

**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

Senate Judiciary I Committee Substitute No. 3 Adopted 5/24/99

Short Title: Stop Threats/Acts of School Violence.

(Public)

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Sponsors:

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Referred to:

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March 22, 1999

**A BILL TO BE ENTITLED**

1  
2 AN ACT INCREASING THE CRIMINAL PENALTY FOR MAKING A BOMB  
3 THREAT OR PERPETRATING A HOAX BY PLACING A FALSE BOMB AT  
4 SCHOOL AND FOR BRINGING EXPLOSIVE DEVICES ON SCHOOL  
5 PROPERTY, MAKING PARENTS CIVILLY LIABLE FOR CHILDREN WHO  
6 MAKE THESE THREATS OR PERPETRATE THESE HOAXES, REQUIRING  
7 SCHOOLS TO SUSPEND FOR THREE HUNDRED SIXTY-FIVE DAYS  
8 STUDENTS WHO MAKE THESE THREATS OR PERPETRATE THESE  
9 HOAXES, PROVIDING FOR LOSS OF DRIVERS LICENSE PRIVILEGES BY  
10 CERTAIN PERSONS UNDER THE AGE OF EIGHTEEN FOR COMMITTING  
11 DESIGNATED ACTS, DIRECTING THE JOINT LEGISLATIVE EDUCATION  
12 OVERSIGHT COMMITTEE TO STUDY THE ISSUE OF STUDENTS WHO  
13 MAKE OR CARRY OUT THREATS OF VIOLENCE DIRECTED AT SCHOOLS  
14 OR THE PERSONS IN THE SCHOOLS, AND DIRECTING THE STATE BOARD  
15 OF EDUCATION TO STUDY THE COMPUTATION OF DROPOUT RATES FOR  
16 THE ABCs PROGRAM.

1 The General Assembly of North Carolina enacts:

2 Section 1. G.S. 14-69.1 reads as rewritten:

3 **"§ 14-69.1. Making a false report concerning destructive device.**

4 (a) ~~If Except as provided in subsection (c) of this section, any person shall, who, by~~  
5 any means of communication to any person or group of persons, ~~make~~ makes a report,  
6 knowing or having reason to know the ~~same to be~~ report is false, that there is located in  
7 any building, house or other structure whatsoever or any vehicle, aircraft, vessel or boat  
8 any device designed to destroy or damage the building, house or structure or vehicle,  
9 aircraft, vessel or boat by explosion, blasting or burning, ~~he shall be~~ is guilty of a Class H  
10 felony.

11 (b) Repealed by S.L. 1997-443, s. 19.25(cc).

12 (c) Any person who, by any means of communication to any person or group of  
13 persons, makes a report, knowing or having reason to know the report is false, that there  
14 is located on educational property or at a school-related activity on or off educational  
15 property any device designed to destroy or damage property by explosion, blasting, or  
16 burning, is guilty of a Class G felony. As part of restitution, the court may order a person  
17 convicted under this subsection to reimburse the affected educational entity for the costs  
18 resulting from the disruption or dismissal of school or school-related activity arising from  
19 the false report. For purposes of this subsection, the term 'educational property' has the  
20 same definition as in G.S. 14-269.2(a)(1), and the term 'educational entity' means the  
21 board of education or other entity that administers and controls the educational property  
22 or the school-related activity.

23 (d) For purposes of this section, the term 'report' shall include making accessible to  
24 another person by computer."

25 Section 2. G.S. 14-69.2 reads as rewritten:

26 **"§ 14-69.2. Perpetrating hoax by use of false bomb or other device.**

27 (a) ~~If Except as provided in subsection (c) of this section, any person, person who,~~  
28 with intent to perpetrate a hoax, ~~shall secrete, place or display~~ secretes, places, or displays  
29 any device, machine, instrument or artifact, so as to cause any person reasonably to  
30 believe the same to be a bomb or other device capable of causing injury to persons or  
31 ~~property, he shall be~~ property is guilty of a Class H felony.

32 (b) Repealed by S.L. 1997-443, s. 19.25(dd).

