

**LOST**

Senator Jackson of the 41st offered the following amendment #2:

1 *Amend the Senate Committee on Judiciary substitute to HB 268 (LC 49 2396S) by replacing*  
2 *lines 1360 through 1362 with the following:*

3 Said chapter is further amended by revising subsection (a) and paragraph (2) of subsection  
4 (b) and by adding a new subsection to Code Section 20-2-1181, relating to disrupting  
5 operation of public school, school bus, or school bus stop, penalty, and progressive  
6 discipline, to read as follows:

7 *By deleting the quotation mark at the end of line 1383 and inserting between lines 1383 and*  
8 *1384 the following:*

9 (c) Nothing in the Code section shall be construed to apply to speech protected by Georgia  
10 Constitution or the First Amendment to the United States Constitution."

11 *By inserting between lines 1412 and 1413 the following:*

12 (b.1) In determining whether a statement constitutes a terroristic threat under  
13 subsection (b) of this Code section, the trier of fact shall consider:

14 (1) The full context and circumstances surrounding the statement;

15 (2) The person's capacity to form intent and understand their statement's consequences,  
16 considering their age, education, and cognitive development;

17 (3) Any language barrier, intellectual disability, developmental disability, cognitive  
18 impairment, mental health condition, or neurological difference that may affect  
19 comprehension or communication; and

20 (4) Whether a reasonable person, fully aware of the individual's limitations and  
21 circumstances, would perceive the statement as a genuine threat.

22 *By deleting the quotation mark at the end of line 1446 and inserting between lines 1446 and*  
23 *1447 the following:*

24 (e) No person shall be convicted under this Code section if he or she lacked specific intent  
25 to terrorize due to limited English proficiency, intellectual disability, developmental  
26 disability, cognitive impairment, mental health condition, or neurological difference that  
27 prevented them from understanding their statement's threatening nature. The prosecution  
28 bears the burden of proving beyond a reasonable doubt both the specific intent to terrorize  
29 and the capacity to comprehend the threatening nature of the statement."