

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 517 5th 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

The 5th edition has the potential for a higher impact than the 4th With the penalty provision of possessing an explosive device on educational property changing from a Class I felony to a Class F felony.

Any fiscal impact still could be absorbed with existing resources because of the low number of offenses anticipated to be committed in relation to available prison bed capacity and court resources.

POSITIONS:

PRINCIPAL DEPARTMENT(S) &

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

EFFECTIVE DATE: Sections 4, 7, 8, 9, 10.a, 10.b and 11 of this act are effective when this act becomes law and section 7 applies to offenses committed on or after that date. Sections 1, 2, 3, and 6 of this act are effective on September 1, 1999 and apply to offenses committed on or after that date. Section 5 of this act is effective September 1, 1999 and applies to causes of action arising 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. 3/18/99. Senate committee substitute makes the following changes to 3rd edition. Makes no changes to provisions in previous version of bill concerning dropout rates for the ABC's programs but adds several new provisions. Amends GS 14-69.1 and 14-69.2 by making it a Class G felony to threaten to bomb a school or perpetrating a hoax by placing a false bomb at a school. Provides that if the person convicted is a minor, the court may order the minor and parents or guardian to undergo counseling and treatment at their expense. Adds new GS 1-538.3 making civilly liable the parent or guardian of an unemancipated minor who commits the above acts if the parent or guardian knew or should have known of the likelihood of the act, had the opportunity to control the minor, and made no reasonable effort to correct or restrain the child. Amends GS 115C-391 to require the local education board to suspend for one year any student who commits the above acts. Directs the Joint Legislative Education Oversight Committee, in consultation with the State Board of Education, Office of Juvenile Justice, Center for Prevention of School Violence, and local boards of education, to consider the issue of students who threaten to commit or do commit acts of violence directed at schools and to make any recommendations to 2000 regular session of General Assembly. Changes title of bill to 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 ABC'S PROGRAM.

Source: Institute of Government, Daily Bulletin, May 12, 1999.

STOP THREATS/ACTS OF SCHOOL VIOLENCE. Intro. 5/20/99. Senate Committee Substitute would amend the bill by increasing the classification from a Class I felony to a Class F felony for bringing an explosive device on school property and by providing for the loss of drivers license privileges for minors for the making of a false report or hoax concerning a bomb on educational property.

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 devices on educational property or at school-related activities.

In addition, the bill would make putting a device that would be reasonably 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.

The **May 20 committee substitute** would raise the penalty for any person to possess or carry, or to cause, encourage, or aid a minor to possess or carry, whether openly or concealed, any dynamite, cartridge, bomb, grenade, mine, or powerful explosive on educational property. Currently the penalty is a Class I felony but would be a Class F felony under the bill. (It would remain a Class I felony to possess or carry, or aid or encourage a minor to possess or carry guns and other firearms on educational property. Fireworks are also not included under the Class F felony.)

According to the AOC, in calendar 1998, 205 defendants were charged with having weapons on campus or other educational property. However, no data exists on how many of these cases were for explosives. Because the increase in the penalty from a Class I to a Class F felony is substantial, there would be an impact on superior court resources. Because of the small number of anticipated cases that would be spread across the state, the Fiscal Research Division believes that the additional workload could be absorbed with existing resources.

Bringing fireworks on to campus would be a Class 1 misdemeanor under **the May 20 committee substitute**. Currently, possession of certain pyrotechnics is a Class 2 misdemeanor.

The AOC database shows 144 defendants charged with possession of pyrotechnics under G.S. 14-410. It is unknown if any of these charges are for possession on educational property.

The court may order restitution to the educational entities such as local school boards and educational governing boards. **As amended May 20**, parents or legal guardians are held civilly liable up to \$100,000 **unless** they did not or could not reasonably have known of the likelihood of the child to commit such an act, did not have the opportunity and ability to control the child, and either made no reasonable effort to correct or restrain the child from committing the act or else notified the educational entity or law enforcement of the false threat or hoax. A 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 as a result of 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 fiscal impact of this bill on the court system could be absorbed with current resources statewide.

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 most serious conviction is for *Perpetrating a hoax by use of a false bomb or other device* under G.S. 14-69.2(c). There is no data to indicate if these offenses were committed on educational property. 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.

According to the Sentencing Commission, in fiscal 1997-98 there were 41 offenders whose most serious conviction was for possessing weapons on campus or other educational property. The **May 20 committee substitute** would raise the punishment to a Class F felony from a Class I felony for explosive devices on educational property. However, no data exists on how many of these were for explosive devices as opposed to guns or other weapons. If 10

percent of these convictions involved an explosive device, approximately two offenders would receive an active sentence of 19.6 months resulting in two additional full-year equivalent inmates in the first year and four in the second year from new admissions and probation revocations. If 25 percent of these convictions involved an explosive device, approximately five offenders would receive an active sentence of 19.6 months resulting in five additional full-year equivalent inmates in the first year and ten in the second year. In addition, there could be a similar number of convictions out of the 41 in the database for aiding or encouraging a minor to possess or carry an explosive device on educational property. These estimates assume that active sentences and probation revocations for this population would be similar to all other Class F 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. It is not known how many of those convicted would be juveniles and how many would be adults. Since offenders are tried as adults at age 16 and above in North Carolina, most of the potential offenders would be tried as adults.

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 on educational property or at a school-related activity. It is unknown how often the court may order restitution. Under the **May 20 committee substitute**, the bill allows for the costs resulting from the disruption or dismissal of school or the educational activity to be reimbursed by the person convicted. The local board is required to suspend students making such false reports or hoaxes of this nature for a full calendar year and can have a student's drivers license taken away. 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.

In section 4 of the bill it refers to section 5 of SB 57 Lose Control Lose Your License. The reference should be changed to section 2 of SB 57.

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DATE: Tuesday, May 25, 1999

Official
Fiscal Research Division
Publication



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