

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** HB 517 Conference Committee Substitute

**SHORT TITLE:** Stop Threats/Acts of School Violence

**SPONSOR(S):** Rep. Richard Moore

**FISCAL IMPACT**

**Yes (X)      No ()      No Estimate Available ()**

**FY 1999-00   FY 2000-01   FY 2001-02   FY 2002-03   FY 2003-04**

**REVENUES**

**EXPENDITURES**

Judicial Branch and Department of Correction

*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.*

Department of Transportation – Division of Motor Vehicles  
\$58,620 NR

**POSITIONS:** none

**PRINCIPAL DEPARTMENT(S) &**

**PROGRAM(S) AFFECTED:** Judicial Branch, Department of Correction, Educational entities, Department of Transportation – Division of Motor Vehicles.

**EFFECTIVE DATE:** Sections 6, 7, 8, 9, 10, and 11 of this act are effective when this act becomes law and Section 6 applies to offenses committed on or after that date. Sections 1, 2, 3, and 5 of this act are effective on September 1, 1999 and apply to offenses committed on or after that date.

Sections 4 and 4.1 of this act is effective September 1, 1999 and applies to causes of action arising on or after that date. Section 3.1 is effective December 1, 1999 and applies to offenses committed 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.

**H 517. STOP THREATS/ACTS OF SCHOOL VIOLENCE.** Intro. 3/22/1999. Senate committee substitute makes the following changes to 4th edition.

Revises proposed GS 14-69.1(c) to provide that restitution to school for false report of destructive device is to cover costs resulting from the disruption or dismissal of school arising from the false report.

Adds GS 14-69.2(c) to make it a Class G felony to intentionally perpetrate a hoax by placing or displaying false bomb or other device on educational property or at school-related activity that causes any person reasonably to believe the device is a bomb or other device capable of causing injury to persons. Court may order restitution to school to cover costs resulting from the disruption or dismissal of school arising from the hoax.

Adds GS 14-269.2(b1) and (c1) making it a Class F felony (now, Class I, under present subsec. (b)) to possess or carry, or to cause, encourage, or aid minor under age 18 to possess or carry, dynamite cartridge, bomb, grenade, mine, or power explosive as defined in GS 14-284.1, on educational property; not applicable to fireworks. Amends subsec. (d) and (e) to make it Class 1 misdemeanor to possess or carry, or to cause, encourage, or aid minor under 18 to possess or carry, fireworks on educational property.

Provides that if Senate Bill 57 of 1999 General Assembly session is enacted, GS 20-11(n1)(1)d is amended by adding the following student misconduct as a type of misconduct that under certain circumstances will result in loss of driving privileges: the making of a false report or perpetrating a hoax that resulted in disciplinary action under GS 115C-391(d3) or that could have resulted in such action if committed by a student enrolled in a public school.

Expands proposed GS 1-538.3 to extend parent or guardian's civil liability to cover minor's placement or display so as to cause any person reasonably to believe the device is a bomb or other device capable of causing injury to persons. Parent not liable if notified school or law enforcement agency of false threat or hoax. Limits parent's liability to \$100,000. Makes section applicable to causes of action arising on or after September 1, 1999.

Adds to proposed GS 115C-391(d3) that the 365-day suspension applies if the hoax causes any person reasonably to believe the device is a bomb or other device capable of causing injury to persons.

June 30, 1999

**H 517. STOP THREATS/ACTS OF SCHOOL VIOLENCE.** Intro. 3/22/99. Conference report recommends the following changes to 5th edition to reconcile matters in controversy. Makes new title AN ACT INCREASING THE CRIMINAL PENALTY FOR A SECOND OR SUBSEQUENT OFFENSE OF MAKING A BOMB THREAT OR PERPETRATING A HOAX BY PLACING A FALSE BOMB AT A PUBLIC BUILDING, PROVIDING FOR RESTITUTION OF CONSEQUENTIAL DAMAGES RESULTING FROM BOMB THREATS OR HOAXES, INCREASING THE PENALTY FOR BRINGING CERTAIN WEAPONS ON SCHOOL PROPERTY, INCREASING THE PENALTY FOR BOMB THREATS OR HOAXES, BRINGING A BOMB ON SCHOOL PROPERTY, OR ACTUAL DETONATION OF A BOMB BY REQUIRING THE DIVISION OF MOTOR VEHICLES TO REVOKE FOR ONE YEAR THE DRIVERS LICENSE OF ANY PERSON CONVICTED OF SUCH AN OFFENSE, MAKING PARENTS CIVILLY LIABLE FOR CHILDREN WHO MAKE BOMB THREATS OR PERPETRATE BOMB HOAXES ON SCHOOLS, OR BRING CERTAIN

WEAPONS ONTO SCHOOL PROPERTY, REQUIRING SCHOOLS TO SUSPEND FOR THREE HUNDRED SIXTY-FIVE DAYS STUDENTS WHO MAKE BOMB THREATS OR PERPETRATE BOMB HOAXES ON SCHOOLS, 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 ABCs PROGRAM. Makes first offense bomb threats and false bomb hoaxes Class H, rather than Class G, felonies. Amends GS 14-69.1 and 14-69.2 to apply to false bomb threats and false bomb hoaxes at all public buildings (earlier version was limited to school property or school-related activity). Makes it a Class G, rather than Class F, felony for a minor to carry a gun onto school property or to a school related activity or for a person to aid a minor carry a gun onto school property. Limits to \$25,000 (was \$100,000) the amount of damages that can be recovered against a parent or legal guardian for a hoax, false threat, or possession of bomb. Limits to \$50,000 (was \$100,000) the amount of damages that can be recovered against a parent or legal guardian for discharge of a firearm or detonation of a bomb or other explosive device. Makes other changes as title indicates.

