

Dear Parent/Guardian,

Our most important function in the KY Tech (area technology centers) District is to provide the safest learning environment possible for all of our students and school staff members.

Unfortunately, in recent years, Kentucky's P-12 schools have experienced an escalation of terroristic threats being made by students with intent to do harm to either other students or school staff members. Plainly stated, these are threats being made to shoot people or detonate bombs with lethal intent. In fact, between January 23 and April 30<sup>th</sup> of 2018, Kentucky schools experienced (294) terroristic threats that caused widespread fear throughout the school's community and resulted in total disruption to the educational process. In many of those cases, school officials and law enforcement officials were forced to close schools to investigate the threats that had been made. In other cases, school attendance plummeted for days after the threat was made. Many school leaders have said that the emotional, instructional, and financial impacts of these acts are incalculable.

**Terroristic Threatening in the second degree is defined in state law (KRS 508.078)**

**(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:**

**b) Makes false statements by any means, including by electronic communication, for the purpose of:**

- 1. Causing evacuation of a school building, school property, or school-sanctioned activity;**
- 2. Causing cancellation of school classes or school-sanctioned activity; or**
- 3. Creating fear of serious bodily harm among students, parents, or school personnel**

**(For the complete text for KRS 508.078 please see the attached page.)**

Such threats to our students and school staff are totally unacceptable and will not be tolerated. As a result, the purpose of this letter is to notify all parents and guardians that school district officials (in coordination with responding law enforcement agencies) will **pursue immediate legal charges for felony terroristic threatening in the second degree, to the absolute fullest extent of the law, against anyone who makes such threats, including students.** Moreover, we will advocate to our highest ability that the prosecution of these individuals be swift, and their punishment be severe.

Our approach to eliminating terroristic threatening in our school and district is strong and unwavering, and as a result, it is imperative that you discuss this critically important matter with your students as soon as possible. School and law enforcement officials are determined to put a halt to these willful acts of terrorism being made toward our students. Please do your part to ensure that your student never becomes a party to such an offense by educating him/her on the seriousness of its consequences.

Together we can prevent this unnecessary, dangerous, and disruptive crime from victimizing our schools. I appreciate your partnership in keeping our school the safest place for your students to learn and grow.

If you have any questions or concerns, please contact me at your convenience.

Sincerely,

Joe Mayabb, Breathitt County ATC

**PLEASE CAREFULLY REVIEW DETAILS OF KRS 508.078 ON FOLLOWING PAGE**

508.078 Terroristic threatening in the second degree.

- (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 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 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 by any means, including by electronic communication, for the purpose of:
    1. Causing evacuation of a school building, school property, or school-sanctioned activity;
    2. Causing cancellation of school classes or school-sanctioned activity; or
    3. Creating fear of serious bodily harm among students, parents, or school personnel;
  - (c) 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
  - (d) 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.

### **Penalties**

KRS 532.060 Sentence of imprisonment for felony -- Post incarceration supervision, provides, in part:

- (1) A sentence of imprisonment for a felony shall be an indeterminate sentence, the maximum of which shall be fixed within the limits provided by subsection (2), and subject to modification by the trial judge pursuant to KRS 532.070.
- (2) Unless otherwise provided by law, the authorized maximum terms of imprisonment for felonies are: (a) For a Class A felony, not less than twenty (20) years nor more than fifty (50) years, or life imprisonment;
- (b) For a Class B felony, not less than ten (10) years nor more than twenty (20) years;
- (c) For a Class C felony, not less than five (5) years nor more than ten (10) years; and
- (d) For a Class D felony, not less than one (1) year nor more than five (5) years.

KRS 534.030 Fines for felonies, provides:

- (1) Except as otherwise provided for an offense defined outside this code, a person who has been convicted of any felony shall, in addition to any other punishment imposed upon him, be sentenced to pay a fine in

an amount not less than one thousand dollars (\$1,000) and not greater than ten thousand dollars (\$10,000) or double his gain from commission of the offense, whichever is the greater.

(2) In determining the amount and method of paying a fine for commission of a felony, the court shall consider, among others, the following factors:

(a) The defendant's ability to pay the amount of the fine;

(b) The hardship likely to be imposed on the defendant's dependents by the amount of the fine and the time and method of paying it;

(c) The impact the amount of the fine will have on the defendant's ability to make reparation or restitution to the victim; and

(d) The amount of the defendant's gain, if any, derived from the commission of the offense.

(3) When a defendant is convicted of two (2) or more felonies committed through a single act and is sentenced to fines pursuant to subsection (1), the aggregate amount of the fines shall not exceed ten thousand dollars (\$10,000) or double the amount of the defendant's gain from commission of the offenses, whichever is the greater.

(4) Fines required by this section shall not be imposed upon any person determined by the court to be indigent pursuant to KRS Chapter 31.

(5) This section shall not apply to a corporation.