

1 AN ACT relating to terroristic threatening.

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

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

- 4 (1) A person is guilty of terroristic threatening in the second degree when, other than as
5 provided in KRS 508.075, he or she intentionally:
- 6 (a) With respect to a school function, threatens to commit any act likely to result
7 in death or serious physical injury to any student group, teacher, volunteer
8 worker, or employee of a public or private elementary or secondary school,
9 vocational school, or institution of postsecondary education, or to any other
10 person reasonably expected to lawfully be on school property or at a school-
11 sanctioned activity, if the threat is related to their employment by a school, or
12 work or attendance at school, or a school function. A threat directed at a
13 person or persons or at a school does not need to identify a specific person or
14 persons or school in order for a violation of this section to occur;
- 15 (b) Makes false statements that he or she has placed a weapon of mass destruction
16 at any location other than one specified in KRS 508.075; or
- 17 (c) Without lawful authority places a counterfeit weapon of mass destruction at
18 any location other than one specified in KRS 508.075.
- 19 (2) A counterfeit weapon of mass destruction is placed with lawful authority if it is
20 placed as part of an official training exercise by a public servant, as defined in KRS
21 522.010.
- 22 (3) A person is not guilty of commission of an offense under this section if he or she,
23 innocently and believing the information to be true, communicates a threat made by
24 another person to school personnel, a peace officer, a law enforcement agency, a
25 public agency involved in emergency response, or a public safety answering point
26 and identifies the person from whom the threat was communicated, if known.
- 27 (4) ***Except as provided in subsection (5) of this section,*** terroristic threatening in the

1 second degree is a Class D felony.

2 **(5) Terroristic threatening in the second degree is a Class C felony when, in addition**
3 **to violating subsection (1) of this section, the person intentionally engages in**
4 **substantial conduct required to prepare for or carry out the threatened act,**
5 **including but not limited to gathering weapons, ammunition, body armor,**
6 **vehicles, or materials required to manufacture a weapon of mass destruction.**

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