33 (c) Any person who, with intent to perpetrate a hoax, secretes, places, or displays  
34 any device, machine, instrument, or artifact on educational property or at a school-related  
35 activity on or off educational property, so as to cause any person reasonably to believe  
36 the same to be a bomb or other device capable of causing injury to persons or property is  
37 guilty of a Class G felony. As part of restitution, the court may order any person  
38 convicted under this subsection to reimburse the affected educational entity for the costs  
39 resulting from the disruption or dismissal of school or the school-related activity arising  
40 from the hoax. For purposes of this subsection, the term 'educational property' has the  
41 same definition as in G.S. 14-269.2(a)(1), and the term 'educational entity' means the  
42 board of education or other entity that administers and controls the educational property  
43 or the school-related activity."

1 Section 3. G.S. 14-269.2 reads as rewritten:

2 **"§ 14-269.2. Weapons on campus or other educational property.**

3 (a) The following definitions apply to this section:

4 (1) Educational property. – Any public or private school building or bus,  
5 public or private school campus, grounds, recreational area, athletic  
6 field, or other property owned, used, or operated by any board of  
7 education, school, college, or university board of trustees, or directors  
8 for the administration of any public or private educational institution.

9 (2) Student. – A person enrolled in a public or private school, college or  
10 university, or a person who has been suspended or expelled within the  
11 last five years from a public or private school, college or university,  
12 whether the person is an adult or a minor.

13 (3) Switchblade knife. – A knife containing a blade that opens  
14 automatically by the release of a spring or a similar contrivance.

15 (4) Weapon. – Any device enumerated in subsection ~~(b)~~(b), (b1), or (d) of  
16 this section.

17 (b) It shall be a Class I felony for any person to possess or carry, whether openly  
18 or concealed, any gun, rifle, pistol, or other firearm of any kind, ~~or any dynamite cartridge,~~  
19 ~~bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1,~~ kind on educational  
20 property. However, this subsection does not apply to a BB gun, stun gun, air rifle, or air  
21 pistol.

22 (b1) It shall be a Class F felony for any person to possess or carry, whether openly  
23 or concealed, any dynamite cartridge, bomb, grenade, mine, or powerful explosive as  
24 defined in G.S. 14-284.1, on educational property. This subsection shall not apply to  
25 fireworks.

26 (c) It shall be a Class I felony for any person to cause, encourage, or aid a minor  
27 who is less than 18 years old to possess or carry, whether openly or concealed, any gun,  
28 rifle, pistol, or other firearm of any kind, ~~or any dynamite cartridge, bomb, grenade, mine, or~~  
29 ~~powerful explosive as defined in G.S. 14-284.1,~~ kind on educational property. However, this  
30 subsection does not apply to a BB gun, stun gun, air rifle, or air pistol.

31 (c1) It shall be a Class F felony for any person to cause, encourage, or aid a minor  
32 who is less than 18 years old to possess or carry, whether openly or concealed, any  
33 dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-  
34 284.1, on educational property. This subsection shall not apply to fireworks.

35 (d) It shall be a Class 1 misdemeanor for any person to possess or carry, whether  
36 openly or concealed, any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger,  
37 slungshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor  
38 blades (except solely for personal shaving), ~~and firework,~~ or any sharp-pointed or edged  
39 instrument except instructional supplies, unaltered nail files and clips and tools used  
40 solely for preparation of food, instruction, and maintenance, on educational property.

41 (e) It shall be a Class 1 misdemeanor for any person to cause, encourage, or aid a  
42 minor who is less than 18 years old to possess or carry, whether openly or concealed, any  
43 BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot, leaded cane,

1 switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for  
2 personal shaving), ~~and firework~~, or any sharp-pointed or edged instrument except  
3 instructional supplies, unaltered nail files and clips and tools used solely for preparation  
4 of food, instruction, and maintenance, on educational property.

5 (f) Notwithstanding subsection (b) of this section it shall be a Class 1  
6 misdemeanor rather than a Class I felony for any person to possess or carry, whether  
7 openly or concealed, any gun, rifle, pistol, or other firearm of any kind, on educational  
8 property if:

9 (1) The person is not a student attending school on the educational property;

10 (2) The firearm is not concealed within the meaning of G.S. 14-269;

11 (3) The firearm is not loaded and is in a locked container, a locked vehicle,  
12 or a locked firearm rack which is on a motor vehicle; and

13 (4) The person does not brandish, exhibit, or display the firearm in any  
14 careless, angry, or threatening manner.

