

(a) A person shall not by words or conduct knowingly:

- (1) threaten another person; and
- (2) as a result of the threat, place the other person in reasonable apprehension of death or serious bodily injury.

(b) A person who violates subsection (a) of this section shall be imprisoned not more than one year or fined not more than \$1,000.00, or both.

(c) A person who violates subsection (a) of this section with the intent to prevent another person from reporting to the Department for Children and Families the suspected abuse or neglect of a child shall be imprisoned not more than two years or fined not more than \$1,000.00, or both.

(d) A person who threatens to cause serious bodily injury to more than one person through the use of a firearm or explosive device, and as a result of the threat, places any other person in reasonable apprehension of death or serious bodily injury, shall be imprisoned for not more than three years or fined not more than \$1,000.00, or both.

(e) A person who threatens to use a firearm or explosive device in a school building, on school grounds, or in an institution of higher education, to cause serious bodily injury, and as a result of the threat, places any other person in reasonable apprehension of death or serious bodily injury, shall be imprisoned for not more than five years or fined not more than \$5,000.00 or both.

(df) As used in this section:

- (1) "Serious bodily injury" shall have the same meaning as in section 1021 of this title.
- (2) "Threat" and "threaten" shall not include constitutionally protected activity.

(eg) Any person charged under ~~this~~ subsection (a) or (c) of this section who is under 18 years of age shall be adjudicated as a juvenile delinquent.

(f) It shall be an affirmative defense to a charge under this section that the person did not have the ability to carry out the threat. The burden shall be on the defendant to prove the affirmative defense by a ~~preponderance of the evidence~~ clear and convincing evidence.