**Making a False Report Concerning Mass Violence on Educational Property**

**N.C.G.S. §14-277.5**

*Elements:*

1. Makes a report
2. To any person or groups of persons
3. That an act of mass violence
4. Is going to occur
5. On educational property or at a school-sponsored activity 6. Knowing or having reason to know that the report is false.

*Issues to spot:*

* Element of “report” requires specificity – otherwise too vague o Who are the individuals to be targeted, how is the violence to be carried out, when will it occur (day and time)?
* Did your client use conditional language?

o Might, should, could, will if another event or action occurs – does not support specificity

* Purpose of the statute is to prevent costs/damage resulting from disruption of normal school activity (see §14-277.5 (c) regarding restitution and reference to the disruption of normal activity that would have occurred on the premises but for the false report) seems to indicate the need for specificity  Statute is constitutionally vague otherwise

*Defenses:*

* Consider arguing a different crime was actually committed o §14-288.4(a)(6) – Disorderly conduct by disrupting students
	+ Intentionally
	+ Causes a public disturbance
	+ By
* Disrupting, disturbing, or interfering with the teaching of students at an educational institution, *or*

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* Engaging in conduct that disturbs the peace, order, or discipline at an educational institution or the adjacent grounds.

o §14-27.1 – Communicating Threats

* Without lawful authority
	+ Willfully threatens to physically injure o Another person, *or* o That person’s child, sibling, spouse, or dependent, *or*
	+ Willfully threatens to damage another’s property, *and*
* Communicates that threat to the other person
* In a manner that would make a reasonable person believe it is likely to be carried out, *and*
* The threat is believed by the threatened person.

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