

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2195 Session of
2001

INTRODUCED BY GODSHALL, M. BAKER, BARD, BELFANTI, CAPPELLI,
CASORIO, CLARK, L. I. COHEN, CORRIGAN, COSTA, CREIGHTON,
CRUZ, DONATUCCI, FAIRCHILD, FRANKEL, HARHAI, HERSHEY, HESS,
HORSEY, KELLER, LUCYK, MARSICO, MCGEEHAN, MELIO, NAILOR,
PICKETT, SATHER, SCHRODER, SHANER, B. SMITH, STABACK,
E. Z. TAYLOR, TRELLO, TURZAI, WASHINGTON, WATSON, WOJNAROSKI,
YOUNGBLOOD, PALLONE AND ADOLPH, DECEMBER 3, 2001

REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 3, 2001

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, defining the offense of delivery of
3 facsimile biological or chemical agent; and imposing a
4 penalty.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 18 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 5518. Delivery of facsimile biological or chemical agent.

10 (a) Offense defined.--A person commits an offense if the
11 person intentionally delivers or causes to be delivered a
12 facsimile biological or chemical agent:

13 (1) with the intent to threaten, terrify, intimidate or
14 harass an individual;

15 (2) with the intent to cause evacuation of a building,
16 place of assembly or facility of public transportation; or

1 (3) with the intent to cause serious public
2 inconvenience.

3 (b) Exceptions.--The provisions of this section shall not
4 apply to research, medical or veterinary services, including
5 immunizations, vaccinations or other treatments administered
6 during the normal scope of practice.

7 (c) Grading.--An offense under subsection (a) constitutes a
8 felony of the third degree.

9 (d) Restitution.--A person convicted of violating this
10 section shall, in addition to any other sentence imposed, be
11 sentenced to pay restitution in an amount equal to the cost of
12 any evacuation, including, but not limited to, the cost of fire,
13 police or ambulance response and the transportation of staff
14 from the building, place of assembly or facility.

15 (e) Definitions.--As used in this section, the following
16 words and phrases shall have the meanings given to them in this
17 subsection:

18 "Biological agent." A natural pathogen, toxin, virus,
19 bacteria, prion, fungus or genetically engineered pathogen,
20 toxin, virus, bacteria, prion or fungus which causes infectious
21 disease or bodily harm.

22 "Chemical agent." Any of the following:

23 (1) Nerve agent, including, but not limited to, Tabun
24 (GA), Sarin (GB), Soman (GD), GF and VX.

25 (2) Choking agent, including, but not limited to,
26 Phosgene (CG) and Diphosgene (DP).

27 (3) Blood agent, including, but not limited to, Hydrogen
28 Cyanide (AC), Cyanogen Chloride (CK) and Arsine (SA).

29 (4) Blister agent, including, but not limited to,
30 mustard (H, HD (sulfur mustard)), HN-1, HN-2, HN-3 (nitrogen

1 mustard), arsenical, such as Lewisite (L), urticant, such as
2 CX; and incapacitating agent, such as BZ.
3 "Facsimile biological or chemical agent." A device or
4 substance which resembles in appearance and external qualities a
5 biological or chemical agent but does not have the capability to
6 cause death or bodily harm.

7 Section 2. This act shall take effect in 60 days.