

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 ***any public gathering, place of public accommodation,***  
7 ***church, place of worship, or any***~~[a]~~ school function, threatens to commit any  
8 act likely to result in death or serious physical injury to any ***person attending***  
9 ***any public gathering, any person at a place of public accommodation, any***  
10 ***person at a church, any person at a place of worship, any*** student group,  
11 teacher, volunteer worker, or employee of a public or private elementary or  
12 secondary school, vocational school, or institution of postsecondary education,  
13 or to any other person reasonably expected to lawfully be on school property  
14 or at a school-sanctioned activity, if the threat is related to their employment  
15 by a school, or work or attendance at school, or a school function. A threat  
16 directed at a person or persons ***attending any public gathering or at a place***  
17 ***of public accommodation, church, place of worship,*** ~~[at a]~~ school does not  
18 need to identify a specific person or persons or school in order for a violation  
19 of this section to occur;
- 20 (b) Makes false statements that he or she has placed a weapon of mass destruction  
21 at any location other than one specified in KRS 508.075; or
- 22 (c) Without lawful authority places a counterfeit weapon of mass destruction at  
23 any location other than one specified in KRS 508.075.
- 24 (2) A counterfeit weapon of mass destruction is placed with lawful authority if it is  
25 placed as part of an official training exercise by a public servant, as defined in KRS  
26 522.010.
- 27 (3) A person is not guilty of commission of an offense under this section if he or she,

1 innocently and believing the information to be true, communicates a threat made by  
2 another person to school personnel, a peace officer, a law enforcement agency, a  
3 public agency involved in emergency response, or a public safety answering point  
4 and identifies the person from whom the threat was communicated, if known.

5 (4) Except as provided in subsection (5) of this section, terroristic threatening in the  
6 second degree is a Class D felony.

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

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