

PROPOSED NEW LANGUAGE

TITLE 18

CRIMES AND PUNISHMENTS

CHAPTER 33

FIREARMS, EXPLOSIVES, AND OTHER DEADLY WEAPONS

18-3302I. THREATENING SCHOOL VIOLENCE.

- (1) (a) It is unlawful for any person, including a student, to willfully threaten by word, electronic means or act, to use a firearm or other deadly or dangerous weapon to do violence to any other person, at any school premise, school bus, or any school-planned event.
(b) The threats prohibited by this section include, but are not limited to, those statements, electronic messages, or acts where the speaker or actor intends to communicate an intent to commit an act of unlawful violence to a particular individual or group of individuals, without regard to whether the person intends to carry out the threat.
- (2) It is unlawful for any person, including a student, to make any attempt to carry out a threat, to include but not limited to, acquiring or attempting to acquire a weapon, ammunition, body armor, etc.
- (3) It is unlawful for any person, including a student, to intentionally, knowingly or recklessly interfere with or disrupt the normal operations of a school, to include but not limited to, threats to cause physical injury, threats to damage property, trespassing in a manner as to deny or interfere with the lawful use of the property by other, refusal to obey a lawful command to leave, etc.

DEFINITIONS. As used in this Section:

- (a) "Deadly or dangerous weapon" means a weapon, device, instrument, material or substance that is used for, or is readily capable of, causing death or serious bodily injury.
- (b) "School Premise" includes any school building, dwelling, structure, or any real property, used for educational purposes, public or private, elementary or secondary.
- (c) "School Planned Event" means any organized activity, contest, celebration, etc. for members of a school, regardless of venue used.
- (d) "Electronic Means" means any device which provides transmission of messages, signals, facsimiles, video images or other communication between persons who are physically separated from each other by means of telephone, telegraph, cable, wire or the projection of energy without physical connection.
- (e) "School" means any university, college, community college, high school or common private or public school in this state.
- (f) "Restitution" means recompense for any financial loss that is suffered by a person or school as a result of a violation of this Section.

PENALTIES.

- (1) (a) Any person, including a student, who is found guilty of willfully threatening by word, electronic means, or act to use a firearm or other deadly or dangerous weapon to do violence, to any other person at any school premise, school bus, or school planned event is punishable by imprisonment for not more than one (1) year or by a fine of not more than one thousand dollars (\$1,000), or by both such fine and imprisonment.

(b) Any person who violates the provisions of subsection (a) of this Section when there is a No Contact Order, Civil Protection Order, or written trespass notice, in effect, prohibiting the behavior described in subsection (a) of this Section, is punishable by an additional (1) year and by a fine of one thousand dollars (\$1,000).

(2) Any person who pleads guilty to or is found guilty of a violation of the provisions of Section 18-33021 (1) (a), Idaho Code, who previously has been found guilty of or has pled guilty to a violation of the provisions of Section 18-33021 (1) (a), Idaho Code, or any substantially conforming foreign criminal violation within ten (10) years, is guilty of a felony.

(3) Any person, including a student, who is found guilty of making any attempt to carry out a threat, as outlined in Section 18-33021 (2), is guilty of a felony.

(4) Schools, who suffer from interference with or disruption of the educational process, as outlined in Section 18-33021 (3), are entitled to restitution. Ordered restitution applies to any financial loss that is suffered by a person or school as a result of a violation of this Section.

History: [18-33021, added 2006, ch. 303, sec. 1, p. 936; am. 2015, ch. 303, sec. 3, p. 1194.]

CURRENT LANGUAGE

TITLE 18

CRIMES AND PUNISHMENTS

CHAPTER 33

FIREARMS, EXPLOSIVES AND OTHER DEADLY WEAPONS

18-33021. THREATENING VIOLENCE ON SCHOOL GROUNDS.

(1) (a) Any person, including a student, who willfully threatens on school grounds by word or act to use a firearm or other deadly or dangerous weapon to do violence to any other person on school grounds is guilty of a misdemeanor.

(b) The threats prohibited by this section encompass only those statements or acts where the speaker or actor intends to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals. The prosecution is not required to prove that the defendant actually intended to carry out the threat.

(2) Definitions. As used in this section:

(a) "Deadly or dangerous weapon" means a weapon, device, instrument, material or substance that is used for, or is readily capable of, causing death or serious bodily injury;

(b) "On school grounds" means in, or on the property of, a public or private elementary or secondary school.

History:[18-33021, added 2006, ch. 303, sec. 1, p. 936; am. 2015, ch. 303, sec. 3, p. 1194.]