

HOUSE BILL 2008

By Howell

AN ACT to amend Tennessee Code Annotated, Title 37, Chapter 1; Title 39 and Title 49, relative to school violence.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 16, Part 5, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Mass violence" means any act which a reasonable person would conclude could lead to the serious bodily injury, as defined in § 39-11-106, or death of two (2) or more persons;

(2) "Means of communication" means direct and indirect verbal, written, or electronic communications, including graffiti, pictures, diagrams, telephone calls, voice over internet protocol calls, video messages, voice mails, electronic mail, social media posts, instant messages, chat group posts, text messages, and any other recognized means of conveying information;

(3) "School" means any public or private elementary school, middle school, high school, college of applied technology, postsecondary vocational or technical school, or two-year or four-year college or university; and

(4) "School property" means any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any local education agency, private school board of trustees, or directors for the administration of any school.

(b) A person who recklessly, by any means of communication, threatens to commit an act of mass violence on school property or at a school-related activity commits a Class E felony.

(c) As a condition of bail or other pretrial release, the court may, in its discretion, order the defendant to undergo a psychological evaluation to determine whether the defendant poses an ongoing threat to the community.

(d)

(1) Any person who has knowledge of a threat of school violence shall report the threat immediately to:

(A) The juvenile court judge having jurisdiction over the school property or school-related activity;

(B) The department of children's services;

(C) The sheriff's department of the county in which the school property or school-related activity is located;

(D) The local law enforcement agency with jurisdiction over the school property or school-related activity;

(E) The 911 center for the jurisdiction in which the school property or school-related activity is located; or

(F) The school that is subject to the threat of mass violence.

(2) The report must include, to the extent known by the reporter, the nature of the threat of mass violence, the name and address of the person making the threat, the facts requiring the report, and any other pertinent information.

(3) Any person who has knowledge of a threat of mass violence on school property or at a school-related activity and knowingly fails to report the threat commits a Class A misdemeanor.

(e) In addition to any other penalty authorized by law, a sentencing court may order a person convicted under this section to pay restitution, including costs and damages resulting from the disruption of the normal activity that would have otherwise occurred on the school property or at the school-related activity but for the threat to commit an act of mass violence.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.