



Threat to Conduct Violence

There are currently no criminal penalties associated with making a verbal threat to a school or other institution to conduct mass shootings or acts of terrorism. Recent events have seen people make threats to “shoot up” a school or place of worship and no charges can be brought against the person making the verbal threat. However, if that same person would have written down and sent the threat in an email or letter then they could be arrested and prosecuted for a 2nd degree felony. This legislation proposes making a verbal threat to use a firearm or weapon with intent to do bodily harm a 3rd degree felony.

Because we are criminalizing speech, the legislation has been drafted in a way as to not violate the 1st Amendment and to be consistent with case law establishing the statutory boundaries of criminalizing verbal statements (See the U.S. Supreme Court decision in *FL v. Perez* from 2017).

Florida Statute 790.162 currently makes it a crime to verbally threaten to throw, project, place or discharge a destructive device with the intent of harming someone or someone’s property. This legislation only adds the prohibition against making a verbal threat with the intent of harming someone or someone’s property with a gun or other weapon to this statute.

Support HB 311 by Rep. Massullo & SB 728 by Sen. Stargel

