

SENATE BILL 3391
By Herron

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 13, relative to terroristic threats.

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, is amended by adding the following language as a new, appropriately designated Part 9:

§ 39-13-901.

(a) A person is guilty of terroristic threatening in the first degree when the person:

(1) Intentionally makes false statements that the person or another person has placed a weapon of mass destruction on:

(A) The real property or any building of any public or private elementary or secondary school, vocational school, or institution of postsecondary education;

(B) A school bus or other vehicle owned, operated, or leased by a school;

(C) The real property or any building public or private that is the site of an official school-sanctioned function; or

(D) The real property or any building owned or leased by a government agency; or

(2) Intentionally and without lawful authority, places a counterfeit weapon of mass destruction at any location or on any object specified in subdivision (1) of this subsection.

(b) A counterfeit weapon of mass destruction is placed with lawful authority if it is placed, with the written permission of the chief officer of the school or other institution, as a part of an official training exercise and is placed by a public servant, as defined in § 39-16-401.

(c) A person is not guilty of commission of an offense under this section if the person, innocently and believing the information to be true, communicates a threat made by another person to school personnel, a peace officer, a law enforcement agency, a public agency involved in emergency response, or a public safety answering point and identifies the person from whom the threat was communicated, if known.

(d) A weapon of mass destruction shall include, but not be limited to, biological, chemical, nuclear, or radiological agents.

(e) Terroristic threatening in the first degree is a Class D felony.

§ 39-13-902.

(a) A person is guilty of terroristic threatening in the second degree when, other than as provided in § 39-13-901, the person intentionally:

(1) With respect to a school function, threatens to commit any act likely to result in death or serious physical injury to any student group, teacher, volunteer worker, or employee of a public or private elementary or secondary school, vocational school, or institution of postsecondary education, or to any other person reasonably expected to lawfully be on school property or at a school- sanctioned activity, if the threat is related to their employment by a school, or work or attendance at school, or a school function. A threat directed at a person or persons or at a school

does not need to identify a specific person or persons or school in order for a violation of this section to occur;

(2) Makes false statements that he or she has placed a weapon of mass destruction at any location other than one specified in § 39-13-901; or

(3) Without lawful authority places a counterfeit weapon of mass destruction at any location other than one specified in § 39-13-901.

(b) A counterfeit weapon of mass destruction is placed with lawful authority if it is placed as part of an official training exercise by a public servant, as defined in § 39-16-401.

(c) A person is not guilty of commission of an offense under this section if he or she, innocently and believing the information to be true, communicates a threat made by another person to school personnel, a peace officer, a law enforcement agency, a public agency involved in emergency response, or a public safety answering point and identifies the person from whom the threat was communicated, if known.

(d) A weapon of mass destruction shall include, but not be limited to, biological, chemical, nuclear, or radiological agents.

(e) Terroristic threatening in the second degree is a Class E felony.

§ 39-13-903.

(a) Except as provided in § 39-13-901 or § 39-13-902, a person is guilty of terroristic threatening in the third degree when a person:

(1) Threatens to commit any crime likely to result in death or serious physical injury to another person or likely to result in substantial property damage to another person; or

(2) Intentionally makes false statements for the purpose of causing evacuation of a building, place of assembly, or facility of public transportation.

(b) Terroristic threatening in the third degree is a Class A misdemeanor.

SECTION 2. This act shall take effect on July 1, 2006, the public welfare requiring it.