

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 1134

Short Title: Disciplinary Action/Threats of School Violence. (Public)

Sponsors: Representatives Davis; Capps, Carpenter, Culp, Decker, Eddins, Gulley, Harrington, Hilton, Justus, Kiser, Morris, Rayfield, Setzer, Sexton, Starnes, Walend, and C. Wilson.

Referred to: Education.

April 12, 2001

A BILL TO BE ENTITLED

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2 AN ACT TO PUNISH STUDENTS WHO CONSPIRE OR THREATEN TO CAUSE
3 VIOLENCE AT SCHOOL, TO CREATE A LEGAL DUTY TO REPORT
4 THREATS OF SCHOOL VIOLENCE, TO INCREASE THE CRIMINAL
5 PENALTY FOR CERTAIN CRIMINAL OFFENSES COMMITTED WITH THE
6 INTENT OF INTIMIDATING OR RETALIATING AGAINST A PERSON WHO
7 DOES REPORT A THREAT OF SCHOOL VIOLENCE, AND TO GRANT
8 IMMUNITY FROM CRIMINAL PROSECUTION TO ANYONE WHO REPORTS
9 A THREAT OF SCHOOL VIOLENCE.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** G.S. 115C-391(d3) reads as rewritten:

12 (d3) (1) A local board of education shall suspend for 365 calendar days any
13 student who, by any means of communication to any person or group
14 of persons, makes a report, knowing or having reason to know the
15 report is false, that there is located on educational property or at a
16 school-sponsored curricular or extracurricular activity off educational
17 property any device designed to destroy or damage property by
18 explosion, blasting, or burning, or who, with intent to perpetrate a
19 hoax, conceals, places, or displays any device, machine, instrument, or
20 artifact on educational property or at a school-sponsored curricular or
21 extracurricular activity off educational property, so as to cause any
22 person reasonably to believe the same to be a bomb or other device
23 capable of causing injury to persons or property.

24 (2) A local board of education shall suspend for a minimum of 30 calendar
25 days or expel pursuant to subsection (d) of this section, any student:

- 1 a. Who threatens or conspires to cause injury to persons or
2 property, on educational property or at a school-sponsored
3 curricular or extracurricular activity off educational property,
4 regardless of the seriousness of the threat or plan, or
5 b. Who knows about, but intentionally does not report to a school
6 authority or other employee, any threat or plan to cause injury
7 to persons or property, on educational property or at a school-
8 sponsored curricular or extracurricular activity off educational
9 property, regardless of the seriousness of the threat or plan.

10 (3) The local board upon recommendation by the superintendent may
11 modify either suspension requirement on a case-by-case basis that
12 includes, but is not limited to, the procedures established for the
13 discipline of students with disabilities and may also provide, or
14 contract for the provision of, educational services to any student
15 suspended under this subsection in an alternative school setting or in
16 another setting that provides educational and other services.

17 (4) For purposes of this subsection and subsection (d1) of this section, the
18 term "educational property" has the same definition as in G.S.
19 14-269.2(a)(1).

20 (5) Each local board of education shall include the provisions of this
21 subsection in its code of student conduct, post that portion of the code
22 of conduct in a prominent place in each school, and make that portion
23 of the code of conduct available to the parents of students in the local
24 school administrative unit."

25 **SECTION 2.** Article 36 of Chapter 14 of the General Statutes is amended by
26 adding a new section to read:

27 "**§ 14-285.1. Duty to report threat of school violence.**

28 (a) The following definitions apply in this section:

29 (1) Educational property. – Defined in G.S. 14-269.2.

30 (2) Employee. – Defined in G.S. 14-269.2.

31 (3) School. – Defined in G.S. 14-269.2.

32 (4) School authority. – The principal, head of the school, or other adult
33 employee designated by the principal or head of the school.

34 (5) School violence. – A criminal offense that is a Class A through E
35 felony or any other criminal offense for which assault is an essential
36 element of proof that occurs at a school or on educational property.

37 (b) Any person who has good cause to suspect that another person may commit
38 an act of school violence shall report his or her suspicion to the appropriate school
39 authority at his or her school or at the school where the potential act of school violence
40 may occur.

41 (c) The report may be made orally, by telephone, by electronic mail, or in
42 writing. The report shall include information as is known to the person making the
43 report, including the following:

44 (1) The name and address, if known, of the suspected perpetrator.

- 1 (2) If the perpetrator is a juvenile, the name and address, if known, of the
2 juvenile's parent, guardian, or caretaker.
3 (3) The nature, time, date, and location of the potential act of school
4 violence.
5 (4) The name, address, if known, and telephone number, if known, of the
6 person who is making the report.
7 (5) Any other information that the person making the report believes
8 might be helpful in establishing the need for intervention or
9 precautionary measures to be taken by a school authority.

10 (d) If the person making the report refuses to give a name, the school authorities
11 shall still investigate the potential act of school violence.

12 (e) Intentional failure to report a potential act of school violence as required by
13 this section is a Class 3 misdemeanor."

14 **SECTION 3.** Article 1 of Chapter 14 of the General Statutes is amended by
15 adding a new section to read:

16 **"§ 14-3.2. Punishment of misdemeanor committed with intent to intimidate or**
17 **retaliate against a person for reporting a potential act of school violence.**

18 If any Class 2 or Class 3 misdemeanor is committed against a victim because the
19 victim reported a potential act of school violence in compliance with G.S. 14-285.1, the
20 offender is guilty of a Class 1 misdemeanor. If any Class A1 or Class 1 misdemeanor
21 offense is committed against a victim because the victim reported a potential act of
22 school violence in compliance with G.S. 14-285.1, the offender is guilty of a Class I
23 felony. "

24 **SECTION 4.** Article 61 of Chapter 14 of the General Statutes is amended by
25 adding a new section to read:

26 **"§ 15A-1056. Grant of immunity to person who reports potential act of school**
27 **violence.**

28 (a) No prosecutor shall try any suspect who reported a potential act of school
29 violence in compliance with G.S. 14-285.1 for the offense of school violence reported,
30 or for any related offense believed to have been committed within the prosecutorial
31 district as defined in G.S. 7A-60.

32 (b) When a prosecutor enters into any arrangement authorized by this section,
33 written notice fully disclosing the terms of the arrangement must be provided to the trial
34 court, the defense counsel, or to the defendant if not represented by counsel, against
35 whom the testimony is to be offered, within a reasonable time prior to any proceeding in
36 which the person with whom the arrangement is made is expected to testify. Upon
37 motion of the defendant or the defendant's counsel on grounds of surprise or for other
38 good cause or when the interests of justice require, the court must grant a recess or
39 continuance."

40 **SECTION 5.** Sections 2, 3, and 4 of this act become effective December 1,
41 2001, and apply to offenses committed on or after that date. The remainder of this act is
42 effective when it becomes law and applies beginning with the 2001-2002 school year.