15 (g) This section shall not apply to:

16 (1) A weapon used solely for educational or school-sanctioned ceremonial  
17 purposes, or used in a school-approved program conducted under the  
18 supervision of an adult whose supervision has been approved by the  
19 school authority;

20 (1a) A person exempted by the provisions of G.S. 14-269(b);

21 (2) Firefighters, emergency service personnel, North Carolina Forest  
22 Service personnel, and any private police employed by an educational  
23 institution, when acting in the discharge of their official duties; or

24 (3) Home schools as defined in G.S. 115C-563(a)."

25 Section 4. If Senate Bill 57 of the 1999 General Assembly is enacted into law,  
26 G.S. 20-11(n1)(1)d. as enacted in Section 5 of Senate Bill 57, reads as rewritten:

27 "d. Enumerated student conduct. – One of the following behaviors  
28 that results in disciplinary action:

29 1. The possession or sale of an alcoholic beverage or an  
30 illegal controlled substance on school property.

31 2. The possession or use on school property of a weapon or  
32 firearm that resulted in disciplinary action under G.S.  
33 115C-391(d1) or that could have resulted in that  
34 disciplinary action if the conduct had occurred in a public  
35 school.

36 3. The making of a false report or perpetrating a hoax that  
37 resulted in disciplinary action under G.S. 115C-391(d3) or  
38 that could have resulted in that disciplinary action if the  
39 conduct had been committed by a student enrolled in a  
40 public school.

41 4. The physical assault on a teacher or other school  
42 personnel on school property."

1 Section 5. Article 43 of Chapter 1 of the General Statutes is amended by  
2 adding the following new section to read:

3 **"§ 1-538.3. Civil liability for making a bomb threat affecting a school.**

4 (a) The parent or individual legal guardian who has the care, custody, and control  
5 of an unemancipated minor is civilly liable to the educational entity against whom the  
6 minor has committed an act set forth in this section. The parent or individual legal  
7 guardian shall be liable if the minor:

8 (1) By any means of communication to any person or group of persons,  
9 makes a report, knowing or having reason to know the report is false,  
10 that there is located on educational property or at a school-related  
11 activity on or off educational property any device designed to destroy or  
12 damage property by explosion, blasting, or burning; or

13 (2) With intent to perpetrate a hoax, secretes, places, or displays any device,  
14 machine, instrument, or artifact on educational property or at a school-  
15 related activity on or off educational property, so as to cause any person  
16 reasonably to believe the same to be a bomb or other device capable of  
17 causing injury to persons or property.

18 The parent or individual legal guardian shall not be liable under this section if the parent  
19 or individual legal guardian did not know or reasonably could not have known of the  
20 child's likelihood to commit such an act, did not have the opportunity and ability to  
21 control the child, and either made a reasonable effort to correct or restrain the child from  
22 committing such an act, or notified the educational entity or an appropriate law  
23 enforcement agency of the false threat or hoax. In an action brought against the parent or  
24 legal guardian under this section, the educational entity is entitled to recover the actual  
25 compensatory and consequential damages resulting from the disruption or dismissal of  
26 school or the school-related activity arising from the false report or hoax. The total  
27 amount of compensatory and consequential damages awarded to a plaintiff against the  
28 parent or legal guardian shall not exceed one hundred thousand dollars (\$100,000). For  
29 purposes of this section, the term 'educational property' has the same definition as in G.S.  
30 14-269.2(a)(1), and the term 'educational entity' means the board of education or other  
31 entity that administers and controls the educational property or the school-related activity.

32 (b) Nothing contained in this section shall prohibit recovery upon any other theory  
33 in the law."

34 Section 6. G.S. 115C-391(d1) reads as rewritten:

35 "(d1) A local board of education or superintendent shall suspend for 365 days any  
36 student who brings a weapon, as defined in ~~G.S. 14-269.2(b)~~ G.S. 14-269.2(b), 14-  
37 269.2(b1), and G.S. 14-269.2(g), onto school-educational property. The local board of  
38 education upon recommendation by the superintendent may modify this suspension  
39 requirement on a case-by-case basis that includes, but is not limited to, the procedures  
40 established for the discipline of students with disabilities and may also provide, or  
41 contract for the provision of, educational services to any student suspended pursuant to  
42 this subsection in an alternative school setting or in another setting that provides  
43 educational and other services."

