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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 definition of a "credible threat" and would revise the
11 elements of the crimes of making a terrorist threat in
12 the first degree and making a terrorist threat in the
13 second degree.

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



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

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37 A BILL

38 TO BE ENTITLED

39 AN ACT

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41 Relating to crimes and offenses; to amend Sections
42 13A-10-240, 13A-10-241, 13A-10-242, and 16-1-24.1, Code of
43 Alabama 1975; to provide for the definition of a "credible
44 threat"; to revise the elements of and provide further for the
45 penalties for the crime of making a terrorist threat in the
46 first and second degrees; to require a public school principal
47 to immediately notify law enforcement if the conduct of the
48 student warrants the charge of making a terrorist threat in
49 the first or second degree; to specifically provide that being
50 charged with either crime is a reason for which a student
51 shall immediately be suspended for a minimum of one year; to
52 provide further for the conditions of readmittance; to provide
53 for restitution upon a finding of guilt; and to add Section
54 13A-10-243 to the Code of Alabama 1975; to require any person
55 found guilty of making a terrorist threat in the first or
56 second degree to make restitution.



57 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

58 Section 1. Sections 13A-10-240, 13A-10-241, 13A-10-242,
59 and 16-1-24.1 of the Code of Alabama 1975, are amended to read
60 as follows:

61 "§13A-10-240

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

64 (1) CREDIBLE THREAT. A knowing and willful statement or
65 course of conduct which, based on the totality of the
66 circumstances, would cause a reasonable person to fear for his
67 or her safety or the safety of another.

68 (2) GOVERNMENT. The term as defined in Section
69 13A-10-1.

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

72 ~~(1)~~ (4) PROPERTY. Personal or real property. The term
73 includes, but is not limited to, any of the following
74 buildings or real property:

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

77 b. A public or private school.

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

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

82 ~~a. The person intentionally and knowingly makes a~~
83 ~~statement verbally, in writing, by means of an electronic~~
84 ~~communication device, or by any other means to harm a person~~



85 ~~or property.~~

86 ~~b. The statement is communicated to another person.~~

87 ~~c. Under the circumstances, the threatened harm is~~

88 ~~credible and imminent.~~

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

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

97 (5) VIOLENT ACT. A crime of violence as defined in
98 Section 13A-11-70, or a violent offense as defined in Section
99 12-25-32.

100 ~~(3) WEAPONS~~ (6) WEAPON OF MASS DESTRUCTION. Any of the
101 following:

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

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

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

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

110 "§13A-10-241

111 (a) A person commits the crime of making a terrorist
112 threat in the first degree when he or she, ~~based on an~~



113 ~~objective evaluation, credibly threatens makes a credible~~
114 ~~threat~~ to commit a ~~crime of violence~~ violent act against a
115 person or to damage any property by use of a bomb, explosive,
116 weapon of mass destruction, firearm, deadly weapon, dangerous
117 instrument, or other mechanism, and that threat does or is
118 intended to do any of the following ~~occurs~~:

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

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

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

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

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

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

137 (4) ~~The threat is made against an elected public~~
138 ~~official or his or her staff.~~

139 (2) Influence any person participating in a
140 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



169 prescribe uniform minimum procedures and penalties for those
170 who violate the policies. It is the intent of the Legislature
171 that our schools remain safe and drug-free for all students
172 and school employees. The State Board of Education shall adopt
173 and all local boards of education shall uniformly enforce
174 policies that protect all students and school employees. The
175 State Board of Education shall require local school systems to
176 modify their policies, practices or procedures so as to
177 ensure a safe school environment free of illegal drugs,
178 alcohol, or weapons. Any rules ~~and regulations~~ adopted by the
179 State Board of Education pursuant to this section shall be
180 exempt from Section 41-22-3(3). These modifications shall
181 include the formulation of a discipline plan setting forth
182 policies, practices, and procedures dealing with students or
183 other ~~persons~~ individuals who bring illegal drugs, alcohol, or
184 weapons on a school campus. The discipline plan shall also
185 include uniform drug-free school policies with uniform
186 penalties.

187 (b) (1) The principal shall notify appropriate law
188 enforcement officials when any ~~person~~ student or school
189 employee violates local board of education policies concerning
190 drugs, alcohol, weapons, physical harm to ~~a person~~ an
191 individual, or threatened physical harm to ~~a person~~ an
192 individual.

193 (2) The principal shall notify appropriate law
194 enforcement officials immediately upon notice of any
195 individual making a terrorist threat pursuant to Section
196 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



225 a condition for readmission.

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

239 (e) (1) If a student is charged with the crime of making
240 a terrorist threat in the first or second degree, he or she
241 shall be immediately suspended from attending regular classes
242 and banned from all public K-12 or public charter school
243 property in the state for a minimum of one year, or earlier
244 upon the dismissal of all related criminal charges. This shall
245 not prevent a student from attending any hearing or official
246 proceeding when summoned by the school administration or board
247 of education. The student may not be readmitted to the public
248 schools of this state until: (i) all criminal charges or
249 offenses arising from the conduct have been disposed of by
250 appropriate authorities; (ii) the student has completed a
251 psychiatric or psychological evaluation and counseling
252 prescribed by the court, at the expense of the parent or



253 guardian of the student; and (iii) the student has satisfied
254 all other requirements imposed by the local board of education
255 as a condition for readmission.

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

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

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

278 a. A parent, ~~or~~ guardian, ~~custodian, or person~~,
279 excluding a foster parent, responsible for the care or control
280 of a ~~minor child~~ student enrolled in a public school system



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

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

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

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



337 and unusual punishment, no certified or noncertified employee
338 of the State Board of Education or any local board of
339 education shall be civilly liable for any action carried out
340 in conformity with state law and system or school rules
341 regarding the control, discipline, suspension, and expulsion
342 of students.

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

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

350 §13A-10-243

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

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

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