

## CHAPTER 96

## ( HB 130 )

AN ACT relating to terroristic threatening.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 508.078 is amended to read as follows:

- (1) A person is guilty of terroristic threatening in the second degree when, other than as provided in KRS 508.075, he or she intentionally:
  - (a) With respect to *any scheduled, publicly advertised event open to the public, any place of worship, or any*~~at~~ school function, threatens to commit any act likely to result in death or serious physical injury to any *person at a scheduled, publicly advertised event open to the public, any person at a place of worship, or 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 *at a scheduled, publicly advertised event open to the public, place of worship,* 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;
  - (b) Makes false statements that he or she has placed a weapon of mass destruction at any location other than one specified in KRS 508.075; or
  - (c) Without lawful authority places a counterfeit weapon of mass destruction at any location other than one specified in KRS 508.075.
- (2) 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 KRS 522.010.
- (3) 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.
- (4) *Except as provided in subsection (5) of this section,* terroristic threatening in the second degree is a Class D felony.
- (5) *Terroristic threatening in the second degree is a Class C felony when, in addition to violating subsection (1) of this section, the person intentionally engages in substantial conduct required to prepare for or carry out the threatened act, including but not limited to gathering weapons, ammunition, body armor, vehicles, or materials required to manufacture a weapon of mass destruction.*

➔Section 2. The restrictions of KRS 6.945(1) shall not apply to Section 1 of this Act.

**Signed by Governor March 26, 2019.**