

- SUBJECT:** Making a false alarm or report to an institution of higher education
- COMMITTEE:** Criminal Jurisprudence — committee substitute recommended
- VOTE:** 8 ayes — Herrero, Carter, Canales, Hughes, Leach, Moody, Schaefer, Toth
0 nays
1 absent — Burnam
- WITNESSES:** For — (*Registered, but did not testify*: Clifford Herberg, Bexar County Criminal District Attorney’s Office; John Hrncir, City of Austin; Carol McDonald, Independent Colleges and Universities of Texas, Inc.; James McLaughlin, Texas Police Chiefs Association)

Against — None

On — Rodney McClendon, Texas A&M University; (*Registered, but did not testify*: Gerald Harkins, University of Texas at Austin)
- BACKGROUND:** Penal Code, sec. 42.06 makes reporting a false bombing, fire, offense, or other emergency a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000). The offense is a state-jail felony (180 days to two years in a state jail and an optional fine of up to \$10,000) if it involves a public primary or secondary school, public communications, public transportation, a public water, gas, or power supply, or other public service.
- DIGEST:** CSHB 1284 would add public and private institutions of higher education to the list of entities to which making a false alarm or report of a bombing, fire, or other emergency was a state jail felony.

The bill would require institutions of higher education to notify all incoming students as soon as practicable of the penalty for making a false alarm or report. Institutions that determined that notifying incoming students was not feasible would not be required to comply.

Institutions of higher education would have to notify all enrolled students by October 1, 2013.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013, and would apply to an offense committed on or after that date.

**SUPPORTERS
SAY:**

CSHB 1284 would increase the penalty for making a bomb threat or other false report of an emergency to an institution of higher education, which appropriately would reflect the serious nature of this crime. Making such a false report is dangerous, expensive, and detracts from the educational goals of Texas' colleges and universities. Complacency resulting from the high number of false alarms poses a major public safety risk that could end tragically. By stiffening the penalty for this offense, the bill would increase the deterrent against this increasingly common problem in the future.

The incidence of false bomb threats has increased significantly at Texas' institutions of higher education, including eight already this academic year. The real fear is that institutions and students may become complacent in their response to these false alarms and that a real incident could end up causing even more harm. Stiffening the penalty would be a constructive step toward reducing the number of false threats. Texas statute already makes it a state jail felony to make a false threat at K-12 schools, and threats to colleges and universities should carry the same penalty.

Evacuating buildings — and sometimes an entire campus with more than 60,000 faculty, staff, and students in the case of Texas' largest universities — can cost an institution millions of dollars and incalculable losses in educational value. The scenarios vary, depending on the extent of an evacuation and campus search, but one university estimated that a false claim causing a full evacuation costs the university around \$374,000 an hour in wasted class time, employee benefits, emergency response, and other related costs. The losses associated with cancelled lectures, closed libraries, and lost research time are impossible to quantify. While some critics recognize that the bill would not deter all future false alarms, CSHB 1284 would send a strong message that these threats are unacceptable. Even a small reduction would be a significant step toward increasing safety and reducing distractions.

By including a provision requiring universities to notify students of the

penalty, the bill would include a helpful educational component. While the notification requirement would not inform all potential violators, it would be the best way to begin publicizing the increased penalty so that it did not become just an obscure part of the Penal Code. Critics who argue that the bill would place an unnecessary burden on universities and colleges should note the flexibility the bill would give institutions to tailor the notification requirements to their own circumstances and opt out of notifying incoming students if it were not feasible.

**OPPONENTS
SAY:**

While CSHB 1284 is well intended, the bill would burden college and university administrations with a notification requirement outside the scope of education. In addition, the notification requirement would not be effective. In many cases when bomb threats are falsely reported at universities, including several instances at Texas A&M, it turns out not to have been a student who made the threat.

NOTES:

CSHB 1284 differs from the bill as filed in that it would require institutions of higher education to notify enrolled students of the penalty for a false alarm and to notify incoming students unless the institution determined it was not feasible. The committee substitute also could take immediate effect.