

Threat or Hoax – Personal, Terroristic

It is the policy of Bon Homme School District and SDCL 22-14A-24 through 22-14A-27 that the communication of a threat or hoax will not be permitted. Any report will be investigated by a team including Administration, Counseling, and Law Enforcement. If the team deems this as a serious threat, the student will face a minimum of five days suspension and the possibility of expulsion by action of the Bon Homme School Board for the entire school year. Before the individual is readmitted to the school a psychological evaluation must be completed at the parent's expense. This evaluation must be done by a licensed Psychologist, Psychiatrist, or Qualified Mental Health Professional (QMHP), and a confidential written report must be sent to the district office. Readmission to the school will be based on the recommendations of the psychological evaluation. Any employee who communicates a threat or hoax by any means may face suspension or termination of employment. Any individual who communicates a terroristic threat or hoax will be reported to local law enforcement agencies for possible disposition of a criminal activity.

The communication of a terroristic threat or hoax is a criminal offense and can carry felony penalties of \$10,000.00 in fines and 10 years in prison. A terroristic threat or hoax can be verbal, written, or physical in nature. For example, a student or adult who etches terroristic threats on places such as a wall or floor, calls the school, an individual threatening violence, or uses a hoax substance to make people believe it is dangerous, can face criminal penalties.

Any person who intentionally communicates a threat or leaves a substance or device, thereby causing either a public inconvenience, or the evacuation or disruption of a building, place of assembly, facility of public or school transport, or a school related event, is guilty of communicating a terroristic threat which is a felony.

Any person who intentionally possesses, transports, uses, or places any hoax substance or hoax destructive device with the intent of causing anxiety, unrest, fear, or personal discomfort is guilty of a felony.

A student may not make any threats to do bodily harm to a teacher, administrator, other school employee, another student, or to other individuals: (a) on school property during or immediately before or after schools hours; (b) on school property at any time when the school is being used by a school group; or (c) off school property while at a school activity or event.

Courts may, after conviction or adjudication of any violation SDCL 22-14A-22 and 22-14A-24 through 22-14A-27, inclusive, conduct a hearing to ascertain the extent of costs incurred, damages and financial loss suffered by local, county, or state public agencies, and the amount of property damage caused as a result of the crime. A person found guilty of violating these Laws, inclusive, may upon conviction be ordered to make restitution to the local, county, or State Public Service Agency for any costs incurred, damages and financial loss or property damage sustained as a result of the commission of the crime.

The Law clearly states there may be no cause of action against any person based upon or arising out of any act or omission relating to any good faith response to a terrorist act, attempted terrorist act, or hoax.

Any person who makes a false report, with intent to deceive, mislead, or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite, explosive, destructive device, dangerous chemical, biological agent, poison or harmful radioactive substance, is guilty of falsely reporting a threat. Falsely reporting a threat is a felony. Any person found guilty of falsely reporting a threat shall pay restitution for any expense incurred as a result of the crime. The person is also civilly liable for any injury to person or property from the false report and any costs related to responding to the false report.

Legal References: SDCL 22-14A-24 through 22-14A-27; 22-1-2

Adopted: October 2002

Revised: November 10, 2008