



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 definition of a "credible 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 provide further for 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, 13A-10-242, and 16-1-24.1, Code of Alabama 1975; to provide for the definition of a "credible threat"; to revise the elements of and provide further for 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, 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 knowing and willful statement or course of conduct which, based on the totality of the circumstances, would cause a reasonable person to fear for his or her safety or the safety of another.

(2) GOVERNMENT. The term as defined in Section 13A-10-1.

(3) GOVERNMENTAL FUNCTION. The term as defined in Section 13A-10-1.

~~(1)~~ (4) 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.

c. A hospital, nursing home, or other building housing disabled or immobile individuals.

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

~~a. The person intentionally and knowingly makes a statement 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
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.~~

(5) VIOLENT ACT. A crime of violence as defined in
Section 13A-11-70, or a violent offense as defined in Section
12-25-32.

~~(3) WEAPONS~~ (6) WEAPON 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
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, ~~based on an~~



~~objective evaluation, credibly threatens~~ makes a credible threat to commit a ~~crime of violence~~ violent act 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 does or is intended to do any of the following ~~occurs~~:

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

~~(2) The threat causes~~ (1) Cause the disruption of a school, church, ~~or government activity~~ hospital, nursing home, or other building housing disabled or immobile individuals.

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

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

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

~~c. 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) The threat is made against an elected public official or his or her staff.~~

(2) Influence any person participating in a governmental function by intimidation or coercion.



(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 credible threat to commit a ~~crime of violence~~ violent act 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) ~~The~~ (1) 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 occurs:

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 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.



197 (3) If any criminal charge is warranted arising from
198 the conduct described in subdivision (1) or (2), the principal
199 ~~is authorized to~~ may sign ~~the appropriate~~ a warrant or
200 complaint. If that ~~person~~ accused individual is a student
201 enrolled in any public school in ~~the State of Alabama~~ this
202 state, the local school system shall immediately suspend that
203 ~~person~~ student from attending regular classes and schedule a
204 hearing at the earliest possible date, which shall not be
205 later than ~~five school~~ 30 calendar days, or pursuant to the
206 due process procedures provided in Section 16-1-14, whichever
207 is earliest. The length of the suspension shall depend on the
208 outcome of the disciplinary hearing before the local board of
209 education. The ~~decision to suspend or initiate~~ initiation of
210 criminal charges against a student, ~~or both~~, shall include a
211 review and consideration of the student's exceptional status,
212 if applicable, under Chapter 39, or appropriate federal
213 statutory or case law.

214 (c) ~~If a person~~ Except as otherwise provided in
215 subsection (e), if a student or school employee is found to
216 have violated a local board of education policy concerning
217 drugs, alcohol, weapons, physical harm to ~~a person~~ an
218 individual, or threatened physical harm to ~~a person~~ an
219 individual, the ~~person~~ student or school employee may not be
220 readmitted to the public schools of this state until ~~(1):~~ (i)
221 all criminal charges or offenses arising from the conduct, if
222 any, have been disposed of by appropriate authorities; and ~~(2)~~
223 (ii) the ~~person~~ student or school employee has satisfied all
224 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 delinquent or youthful offender, 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 or public charter school property in the state for a minimum of one year, or earlier upon the dismissal of all related criminal charges. This shall not prevent a student from attending any hearing or official proceeding when summoned by the school administration or board of education. 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~~, excluding a foster parent, responsible for the care or control of a ~~minor child~~ student enrolled in a public school system



shall be responsible financially for ~~such child's~~ the destructive acts of the student against school property or ~~persons~~ another individual.

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

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

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



309 system ~~is entitled to~~ may maintain and nothing in this ~~section~~
310 subdivision shall preclude recovery in a greater amount from
311 the ~~minor~~ student or from ~~a person~~ an individual, including
312 the parents or guardian, or both, for damages to which ~~such~~
313 ~~minor other person~~ the student would otherwise be liable.

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

316 ~~(f)~~ (g) The local ~~school~~ board of education shall adopt
317 and make available to all teachers, school personnel,
318 students, and parents or guardians, at the beginning of ~~the~~
319 ~~1992-93 school year and~~ each school year ~~thereafter~~, a code of
320 student conduct developed in consultation with teachers,
321 school personnel, students, and parents or guardians. The code
322 shall be based on the rules governing student conduct and
323 discipline adopted by the ~~school~~ local board of education and
324 may be made available at the school level in the student
325 handbook or similar publication. The code shall include, but
326 not be limited to, all of the following:

327 (1) Specific grounds for disciplinary action.

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

330 (3) An explanation of the responsibilities and rights
331 of students with regard to attendance, respect for ~~persons~~
332 individuals, entities, and property, knowledge and observation
333 of rules of conduct, the right to learn, free speech and
334 student publications, assembly, privacy, and participation in
335 school programs and activities.

336 ~~(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) 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 governmental 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 assisting governmental agency. Expenses include any reasonable costs directly incurred, including the costs of police,



365 firefighting, and emergency medical services, and the
366 personnel costs of those persons who respond to the incident.

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

370 Section 3. This act shall become effective on July 1,
371 2026.