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HOUSE BILL NO. 1067

Offered January 24, 2000

A BILL to amend and reenact §§ 18.2-60, 18.2-83 and 22.1-280.1 of the Code of Virginia, relating to threats; penalty.

Patron—Barlow

Consent to introduce

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-60, 18.2-83 and 22.1-280.1 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-60. Threats of death or bodily injury to a person or member of his family; certain oral threats communicated to school personnel; penalty.

A. If any person write or compose and also send, *post* or procure the sending *or posting* of any letter, inscribed communication or electronically transmitted *or posted* communication producing a visual or electronic message, so written or composed, whether such letter or communication be signed or anonymous, to any person *or posts such communication in a public place or on an electronic site*, containing a threat to kill or do bodily injury to ~~the any person to whom such letter or communication is sent, or a threat to kill or do bodily injury to any member of his or her family~~, the person so writing or composing and sending, *posting or electronically transmitting*, or procuring the sending, *posting or electronic transmission* of such letter or communication shall be guilty of a Class 6 felony. ~~and Such prosecution may be prosecuted either in the county, city or town in which the letter or inscribed communication is composed, written, sent, posted, or electronically transmitted, or procured to be sent, posted, or electronically transmitted, or in the county, city or town in which the letter or inscribed communication is received.~~

B. If any person orally makes a threat to any employee *or student* of any elementary, middle or secondary school, while on a school bus, on school property or at a school-sponsored activity, to kill or to do bodily injury to such person, he shall be guilty of a Class 4 ~~misdemeanor~~ *felony*.

§ 18.2-83. Threats to bomb or damage buildings or means of transportation; false information as to danger to such buildings, etc.; punishment; venue.

A. Any person (a) who makes and communicates to another by any means *or posts in a public place or on an electronic site* any threat to bomb, burn, destroy or in any manner damage any place of assembly, building or other structure, or any means of transportation, or (b) who communicates to another; by any means; *or posts in a public place or on an electronic site* information, knowing the same to be false, as to the existence of any peril of bombing, burning, destruction or damage to any such place of assembly, building or other structure, or any means of transportation, shall be guilty of a Class 5 felony; ~~provided, however, that~~ *However*, if such person ~~be~~ *is* under fifteen years of age, he shall be guilty of a Class 1 misdemeanor.

B. A violation of this section may be prosecuted either in the jurisdiction from which the communication *or posting* was made or in the jurisdiction where the communication was received.

§ 22.1-280.1. Reports of certain acts to school and law-enforcement authorities.

A. Reports shall be made to the principal or his designee on all incidents involving (i) the assault, assault and battery, sexual assault, death, shooting, stabbing, cutting, or wounding of any person on a school bus, on school property, or at a school-sponsored activity; (ii) any conduct involving alcohol, marijuana, a controlled substance, *an imitation controlled substance*, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity; (iii) any threats against school personnel while on a school bus, on school property or at a school-sponsored activity; ~~or~~ (iv) *any bomb threat against school personnel, school property, or a school bus*; or (v) the illegal carrying of a firearm onto school property.

B. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of Chapter 11 of Title 16.1, local law-enforcement authorities may report, and the principal or his designee may receive such reports, on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be an adult misdemeanor involving any incidents described in clauses (i) through (iv) of subsection A.

C. The principal or his designee shall submit a report of all incidents required or authorized to be reported pursuant to this section to the superintendent of the school division. The division superintendent

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60 shall annually report all such incidents to the Department of Education for the purpose of recording the
61 frequency of such incidents on forms which shall be provided by the Department and shall make such
62 information available to the public. A division superintendent who knowingly fails to comply or secure
63 compliance with the reporting requirements of this subsection shall be subject to the sanctions authorized
64 in § 22.1-65. A principal who knowingly fails to comply or secure compliance with the reporting
65 requirements of this section shall be subject to sanctions prescribed by the local school board, which may
66 include but need not be limited to demotion or dismissal.

67 The principal or his designee shall also notify the parent of any student involved in an incident
68 required by subsection A or authorized by subsection B to be reported, regardless of whether
69 disciplinary action is taken against such student or the nature of the disciplinary action. Such notice shall
70 relate to only the relevant student's involvement and shall not include information concerning other
71 students.

72 Whenever any student commits any reportable incident as set forth in this section, such student shall
73 be required to participate in such prevention and intervention activities as deemed appropriate by the
74 superintendent or his designee. Prevention and intervention activities shall be identified in the local
75 school division's drug and violence prevention plans developed pursuant to the federal Improving
76 America's Schools Act of 1994 (Title IV - "Safe and Drug-Free Schools and Communities Act").

77 D. The principal shall *immediately* report to the local law-enforcement agency any act enumerated in
78 subsection A which may constitute a criminal offense.

79 E. All school boards shall develop, in cooperation with the local law-enforcement agencies, juvenile
80 and domestic relations court judges and personnel, parents, and the community at large, programs to
81 prevent violence and crime on school property and at school-sponsored events. Activities designed to
82 prevent the recurrence of violence and crime may include such interventions as school crime lines, peer
83 mediation, conflict resolution, community service requirements, and any program focused on
84 demonstrating the consequences of violence and crime.

85 F. A statement providing a procedure and the purpose for the requirements of this section shall be
86 included in the policy manual of all school divisions.

87 The Board of Education shall promulgate regulations to implement this section including, but not
88 limited to, establishing reporting dates and report formats.

89 G. School boards are encouraged to develop and use a network of volunteer services in implementing
90 the prevention activities required by subsection E.

91 H. For the purposes of this section, "parent" or "parents" means any parent, guardian or other person
92 having control or charge of a child.

93 I. This section shall not be construed to diminish the authority of the Board of Education or the
94 Governor concerning decisions on whether, or the extent to which, Virginia shall participate in the
95 federal Improving America's Schools Act of 1994, or to diminish the Governor's authority to coordinate
96 and provide policy direction on official communications between the Commonwealth and the United
97 States government.

98 **2. That the provisions of this act may result in a net increase in periods of imprisonment in state**
99 **correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation**
100 **is \$152,759 in FY 2001.**