



# HOUSE BILL 670: Protect Educational Property.

2017-2018 General Assembly

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<b>Committee:</b>	House Judiciary II	<b>Date:</b>	April 25, 2017
<b>Introduced by:</b>	Rep. Faircloth	<b>Prepared by:</b>	Susan Sitze
<b>Analysis of:</b>	PCS to First Edition		Jessica Sammons
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**OVERVIEW:** *The proposed committee substitute (PCS) for House Bill 670 would make communicating a threat that an act of mass violence is going to occur on educational property or at a school-sponsored activity a Class H felony.*

**CURRENT LAW:** Under G.S. 14-277.1 (communicating threats), it is a Class 1 misdemeanor to willfully threaten to physically injure another person or that person's child, sibling, spouse or dependent or willfully threaten to damage another's property, and communicate that threat to the other person in a manner that would make a reasonable person believe it is likely to be carried out, if done without lawful authority and if the threat is believed by the threatened person.

Under G.S. 277.5 (making a false report concerning mass violence on educational property), it is a Class H felony to communicate a false report that an act of mass violence is going to occur on educational property or at an activity sponsored by a school.

- *Educational property* is "any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any board of education or school board of trustees, or directors for the administration of any school."
- *School* includes any "public or private school, community college, college, or university."
- *Mass violence* is a "physical injury that a reasonable person would conclude could lead to permanent injury (including mental or emotional injury) or death to two or more people."

**BILL ANALYSIS:** The PCS for House Bill 670 would create a new criminal offense for making a threat, by any means of communication to any person or groups of persons, that an act of mass violence is going to occur on educational property or at a curricular or extracurricular activity sponsored by a school. The threat would have to be made in a manner and under circumstances that a reasonable person would believe the threat credible. A violation of this offense would be a Class H felony.

Assuming there are no prior convictions, the presumptive minimum sentence for a Class H felony is 5-6 months community, intermediate, or active punishment.

The PCS for House Bill 670 would also authorize the court to order a person convicted of this offense to pay restitution, including costs and consequential damages resulting from the disruption of the normal activity that would have otherwise occurred on the premises but for the threat.

**EFFECTIVE DATE:** This act would become effective December 1, 2017, and would apply to offenses committed on or after that date.

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