#### **ASSUMPTIONS AND METHODOLOGY:**

#### ***CONFERENCE COMMITTEE SUBSTITUTE CHANGES ARE MADE IN BOLD***

A public building as defined in the bill includes educational property broadly defined, a hospital, a building housing state, federal, or local government.

#### Judicial Branch

**The substitute** would make communicating a false report of a device located in a **public building** that would cause an explosion, blasting, or burning to be punishable by a **Class G felony for a second or subsequent offense within 5 years**. 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 in a public building or for a second or subsequent offense within 5 years**.

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 in a **public building** with the intent to perpetrate a hoax punishable as a **Class G felony for a second or subsequent offense within 5 years**. 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 a **public building or a second or subsequent offense**. 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 **conference 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 G 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 G 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 G** felony is fairly substantial, there could 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 conference 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 by the conference committee substitute**, parents or legal guardians **may be held civilly liable for the negligent supervision of a minor up to \$25,000 for bringing or possessing a bomb or other explosive device onto educational property and up to \$50,000 for discharging a firearm or the detonation or explosion of a bomb on educational property**. 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.

**In addition, the courts must supply a record of a conviction to the DMV for various convictions in order that the DMV may revoke the person's permit or license. Additional court workload would be required. However, the courts currently provide information on other convictions to the DMV. The Fiscal Research Division believes that there would be a limited impact on the courts of adding these offenses to their current system and believe that the impact could be absorbed with existing resources.**

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. Even though it is anticipated that most individuals would be caught, the number of expected cases in the court system is still small and the offenses would 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 – entire section is revised**

**The conference committee substitute** raises the penalty for making a false report concerning a destructive device and perpetrating a hoax by use of a false bomb or other device. The penalty is increased from a Class H felony to a Class G felony when it involves a public building and is a second or subsequent offense within 5 years. According to the AOC, there were 14 convictions overall in 1998 under G.S. 14-69.1(c) *Making a false report concerning*

*destructive device*. According to the Sentencing Commission, 4 of these had this offense listed as their most serious offense. It is unknown if any of these involved a public building or were for a second or subsequent offense. If half of the 14 convictions were punishable under this bill as a second or subsequent offense, 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). If there were four convictions for this offense and half of them involved a public building and were for a second or subsequent offense, 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 two full-year equivalent inmates because of new admissions and probation revocations.

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 conference committee substitute** would raise the punishment to a Class G 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, or 4, of these convictions involved an explosive device, approximately two offenders would receive an active sentence of 14.8 months resulting in two additional full-year equivalent inmates in the first year and three in the second year from new admissions and probation revocations. If 25 percent, or 10, of these convictions involved an explosive device, approximately five offenders would receive an active sentence of 14.8 months resulting in five additional full-year equivalent inmates in the first year and nine in the second year.

**The substitute** would also raise the penalty for aiding a minor to possess or carry explosive devices on educational property from a Class I felony to a Class G felony. In addition, there could be a similar number of convictions as described above 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 G 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.

#### **Department of Transportation – Division of Motor Vehicles (DMV)**

**The division would be required to revoke the license or permit of a driver under the age of 18 if the individual is convicted of the listed offenses. In order to revoke a license under the new offense codes, the division would need to modify their computer system. The DMV estimates that this would take 610 hours at \$80 per hour for a total of \$48,800. An additional computer would be needed at \$2,500 and SIPS charges would be \$7,320. The cost to DMV totals \$58,620 in one-time expenses.**

**In addition, new suspension letters would be needed and a new suspension and hearing rule would need to be developed. Additional programming charges would be incurred for hearing and reinstatement issues. However, the DMV is currently revising this section of computer code and believes that it could absorb the additional cost.**

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. **The bill allows for the costs resulting from the disruption or dismissal of school or the educational activity to be recovered from parents or guardians for their negligent supervision of that minor. The compensatory and consequential damages could be up to \$25,000 for a false report, hoax, or possess of a bomb on educational property or school-sponsored activity. For a discharge of the firearm or detonation or explosion of a bomb the maximum compensatory and consequential damages would be \$50,000.** The local board is required to suspend students making such false reports or hoaxes of this nature for a full calendar year. 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:** none

**FISCAL RESEARCH DIVISION 733-4910**

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**DATE:** Tuesday, July 06, 1999



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