

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 1134
Committee Substitute Reported Without Prejudice 4/23/01
Committee Substitute #2 Favorable 7/19/01

Short Title: Must Report Threats of School Violence.

(Public)

Sponsors:

Referred to:

April 12, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO CREATE A LEGAL DUTY TO REPORT THREATS OF SCHOOL
3 VIOLENCE, TO PROVIDE THAT IDENTITY INFORMATION OF A PERSON
4 WHO REPORTS A POTENTIAL THREAT IS CONFIDENTIAL, TO INCREASE
5 THE CRIMINAL PENALTY FOR CERTAIN CRIMINAL OFFENSES
6 COMMITTED WITH THE INTENT OF INTIMIDATING OR RETALIATING
7 AGAINST A PERSON WHO DOES REPORT A THREAT OF SCHOOL
8 VIOLENCE, TO AUTHORIZE THE LRC TO STUDY WHETHER TO GRANT
9 IMMUNITY FROM CRIMINAL PROSECUTION TO ANYONE WHO REPORTS
10 A THREAT OF SCHOOL VIOLENCE AND OTHER ISSUES RELATED TO
11 SCHOOL VIOLENCE, AND TO APPROPRIATE FUNDS FOR THE STUDY.

12 The General Assembly of North Carolina enacts:

13 **SECTION 1.** G.S. 115C-391 is amended by adding a new subsection to read:

14 "(f1) At the beginning of the school year, local boards of education through their
15 administrative units, shall notify students and their parents that there is a legal duty to
16 report potential acts of school violence to the appropriate school authority."

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

19 **§ 14-285.1. Duty to report threat of school violence.**

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

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

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

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

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

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

1 **(b)** Any person who has actual knowledge that another person plans or has
2 conspired to commit an act of school violence shall report his or her knowledge to the
3 appropriate school authority at his or her school or at the school where the potential act
4 of school violence may occur.

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

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

9 **(2)** If the perpetrator is a juvenile, the name and address, if known, of the
10 juvenile's parent, guardian, or caretaker.

11 **(3)** The nature, time, date, and location of the potential act of school
12 violence.

13 **(4)** The name, address, if known, and telephone number, if known, of the
14 person who is making the report. However, this information shall
15 remain confidential as provided by subsection (d) of this section.

16 **(5)** Any other information that the person making the report believes
17 might be helpful in establishing the need for intervention or
18 precautionary measures to be taken by a school authority.

19 **(d)** The name, address, telephone number, and any other identifying information
20 of a person who reports a potential act of school violence is confidential and shall be
21 disclosed only to the appropriate school authority, the appropriate law enforcement
22 agencies, appropriate medical agencies, a magistrate who may issue a warrant, and
23 when required in the context of a court proceeding. Except as provided by this
24 subsection, the disclosure of any information deemed confidential under this subsection
25 is a Class 3 misdemeanor.

26 **(e)** Failure to report a potential act of school violence as required by this section
27 is a Class 3 misdemeanor."

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

30 **"§ 14-3.2. Punishment of misdemeanor committed with intent to intimidate or**
31 **retaliate against a person for reporting a potential act of school violence.**

32 If any Class 2 or Class 3 misdemeanor is committed against a person because the
33 person reported a potential act of school violence in compliance with G.S. 14-285.1, the
34 offender is guilty of a Class 1 misdemeanor. If any Class A1 or Class 1 misdemeanor
35 offense is committed against a person because the person reported a potential act of
36 school violence in compliance with G.S. 14-285.1, the offender is guilty of a Class I
37 felony."

38 **SECTION 4.** The Legislative Research Commission may study the issue of
39 school violence and the creation of a legal duty to report suspected acts of school
40 violence imposed by this act. The study shall include input from the State Board of
41 Education, the School Boards Association, the Conference of District Attorneys, and the
42 American Civil Liberties Union of North Carolina, as well as any other public or private

1 person or entity interested in the issue. In conducting the study the Legislative Research
2 Commission shall consider the following:

- 3 (1) The laws and public policies regarding the issue of school violence
4 currently in existence;
- 5 (2) The results and effectiveness of the laws enacted by this act to address
6 the need to report potential acts of school violence;
- 7 (3) The specific experience of other states in addressing the issue of
8 school violence and the effectiveness of legislative measures that have
9 been adopted in other states;
- 10 (4) Whether the law should be amended to provide for an automatic grant
11 of immunity from prosecution to any suspect who reports a potential
12 act of school violence, and if so, for what offenses the immunity
13 should be granted, and to whom and under what circumstances written
14 notice of the grant of immunity should be given; and
- 15 (5) Any other issue relevant to the study.

16 The Legislative Research Commission may submit a progress report of its study to the
17 2001 General Assembly, Regular Session 2002, upon its convening and shall submit its
18 final report to the 2003 General Assembly upon its convening. Progress and final
19 reports of the Commission may include recommended legislation.

20 **SECTION 5.** There is appropriated from the General Fund to the General
21 Assembly the sum of thirty thousand dollars (\$30,000) for the 2001-2002 fiscal year to
22 implement this study.

23 **SECTION 6.** Section 1 of this act is effective when it becomes law and
24 applies beginning with the 2001-2002 school year. Sections 2 and 3 of this act become
25 effective December 1, 2001, and apply to offenses committed on or after that date.
26 Sections 4 and 5 of this act become effective July 1, 2001. Section 6 of this act is
27 effective when it becomes law.