



HOUSE BILL 670: Protect Educational Property.

2017-2018 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	June 13, 2018
Introduced by:	Rep. Faircloth	Prepared by:	Susan Sitze
Analysis of:	PCS to Second Edition H670-CSSAf-55		Staff Attorney

OVERVIEW: *The Proposed Committee Substitute (PCS) for House Bill 670 would create increased criminal penalties for communicating a threat of mass violence on educational property or at a place of religious worship, provide for conditional discharge of persons convicted of those offenses when the offense is committed under the age of 20, and require a judge to set conditions of pretrial release for those offenses.*

CURRENT LAW:

- Communicating a threat of any kind is currently a Class 1 misdemeanor pursuant to G.S. 14-277.1.
- Making a false report concerning mass violence on educational property is currently a Class H felony pursuant to G.S. 14-277.5.

BILL ANALYSIS:

Section 1 of the PCS would create a new Class H felony for communicating a threat of mass violence on educational property.

Section 2 of the PCS would create a new Class H felony for communicating a threat of mass violence at a place of religious worship.

Section 3 of the PCS would provide for conditional discharge for defendants that commit an offense under G.S. 277.5 (making a false report concerning mass violence on educational property), G.S. 277.6 (communicating a threat of mass violence on educational property), or G.S. 277.7 (communicating a threat of mass violence at a place of religious worship). The defendant would be required to be placed on supervised probation for at least one year, complete a minimum of 30 hours of community service, obtain a mental health evaluation, and comply with any treatment recommended as a result of the mental health evaluation. Upon completion of the conditions, the defendant would receive a discharge and dismissal of charges and would be eligible to apply for expunction of the charges pursuant to Section 4 of this PCS.

Section 4 of the PCS would all for the expunction of the records of the discharge and dismissal obtained pursuant to Section 3 of this PCS. There is a fee of \$175 upon filing of this petition unless the petitioner is indigent.

Section 5 of the PCS would make a conforming change requiring notice to AOC when an expunction is granted pursuant to Section 4 of this PCS.

Section 6 of the PCS would provide that for any person charged with a violation of G.S. 277.6 (communicating a threat of mass violence on educational property), or G.S. 277.7 (communicating a threat of mass violence at a place of religious worship) conditions of pretrial release must be determined by a

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judge. If a judge has not acted within 48 hours of arrest, the conditions of pretrial release may then be set by a magistrate.

EFFECTIVE DATE: This act would become effective December 1, 2018, and apply to offenses committed on or after that date.

BACKGROUND:

§ 14-277.1. Communicating threats.

- (a) A person is guilty of a Class 1 misdemeanor if without lawful authority:
 - (1) He willfully threatens to physically injure the person or that person's child, sibling, spouse, or dependent or willfully threatens to damage the property of another;
 - (2) The threat is communicated to the other person, orally, in writing, or by any other means;
 - (3) The threat is made in a manner and under circumstances which would cause a reasonable person to believe that the threat is likely to be carried out; and
 - (4) The person threatened believes that the threat will be carried out.
- (b) A violation of this section is a Class 1 misdemeanor.

§ 14-277.5. Making a false report concerning mass violence on educational property.

- (a) The following definitions apply in this section:
 - (1) Educational property. – As defined in G.S. 14-269.2.
 - (2) Mass violence. – 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.
 - (3) School. – As defined in G.S. 14-269.2.
- (b) A person who, by any means of communication to any person or groups of persons, makes a report, knowing or having reason to know the report is false, that an act of mass violence is going to occur on educational property or at a curricular or extracurricular activity sponsored by a school, is guilty of a Class H felony.
- (c) The court may order a person convicted under this section 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 false report, pursuant to Article 81C of Chapter 15A of the General Statutes.