct and
237 discipline adopted by the ~~school~~ local board of education and
238 may be made available at the school level in the student
239 handbook or similar publication. The code shall include, but
240 not be limited to, all of the following:

241 (1) Specific grounds for disciplinary action.

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

244 (3) An explanation of the responsibilities and rights
245 of students with regard to attendance, respect for ~~persons~~
246 individuals, entities, and property, knowledge and observation
247 of rules of conduct, the right to learn, free speech and
248 student publications, assembly, privacy, and participation in
249 school programs and activities.

250 ~~(g)~~ (h) Except in the case of excessive force or cruel
251 and unusual punishment, no certified or noncertified employee
252 of the State Board of Education or any local board of



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253 education shall be civilly liable for any action carried out
254 in conformity with state law and system or school rules
255 regarding the control, discipline, suspension, and expulsion
256 of students.

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

262 Section 2. This act shall become effective on July 1,
263 2025.