

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 588

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO SCHOOLS; AMENDING SECTION 18-3302I, IDAHO CODE, TO REVISE PROVISIONS REGARDING THREATENING SCHOOL VIOLENCE, TO PROVIDE THAT CERTAIN ACTS SHALL BE A FELONY AND TO REVISE A DEFINITION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 18-3302I, Idaho Code, be, and the same is hereby amended to read as follows:

18-3302I. THREATENING VIOLENCE ~~ON~~ UPON SCHOOL GROUNDS -- FIREARMS AND OTHER DEADLY OR DANGEROUS WEAPONS.

(1) (a) Any person, including a student, who willfully threatens ~~on school grounds~~ by word, electronic means or act to use a firearm or other deadly or dangerous weapon to do violence to any ~~other~~ person on school grounds, damage to school property or to disrupt the normal operations of an educational institution by making a threat is guilty of a misdemeanor.

(b) Any person, including a student, who knowingly has in his possession a firearm or other deadly or dangerous weapon, or who makes, alters or repairs any firearm or other deadly or dangerous weapon, in the furtherance of carrying out a threat made by word, electronic means or act to do violence to any person on school grounds, damage to school property or to disrupt the normal operations of an educational institution is guilty of a felony.

(c) 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 any person on school grounds, intent to damage school property or to disrupt the normal operations of an educational institution. 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, or any property used for educational purposes.