

HB7 INTRODUCED



1 HB7

2 DGSI4NH-1

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

10 RFD: Judiciary

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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 provide further for the definitions of a "credible threat" and a "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 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 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



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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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A BILL
TO BE ENTITLED
AN ACT

41 Relating to crimes and offenses; to amend Sections
42 13A-10-240, 13A-10-241, as amended by Act 2024-229, 2024
43 Regular Session, 13A-10-242, and 16-1-24.1, Code of Alabama
44 1975; to provide for the definition of a credible threat and a
45 threat; to revise the elements of and increase the penalties
46 for the crime of making a terrorist threat in the first and
47 second degrees; to require a public school principal to
48 immediately notify law enforcement if the conduct of the
49 student warrants the charge of making a terrorist threat in
50 the first or second degree; to specifically provide that being
51 charged with either crime is a reason for which a student
52 shall immediately be suspended for a minimum of one year; to
53 provide further for the conditions of readmittance; to provide
54 for restitution upon a finding of guilt; and to add Section
55 13A-10-243 to the Code of Alabama 1975; to require any person
56 found guilty of making a terrorist threat in the first or



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57 second degree to make restitution.

58 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

59 Section 1. Sections 13A-10-240, 13A-10-241, as amended
60 by Act 2024-229, 2024 Regular Session, 13A-10-242, and
61 16-1-24.1 of the Code of Alabama 1975, are amended to read as
62 follows:

63 "§13A-10-240

64 As used in this article, the following terms have the
65 following meanings:

66 (1) CREDIBLE THREAT. A person makes a credible threat
67 to another when all of the following occur:

68 a. The person makes a statement, whether express or
69 implied, verbally, in writing, by means of an electronic
70 communication device, or by any other means to harm a person
71 or property.

72 b. The statement is communicated to another person.

73 c. Under the circumstances, the threatened harm is
74 reasonably perceived to be made with the intent and apparent
75 ability to carry out that threat.

76 d. The statement causes the person to reasonably be in
77 fear for his or her own safety or for the object of the
78 threat.

79 ~~(1)~~ (2) PROPERTY. Personal or real property. The term
80 includes, but is not limited to, any of the following
81 buildings or real property:

82 a. A church, mosque, synagogue, or other religious real
83 property.

84 b. A public or private school.



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

87 a. The person ~~intentionally and knowingly~~ makes a
88 statement, whether express or implied, verbally, in writing,
89 by means of an electronic communication device, or by any
90 other means to harm a person or property.

91 b. The statement ~~is communicated to another person~~
92 causes fear or harm.

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

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

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

103 c. The statement is communicated to another person.

104 ~~(3)~~ (4) WEAPONS OF MASS DESTRUCTION. Any of the
105 following:

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

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

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

112 d. A weapon that is designed to release radiation or



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113 radioactivity at a level dangerous to human life."

114 "§13A-10-241

115 (a) A person commits the crime of making a terrorist
116 threat in the first degree when ~~he or she,~~ :

117 (1) A person, based on an objective evaluation,
118 ~~credibly threatens~~ makes a credible threat to commit a crime
119 of violence against a person or to damage any property by use
120 of a bomb, explosive, weapon of mass destruction, firearm,
121 deadly weapon, dangerous instrument, or other mechanism and
122 any of the following occurs:

123 ~~(1)~~ a. The credible threat causes or is intended to
124 cause the evacuation of any real property.

125 ~~(2) The threat causes the disruption of a school,~~
126 ~~church, or government activity.~~

127 ~~(3)~~ b. The credible threat is with intent to retaliate
128 against ~~the victim~~ a person because of his or her involvement
129 or participation as any of the following:

130 ~~a.~~ 1. A witness or party in any judicial or
131 administrative proceeding.

132 ~~b.~~ 2. A person who produced records, documents, or other
133 objects in a judicial or administrative proceeding.

134 ~~c.~~ 3. A person who provided to a law enforcement
135 officer, adult or juvenile probation officer, prosecuting
136 attorney, or judge any information relating to the commission
137 or possible commission of an offense under the laws of this
138 state, of the United States, or a violation of conditions of
139 bail, pretrial release, probation, or parole.

140 ~~(4)~~ c. The credible threat is made against an elected



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141 public official or his or her staff.

