

HB7 ENGROSSED



1 HB7

2 W1SBM99-2

3 By Representatives Lomax, Pettus, Treadaway, Faulkner,
4 Kirkland, Estes, Wadsworth, Whorton, Rehm, Wood (D), Lipscomb,
5 Oliver, Hurst, Paschal, Hulseley, Rigsby, Stringer, Brown,
6 Sorrells, Hammett, Butler, Robertson, Colvin, Crawford,
7 Almond, Wilcox, Underwood, Mooney, Gidley, Baker, Jackson,
8 Stubbs, Starnes, Bolton, Easterbrook, Ross, Sellers,
9 Standridge, Carns, Gray, Stadthagen, Bedsole

10 RFD: Judiciary

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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:



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29 "§13A-10-240

30 As used in this article, the following terms have the
31 following meanings:

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

36 (2) GOVERNMENT. The term as defined in Section
37 13A-10-1.

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

40 ~~(1)~~ (4) PROPERTY. Personal or real property. The term
41 includes, but is not limited to, any of the following
42 buildings or real property:

43 a. A church, mosque, synagogue, or other religious real
44 property.

45 b. A public or private school.

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

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

50 ~~a. The person intentionally and knowingly makes a~~
51 ~~statement verbally, in writing, by means of an electronic~~
52 ~~communication device, or by any other means to harm a person~~
53 ~~or property.~~

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

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



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

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

65 (5) VIOLENT ACT. A crime of violence as defined in
66 Section 13A-11-70, or a violent offense as defined in Section
67 12-25-32.

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

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

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

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

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

78 "§13A-10-241

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



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85 instrument, or other mechanism, and that threat does or is
86 intended to do any of the following ~~occurs~~:

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

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

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

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

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

99 ~~c. A person who provided to a law enforcement officer,~~
100 ~~adult or juvenile probation officer, prosecuting attorney, or~~
101 ~~judge any information relating to the commission or possible~~
102 ~~commission of an offense under the laws of this state, of the~~
103 ~~United States, or a violation of conditions of bail, pretrial~~
104 ~~release, probation, or parole.~~

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

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

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

111 "§13A-10-242

112 (a) A person commits the crime of making a terrorist



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113 threat in the second degree when he or she, ~~based on an~~
114 ~~objective evaluation, credibly threatens~~ makes a credible
115 threat to commit a ~~crime of violence~~ violent act against a
116 person or to damage any property by use of a bomb, explosive,
117 weapon of mass destruction, firearm, deadly weapon, dangerous
118 instrument, or other mechanism.

119 (b) ~~The~~ (1) Except as provided in subdivision (2), the
120 crime of making a terrorist threat in the second degree is a
121 Class A misdemeanor.

122 (2) The crime of making a terrorist threat in the
123 second degree is a Class D felony if either of the following
124 occurs:

125 a. The person has a prior adjudication or conviction of
126 making a terrorist threat in any degree.

127 b. The person commits a second or subsequent offense of
128 making a terrorist threat in the second degree within one year
129 of making another terrorist threat in any degree."

130 "§16-1-24.1

131 (a) The Legislature finds a compelling public interest
132 in ensuring that schools are made safe and drug-free for all
133 students and school employees. The Legislature finds the need
134 for a comprehensive safe school and drug-free school policy to
135 be adopted by the State Board of Education. This policy should
136 establish minimum standards for classes of offenses and
137 prescribe uniform minimum procedures and penalties for those
138 who violate the policies. It is the intent of the Legislature
139 that our schools remain safe and drug-free for all students
140 and school employees. The State Board of Education shall adopt



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

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

161 (2) The principal shall notify appropriate law
162 enforcement officials immediately upon notice of any
163 individual making a terrorist threat pursuant to Section
164 13A-10-241 or Section 13A-10-242.

165 (3) If any criminal charge is warranted arising from
166 the conduct described in subdivision (1) or (2), the principal
167 ~~is authorized to~~ may sign ~~the appropriate~~ a warrant or
168 complaint. If that ~~person~~ accused individual is a student



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169 enrolled in any public school in ~~the State of Alabama~~ this
170 state, the local school system shall immediately suspend that
171 ~~person~~ student from attending regular classes and schedule a
172 hearing at the earliest possible date, which shall not be
173 later than ~~five school~~ 30 calendar days, or pursuant to the
174 due process procedures provided in Section 16-1-14, whichever
175 is earliest. The length of the suspension shall depend on the
176 outcome of the disciplinary hearing before the local board of
177 education. The ~~decision to suspend or initiate~~ initiation of
178 criminal charges against a student, ~~or both,~~ shall include a
179 review and consideration of the student's exceptional status,
180 if applicable, under Chapter 39, or appropriate federal
181 statutory or case law.

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

194 (d) ~~Any person~~ Except as otherwise provided in
195 subsection (e), any student or school employee ~~determined to~~
196 ~~be guilty~~ adjudicated delinquent or youthful offender, or



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197 convicted of ~~an~~ a criminal offense involving drugs, alcohol,
198 weapons, physical harm to ~~a person~~ an individual, or
199 threatened physical harm to ~~a person~~ an individual, may not be
200 readmitted to the public schools of this state ~~upon such~~ until
201 the student or school employee has satisfied the conditions ~~as~~
202 prescribed by the local board of education ~~shall prescribe~~ for
203 preservation of the safety or security of students and
204 employees of the local ~~school~~ board of education, which may
205 include, but are not limited to, psychiatric or psychological
206 evaluation and counseling.

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

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



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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,~~



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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~~



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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



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

322 (1) To the owner of any real property or school,
323 church, or governmental 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 (b) Notwithstanding any other provision of law, the
336 total amount of restitution ordered pursuant to this section



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337 shall not exceed ten thousand dollars (\$10,000).

338 Section 3. This act shall become effective on July 1,

339 2026.



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House of Representatives

Read for the first time and referred13-Jan-26
to the House of Representatives
committee on Judiciary

Read for the second time and placed29-Jan-26
on the calendar:
0 amendments

Read for the third time and passed05-Feb-26
as amended
Yeas 85
Nays 1
Abstains 15

John Treadwell
Clerk