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

3 "(d3) A local board of education shall suspend for 365 days any student who, by any  
4 means of communication to any person or group of persons, makes a report, knowing or  
5 having reason to know the report is false, that there is located on educational property or  
6 at a school-related activity on or off educational property any device designed to destroy  
7 or damage property by explosion, blasting, or burning, or who, with intent to perpetrate a  
8 hoax, secretes, places, or displays any device, machine, instrument, or artifact on  
9 educational property or at a school-related activity on or off educational property, so as to  
10 cause any person reasonably to believe the same to be a bomb or other device capable of  
11 causing injury to persons or property. The local board upon recommendation by the  
12 superintendent may modify either suspension requirement on a case-by-case basis that  
13 includes, but is not limited to, the procedures established for the discipline of students  
14 with disabilities and may also provide, or contract for the provision of, educational  
15 services to any student suspended under this subsection in an alternative school setting or  
16 in another setting that provides educational and other services. For purposes of this  
17 subsection and subsection (d1) of this section, the term 'educational property' has the  
18 same definition as in G.S. 14-269.2(a)(1)."

19 Section 8. G.S. 115C-391(e) reads as rewritten:

20 "(e) A decision of a superintendent under subsection (c), (d1), ~~or (d2)-(d2)~~, or (d3)  
21 of this section may be appealed to the local board of education. A decision of the local  
22 board upon this appeal or of the local board under subsection (d) or (d1) of this section is  
23 final and, except as provided in this subsection, is subject to judicial review in accordance  
24 with Article 4 of Chapter 150B of the General Statutes. A person seeking judicial review  
25 shall file a petition in the superior court of the county where the local board made its  
26 decision."

27 Section 9. The Joint Legislative Education Oversight Committee, in  
28 consultation with the State Board of Education, the Office of Juvenile Justice, the Center  
29 for the Prevention of School Violence, and local boards of education, shall examine the  
30 issue of students who threaten to commit or who carry out acts of violence directed at  
31 schools and the persons who are present in the schools. As part of this study, the  
32 Committee shall: (i) evaluate current laws governing the discipline, suspension, and  
33 expulsion of these students; (ii) evaluate current criminal and juvenile laws to make sure  
34 local authorities are authorized to take immediate action and to ensure the consequences  
35 for these acts and threats are taken seriously; (iii) review how other states are  
36 approaching this issue; (iv) identify effective education practices to prevent these threats  
37 or acts of violence; and (v) consider any other issue it considers appropriate. The  
38 Committee may make recommendations, including necessary appropriations, to the 2000  
39 Regular Session of the 1999 General Assembly.

40 Section 10.(a) The State Board of Education, in consultation with the Office of  
41 Juvenile Justice, the Department of Correction, and the Department of Community  
42 Colleges, shall study the method for computing dropout rates for the School-Based  
43 Management and Accountability Program (ABCs). The State Board of Education shall

1 recommend whether the computation used to set the dropout rate for this purpose should  
2 include students who (i) transfer to a community college; (ii) are placed by the courts in a  
3 setting which provides educational opportunities; (iii) are expelled from school; (iv) do  
4 not return to school after a long-term suspension in accordance with a safe school plan; or  
5 (v) have been counted previously as dropouts. As a part of this study, the State Board of  
6 Education shall report, from data for the 1998-99 school year, the number of students in  
7 each of these categories. The State Board of Education shall examine whether it should  
8 continue to use other methods of computing the dropout rate for other purposes.

9       Section 10.(b) The State Board of Education shall report to the Joint Legislative  
10 Education Oversight Committee by December 15, 1999, regarding its recommendations  
11 as to the computation of the dropout rates for the ABCs accountability program. This  
12 report shall include the number of dropouts for the 1998-99 school year based on  
13 categories (i) and (iii)-(v) in subsection (a) of this section. The report also shall include  
14 the number of dropouts for the 1998-99 school year based on category (ii) in subsection  
15 (a) of this section if this information is available.

16       Section 11. Sections 4, 7, 8, 9, 10(a), 10(b), and 11 of this act are effective  
17 when this act becomes law, and Section 7 applies to offenses committed on or after that  
18 date. Sections 1, 2, 3, and 6 of this act are effective on September 1, 1999, and apply to  
19 offenses committed on or after that date. Section 5 of this act is effective September 1,  
20 1999, and applies to causes of action arising on or after that date.