

Pineville Independent School

"The Standard of Excellence"

401 W. Virginia Ave.

Pineville, Kentucky 40977

Phone 606.337.5701

Fax 606.337.4395

Mr. D. Russell Thompson

Superintendent

Mrs. Catrina McDermott, Principal

Mr. Randy Frazier, Asst. Principal

Ms. Kathy Warren, Counselor

Mr. Teresa Ralston, FRYS

21 August 2021

Dear parent(s):

Safety is one of the most pressing concerns for schools today, especially with the escalation of threats or the follow-through of violence on school employees and/or students. Our district has an obligation to provide a safe learning environment for all students, teachers, and staff.

It is unfortunate that an increase in threats involving students and staff members has led to new legislations regarding "terroristic threatening". We are required to provide parents and guardians with information regarding terroristic threatening. In accordance with the law, schools/districts are required to pursue immediate legal charges for felony terroristic threatening in the second degree. The school must act in accordance with the law with the collaboration of law enforcement.

The definition of Terroristic Threatening in the second degree is found 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 or serious bodily harm among students, parents, or school personnel.

Any threats to school students or staff are intolerable and punishable by law by up to 10 years imprisonment and/or up to \$10,000 fine. (KRS 532.020).

KRS 158.1559 mandates that we provide you with written notice of the following statutes:

KRS 508.078, 532.060, and 534.030. These three statutes, as well as the one requiring our school to provide this information, are attached for you to access and read. You may contact the school or district with any questions you may have.

Thank you,

Catrina McDermott

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<https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=48496>

158.1559 Superintendent of each local school district shall require the principal of each school within the district to provide written notice to all students, parents, and guardians about the provisions of KRS 508.078, and the potential penalties for terroristic threatening -- Notice shall be given within ten days of the first instructional day of each school year.

The superintendent of each local school district shall require the principal of each school within the district to provide written notice to all students, parents, and guardians of students within ten (10) days of the first instructional day of each school year of the provisions of KRS 508.078 and potential penalties under KRS 532.060 and 534.030 upon conviction.

Effective: March 11, 2019

History: Created 2019 Ky. Acts ch. 5, sec. 22, effective March 11, 2019.

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<https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=48845>

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.

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Effective: June 27, 2019

History: Amended 2019 Ky. Acts ch. 5, sec. 20, effective March 11, 2019.; and ch. 96, sec. 1, effective June 27, 2019. -- Amended 2019 Ky. Acts ch. 96, sec. 1, effective June 27, 2019 -- Created 2001 Ky. Acts ch. 113, sec. 2, effective June 21, 2001.

Legislative Research Commission Note (6/27/2019). This statute was amended by 2019 Ky. Acts chs. 5 and 96, which do not appear to be in conflict and have been codified together.

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<https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=39556>

532.060 Sentence of imprisonment for felony -- Postincarceration supervision.

- (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.
- (3) For any felony specified in KRS Chapter 510, KRS 530.020, 530.064(1)(a), or 531.310, the sentence shall include an additional five (5) year period of postincarceration supervision which shall be added to the maximum sentence rendered for the offense. During this period of postincarceration supervision, if a defendant violates the provisions of postincarceration supervision, the defendant may be reincarcerated for:
 - (a) The remaining period of his initial sentence, if any is remaining; and
 - (b) The entire period of postincarceration supervision, or if the initial sentence has been served, for the remaining period of postincarceration supervision.
- (4) In addition to the penalties provided in this section, for any person subject to a period of postincarceration supervision pursuant to KRS 532.400 his or her sentence shall include an additional one (1) year period of postincarceration supervision following release from incarceration upon expiration of sentence if the offender is not otherwise subject to another form of postincarceration supervision. During this period of postincarceration supervision, if an offender violates the provisions of supervision, the offender may be reincarcerated for the remaining period of his or her postincarceration supervision.
- (5) The actual time of release within the maximum established by subsection (1), or as modified pursuant to KRS 532.070, shall be determined under procedures established elsewhere by law.

Effective: June 8, 2011

History: Amended 2011 Ky. Acts ch. 2, sec. 38, effective June 8, 2011. -- Amended 2006 Ky. Acts ch. 182, sec. 65, effective July 12, 2006. -- Amended 1998 Ky. Acts ch. 606, sec. 70, effective July 15, 1998. -- Created 1974 Ky. Acts ch. 406, sec. 278, effective January 1, 1975.

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<https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=20097>

534.030 Fines for felonies.

- (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.

Effective: July 15, 1994

History: Amended 1994 Ky. Acts ch. 403, sec. 1, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 497, sec. 6, effective July 13, 1990. -- Amended 1978 Ky. Acts ch. 101, sec. 7, effective June 17, 1978. -- Created 1974 Ky. Acts ch. 406, sec. 292, effective January 1, 1975.