

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 517 4th Edition

SHORT TITLE: Stop Threats/Acts of School Violence

SPONSOR(S): Rep. Moore

FISCAL IMPACT

Yes () No (X) No Estimate Available ()

FY 1999-00 FY 2000-01 FY 2001-02 FY 2002-03 FY 2003-04

REVENUES

EXPENDITURES

No fiscal impact - could be absorbed with existing resources.

POSITIONS:

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Judicial Branch, Department of Correction, Educational entities.

EFFECTIVE DATE: July 1, 1999 and applies to offenses committed on or after that date.

BILL SUMMARY:

DROPOUT RATE COMPUTATION/ABC'S PROG. REGARDING THE COMPUTATION OF DROPOUT RATES FOR THE ABC'S PROGRAM. Amends GS 115C-105.35 to codify process for calculating dropout rates for purposes of the School-Based Management and Accountability Program. Provides that, for this Program, the State Board shall not include in their dropout rates any of the following students: (1) those who transfer to community college; (2) those placed by a court in a setting where there are educational opportunities; (3) those expelled from school; (4) those who do not return to school after a suspension of 10 days or more; or (5) those who have previously been counted as dropouts.

Source: Institute of Government, Daily Bulletin, March 22, 1999.

DROPOUT RATE COMPUTATION/ABC'S PROG. Intro. 3/22/99. House committee substitute makes the following changes to 1st edition. Changes title to "DIRECTING THE STATE BOARD OF EDUCATION TO STUDY THE COMPUTATION OF

DROPOUT RATES FOR THE ABCS PROGRAM” and makes bill consistent with title. Board to report to Joint Legislative Education Oversight Committee by Dec. 15, 1999, its recommendations as to the computation of the dropout rates for the ABCs accountability program. Effective July 1, 1999.

Source: Institute of Government, Daily Bulletin, April 27, 1999.

DROPOUT RATE COMPUTATION/ABC'S PROG. Intro. 3/22/99. Senate committee substitute makes the following changes to 2nd edition. Specifies that report by State Board of Education must include the number of dropouts for the 1998-99 school year based on those who are placed by the courts in a setting which provides educational opportunities *if this information becomes available* (italicized proviso added).

Source: Institute of Government, Daily Bulletin, May 5, 1999.

STOP THREATS/ACTS OF SCHOOL VIOLENCE. Intro. 5/12/99. Senate committee substitute makes the following changes: increasing the criminal penalty for making a bomb threat or perpetrating a hoax by placing a false bomb at school to a Class G Felony, 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.

ASSUMPTIONS AND METHODOLOGY:

Judicial Branch

The bill would make communicating a false report of a device located on educational property or at a school-related activity on or off educational property that would cause an explosion, blasting, or burning to be punishable by a Class G felony. Currently, communicating such a false report is punishable as a Class H felony. During calendar 1998, there were 60 charges filed under G.S. 14-69.1, however, it is unknown how many of these might have been for false reports associated with educational property or school-related activities.

In addition, the bill would make putting a device that would reasonable be thought to be a bomb or other device capable of causing injury on educational property or at a school-related activity with the intent to perpetrate a hoax punishable as a Class G felony. Currently, such an action is punishable as a Class H felony. During calendar 1998, there was one charge filed under G.S. 14-69.2, however, it is unknown if this case involved a hoax associated with educational property or school-related activities. Some of the current threats or hoaxes could be charged under the more general G.S. 14-277.1 Communicating Threats which is a Class 1 misdemeanor.

Educational entities such as local school boards and educational governing boards are allowed to institute a civil action to recover damages. Parents or legal guardians are held civilly liable if they knew or should have known of the likelihood of the child to commit such an act, had the opportunity and ability to control the child, and made no reasonable effort to correct or restrain the child from committing the act. The civil action may be brought whether or not criminal charges are brought or a conviction is obtained. Any civil actions brought would

increase court workload. It is not known how many civil suits may be brought to recover damages caused by offenses covered by this bill.

Although no data exists on the anticipated number of instances of such false reports or hoaxes, it is reasonable to expect only a few instances to occur. However, whenever an act of violence occurs in a school that attracts nationwide media attention, there are usually related threats made afterwards across the country. Since the April 20 crisis in a school in Colorado, there have been 42 bomb threats or threats of other violence on schools in North Carolina. Not all of these threats would be covered under this bill. Even though it is anticipated that most of these individuals would be caught, the number of expected cases in the court system is still small and the offenses could be currently charged as a felony. Therefore, the Fiscal Research Division believes that the impact of this bill on the court system could be absorbed with current resources.

Department of Correction

According to the Sentencing Commission, there were 14 convictions in 1998 under G.S. 14-69.1(c) *Making a false report concerning destructive device*. It is unknown if any of these involved educational property or school-related activities. If half of the convictions were punishable under this bill, three offenders would receive an active sentence of 14.8 months creating three full-year equivalent inmates. By the second year, there would be seven additional full-year equivalent inmates due to new admissions and probation revocations.

There were no offenders in fiscal 1997-98 for whom the more serious conviction is for *Perpetrating a hoax by use of a false bomb or other device* under G.S. 14-69.2(c). If there were four convictions for this offense and half of them involved educational property or school activities, approximately one offender would receive an active sentence of 14.8 months creating one full-year equivalent inmate the first year. By the second year, there would be three full-year equivalent inmates because of new admissions and probation revocations. These estimates assume the same percentages of active sentences and probation revocations as found for other Class G felony offenders.

The Fiscal Research Division believes that additional inmate slots of this magnitude can be absorbed with existing resources. There is no direct fiscal impact resulting from the passage of this bill because these additional beds and their associated costs can be absorbed within the Department of Correction's existing beds.

Educational Entities

Local boards of education and educational governing boards could receive restitution if the court orders it. However, there is no information on how often false reports or hoaxes of this nature are made or carried out. It is unknown how often the court may order restitution. Local boards can also institute a civil action to recover damages. The local board is required to suspend students making such false reports or hoaxes of this nature for a full calendar year. The Fiscal Research Division believes that these duties could be absorbed with current resources and that some restitution would be made but that no data exists with which to prepare an estimate.

TECHNICAL CONSIDERATIONS:

Under G.S. 115C-288 (g) principals are required to report certain incidences to law enforcement and to the school system. However, the type of false reports and hoaxes in the bill are not listed in the incidences requiring reporting.

FISCAL RESEARCH DIVISION 733-4910

PREPARED BY: Tammy Lester

APPROVED BY: Tom Covington

DATE: Wednesday, May 12, 1999



Signed Copy Located in the NCGA Principal Clerk's Offices