

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 517

Committee Substitute Favorable 4/27/99

Senate Education/Higher Education Committee Substitute Adopted 5/5/99

Senate Education/Higher Education Committee Substitute #2 Adopted 5/12/99

Short Title: Stop Threats/Acts of School Violence.

(Public)

Sponsors:

Referred to:

March 22, 1999

A BILL TO BE ENTITLED

AN ACT INCREASING THE CRIMINAL PENALTY FOR MAKING A BOMB THREAT OR PERPETRATING A HOAX BY PLACING A FALSE BOMB AT SCHOOL, MAKING PARENTS CIVILLY LIABLE FOR CHILDREN WHO MAKE THESE THREATS OR PERPETRATE THESE HOAXES, REQUIRING SCHOOLS TO SUSPEND FOR 365 DAYS STUDENTS WHO MAKE THESE THREATS OR PERPETRATE THESE HOAXES, DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE ISSUE OF STUDENTS WHO MAKE OR CARRY OUT THREATS OF VIOLENCE DIRECTED AT SCHOOLS OR THE PERSONS IN THE SCHOOLS, AND DIRECTING THE STATE BOARD OF EDUCATION TO STUDY THE COMPUTATION OF DROPOUT RATES FOR THE ABCs PROGRAM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-69.1 is amended by adding the following new subsection to read:

"(c) Any person who, by any means of communication to any person or group of persons, makes a report, knowing or having reason to know the report is false, that there

1 is located on educational property or at a school-related activity on or off educational
2 property any device designed to destroy or damage property by explosion, blasting, or
3 burning, is guilty of a Class G felony. The court may order any person convicted under
4 this subsection to make restitution to the appropriate educational entity. In the event the
5 person convicted under this subsection is a minor, the court may order the minor and the
6 minor's parents or legal guardians to be evaluated for the need for family counseling or
7 treatment and may order the minor and the minor's parents or legal guardians, at their
8 expense, to cooperate with any recommended counseling or treatment. In addition, any
9 educational entity may institute a civil action under G.S. 1-538.3 to recover damages.
10 For purposes of this subsection, the term 'educational property' has the same definition as
11 in G.S. 14-269.2(a)(1), and the term 'educational entity' means the board or other entity
12 that administers and controls the educational property."

13 Section 2. G.S. 14-69.2 is amended by adding the following new subsection to
14 read:

15 "(c) Any person who, with intent to perpetrate a hoax, secretes, places, or displays
16 any device, machine, instrument, or artifact on educational property or at a school-related
17 activity on or off educational property, so as to cause any person reasonably to believe
18 the same to be a bomb or other device capable of causing injury to persons or property is
19 guilty of a Class G felony. The court may order any person convicted under this
20 subsection to make restitution to the appropriate educational entity. In the event the
21 person convicted under this subsection is a minor, the court may order the minor and the
22 minor's parents or legal guardians to be evaluated for the need for family counseling or
23 treatment and may order the minor and the minor's parents or legal guardians, at their
24 expense, to cooperate with any recommended counseling or treatment. In addition, any
25 educational entity may institute a civil action under G.S. 1-538.3 to recover damages.
26 For purposes of this subsection, the term 'educational property' has the same definition as
27 in G.S. 14-269.2(a)(1), and the term 'educational entity' means the board or other entity
28 that administers and controls the educational property."

29 Section 3. Article 43 of Chapter 1 of the General Statutes is amended by
30 adding the following new section to read:

31 "**§ 1-538.3. Civil liability for making a bomb threat affecting a school.**

32 (a) The parent or legal guardian, having the care, custody, and control of an
33 unemancipated minor who commits an act punishable under G.S. 14-69.1(c) or G.S. 14-
34 69.2(c), is civilly liable to the educational entity against whom a threat was made or a
35 hoax was perpetrated if that parent or legal guardian knew or should have known of the
36 likelihood of the child to commit such an act, had the opportunity and ability to control
37 the child, and made no reasonable effort to correct or restrain the child from committing
38 such an act. In an action brought against the parent or legal guardian under this section,
39 the educational entity is entitled to recover the actual compensatory and consequential
40 damages, together with reasonable attorneys' fees. For purposes of this section, the term
41 'educational entity' means the board or other entity that administers and controls the
42 educational property.

1 (b) An action may be brought under this section regardless of whether a criminal
2 action is brought or a criminal conviction is obtained for the act alleged in the civil
3 action.

4 (c) Nothing contained in this section shall prohibit recovery upon any other theory
5 in the law."

6 Section 4. G.S. 115C-391 is amended by adding the following new subsection
7 to read:

8 "(d3) A local board of education shall suspend for 365 days any student who
9 knowingly makes a false report that there is located on school property or at a school-
10 related activity on or off school property, a bomb, grenade, or powerful explosive as
11 defined in G.S. 14-284.1. A local board of education also shall suspend for 365 days any
12 student who perpetrates a hoax by use of a false bomb or other device on school property
13 or at a school-related activity on or off school property. The local board upon
14 recommendation by the superintendent may modify either suspension requirement on a
15 case-by-case basis that includes, but is not limited to, the procedures established for the
16 discipline of students with disabilities and may also provide, or contract for the provision
17 of, educational services to any student suspended under this subsection in an alternative
18 school setting or in another setting that provides educational and other services."

19 Section 5. The Joint Legislative Education Oversight Committee, in
20 consultation with the State Board of Education, the Office of Juvenile Justice, the Center
21 for the Prevention of School Violence, and local boards of education, shall examine the
22 issue of students who threaten to commit or who carry out acts of violence directed at
23 schools and the persons who are present in the schools. As part of this study, the
24 Committee shall: (i) evaluate current laws governing the discipline, suspension, and
25 expulsion of these students; (ii) evaluate current criminal and juvenile laws to make sure
26 local authorities are authorized to take immediate action and to ensure the consequences
27 for these acts and threats are taken seriously; (iii) review how other states are
28 approaching this issue; (iv) identify effective education practices to prevent these threats
29 or acts of violence; and (v) consider any other issue it considers appropriate. The
30 Committee may make recommendations, including necessary appropriations, to the 2000
31 Regular Session of the 1999 General Assembly.

32 Section 6.(a) The State Board of Education, in consultation with the Office of
33 Juvenile Justice, the Department of Correction, and the Department of Community
34 Colleges, shall study the method for computing dropout rates for the School-Based
35 Management and Accountability Program (ABCs). The State Board of Education shall
36 recommend whether the computation used to set the dropout rate for this purpose should
37 include students who (i) transfer to a community college; (ii) are placed by the courts in a
38 setting which provides educational opportunities; (iii) are expelled from school; (iv) do
39 not return to school after a long-term suspension in accordance with a safe school plan; or
40 (v) have been counted previously as dropouts. As a part of this study, the State Board of
41 Education shall report, from data for the 1998-99 school year, the number of students in
42 each of these categories. The State Board of Education shall examine whether it should
43 continue to use other methods of computing the dropout rate for other purposes.

1 Section 6.(b) The State Board of Education shall report to the Joint Legislative
2 Education Oversight Committee by December 15, 1999, regarding its recommendations
3 as to the computation of the dropout rates for the ABCs accountability program. This
4 report shall include the number of dropouts for the 1998-99 school year based on
5 categories (i) and (iii)-(v) in subsection (a) of this section. The report also shall include
6 the number of dropouts for the 1998-99 school year based on category (ii) in subsection
7 (a) of this section if this information is available.

8 Section 7. This act becomes effective July 1, 1999, and applies to offenses
9 committed on or after that date.