

HOUSE BILL 574

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

George Dodge, Jr.

AN ACT

RELATING TO CRIMINAL LAW; ENACTING THE THREATENING SCHOOL
VIOLENCE ACT; PROVIDING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. SHORT TITLE.--This act may be cited as the
"Threatening School Violence Act".

SECTION 2. DEFINITION.--As used in the Threatening School
Violence Act, "institution of higher education" means a private
or public post-secondary educational institution, a trade
school or a professional school.

SECTION 3. THREATENING SCHOOL VIOLENCE--PENALTY.--

A. A person commits threatening school violence
when:

(1) the person knowingly communicates, by any
means, to any person, a threat to commit an unlawful act

.192599.1

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1 involving a deadly weapon while on the property of any public
2 or private school or institution of higher education; and

3 (2) the person either:

4 (a) intends to commit the threatened
5 unlawful act;

6 (b) intends that any student or employee
7 of the school or institution be placed in fear of being a
8 victim of the threatened unlawful act; or

9 (c) has committed an act or pursued a
10 pattern of conduct that would, taken together with the threat,
11 place a reasonable person in fear of being a victim of the
12 threatened unlawful act.

13 B. Whoever commits threatening school violence is
14 guilty of a misdemeanor.

15 SECTION 4. AGGRAVATED THREATENING SCHOOL VIOLENCE--
16 PENALTY.--

17 A. Aggravated threatening school violence consists
18 of:

19 (1) a second or subsequent offense of
20 threatening school violence;

21 (2) threatening school violence when the
22 defendant intends to commit the threatened unlawful act, has
23 the means to commit the threatened unlawful act and takes a
24 substantial step in preparation to commit the unlawful act; or

25 (3) threatening school violence when the

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1 defendant intentionally causes substantial disruption of the
2 educational process.

3 B. Whoever commits aggravated threatening school
4 violence is guilty of a fourth degree felony.

5 SECTION 5. CHILD THREATENING SCHOOL VIOLENCE--DETENTION--
6 HEARING.--

7 A. If a public school administrator or employee has
8 reasonable cause to believe that a child has committed the
9 offense of threatening school violence, the administrator or
10 employee shall immediately report the child's actions to a law
11 enforcement agency and the children, youth and families
12 department.

13 B. Upon receipt of a report pursuant to Subsection
14 A of this section, the law enforcement agency may conduct an
15 investigation to determine if there is probable cause to
16 believe that the child committed the offense of threatening
17 school violence.

18 C. If the law enforcement agency determines there
19 is probable cause to believe that the child committed the
20 offense of threatening school violence, the law enforcement
21 agency may take the child into custody and deliver the child to
22 a detention facility licensed by the children, youth and
23 families department. After the child is delivered to a
24 detention facility, the children, youth and families department
25 shall comply with the notification provisions set forth in

.192599.1

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1 Subsection D of Section 32A-2-10 NMSA 1978. The child shall be
2 detained in the detention facility, pending a detention hearing
3 pursuant to Section 32A-2-13 NMSA 1978.

4 SECTION 6. EFFECTIVE DATE.--The effective date of the
5 provisions of this act is July 1, 2013.