142 (2) A person makes a threat to commit a crime of
143 violence against a person or to damage any property by use of
144 a bomb, explosive, weapon of mass destruction, firearm, deadly
145 weapon, dangerous instrument, or other mechanism, and that
146 threat causes or is intended to cause the disruption of a
147 school, church, or government activity.

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

150 "§13A-10-242

151 (a) A person commits the crime of making a terrorist
152 threat in the second degree when he or she, ~~based on an~~
153 ~~objective evaluation, credibly threatens~~ makes a threat to
154 commit a crime of violence against a person or to damage any
155 property by use of a bomb, explosive, weapon of mass
156 destruction, firearm, deadly weapon, dangerous instrument, or
157 other mechanism.

158 (b) (1) ~~The~~ Except as provided in subdivision (2) the
159 crime of making a terrorist threat in the second degree is a
160 Class A misdemeanor.

161 (2) The crime of making a terrorist threat in the
162 second degree is a Class D felony if either of the following
163 occur:

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

166 b. The person commits a second or subsequent offense of
167 making a terrorist threat in the second degree within one year
168 of making another terrorist threat in any degree."



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169 "§16-1-24.1

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

194 (b) (1) The principal shall notify appropriate law
195 enforcement officials when any ~~person~~ student or school
196 employee violates local board of education policies concerning



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

200 (2) The principal shall notify appropriate law
201 enforcement officials immediately upon notice of any
202 individual making a terrorist threat pursuant to Section
203 13A-10-241 or Section 13A-10-242.

204 (3) If any criminal charge is warranted arising from
205 the conduct described in subdivision (1) or (2), the principal
206 ~~is authorized to~~ may sign ~~the appropriate~~ a warrant or
207 complaint. If that ~~person~~ accused individual is a student
208 enrolled in any public school in ~~the State of Alabama~~ this
209 state, the local school system shall immediately suspend that
210 ~~person~~ student from attending regular classes and schedule a
211 hearing at the earliest possible date, ~~which shall not be~~
212 ~~later than five school days~~ pursuant to the due process
213 procedures provided in Section 16-1-14. The length of the
214 suspension shall depend on the outcome of the disciplinary
215 hearing before the local board of education. The ~~decision to~~
216 ~~suspend or initiate~~ initiation of criminal charges against a
217 student, ~~or both~~, shall include a review and consideration of
218 the student's exceptional status, if applicable, under Chapter
219 39, or appropriate federal statutory or case law.

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



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225 individual, the ~~person~~ student or school employee may not be
226 readmitted to the public schools of this state until ~~(1)~~: (i)
227 all criminal charges or offenses arising from the conduct, if
228 any, have been disposed of by appropriate authorities; and ~~(2)~~
229 (ii) the ~~person~~ student or school employee has satisfied all
230 other requirements imposed by the local board of education as
231 a condition for readmission.

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

244 (e) (1) If a student is charged with the crime of making
245 a terrorist threat in the first or second degree, he or she
246 shall be immediately suspended from attending regular classes
247 and banned from all public K-12 school property in the state
248 for a minimum of one year, or earlier upon the dismissal of
249 all related criminal charges. The student may not be
250 readmitted to the public schools of this state until: (i) all
251 criminal charges or offenses arising from the conduct have
252 been disposed of by appropriate authorities; (ii) the student



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253 has completed a psychiatric or psychological evaluation and
254 counseling prescribed by the court, at the expense of the
255 parent or guardian of the student; and (iii) the student has
256 satisfied all other requirements imposed by the local board of
257 education as a condition for readmission.

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

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

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

280 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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309 impairments. The action authorized in this ~~section~~ subdivision
310 shall be in addition to all other actions which the school
311 system ~~is entitled to~~ may maintain and nothing in this ~~section~~
312 subdivision shall preclude recovery in a greater amount from
313 the ~~minor student~~ or from ~~a person~~ an individual, including
314 the parents or guardian, or both, for damages to which ~~such~~
315 ~~minor other person~~ the student would otherwise be liable.

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

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

329 (1) Specific grounds for disciplinary action.

330 (2) Procedures to be followed for acts requiring
331 discipline.

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



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337 school programs and activities.

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

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

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

352 §13A-10-243

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

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

359 (2) To the primary investigative law enforcement and
360 prosecutorial entities for any legitimate cost incurred in the
361 course of the investigation or prosecution. Where the
362 terrorist threat results in an emergency response, the
363 defendant shall be ordered to pay restitution for the expenses
364 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.