

## SB31 INTRODUCED



1 SB31  
2 TB74T55-1  
3 By Senators Woods, Kitchens  
4 RFD: Judiciary  
5 First Read: 13-Jan-26  
6 PFD: 17-Dec-25



## 4 SYNOPSIS:

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

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

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

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

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



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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



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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.



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

a. The person ~~intentionally and knowingly~~ 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~~ causes fear or harm.

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

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

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

c. The statement is communicated to another person.

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

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

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

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

d. A weapon that is designed to release radiation or



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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



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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."



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"§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





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

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

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

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



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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



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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,~~



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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



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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



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school programs and activities.

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

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

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

§13A-10-243

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

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

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



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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 (b) Notwithstanding any other provision of law, the  
370 total amount of restitution ordered pursuant to this section  
371 shall not exceed ten thousand dollars (\$10,000).

372 Section 3. This act shall become effective on July 1,  
373 2025.