

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1839 Session of
2005

INTRODUCED BY PALLONE, BELFANTI, CALTAGIRONE, CAWLEY, DeLUCA,
FABRIZIO, GEIST, GEORGE, GOODMAN, GRUCELA, HARHAI, HENNESSEY,
KIRKLAND, KOTIK, LEDERER, LESCOVITZ, PHILLIPS, PISTELLA,
SHANER, TANGRETTI, J. TAYLOR, WALKO AND YOUNGBLOOD,
JULY 2, 2005

REFERRED TO COMMITTEE ON JUDICIARY, JULY 2, 2005

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for the offenses of
3 terrorism, soliciting or providing support for an act of
4 terrorism and hindering prosecution for an act of terrorism
5 and for penalties.

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

8 Section 1. This act shall be known and may be cited as the
9 Anti-Terrorism Act.

10 Section 2. Title 18 of the Pennsylvania Consolidated
11 Statutes is amended by adding sections to read:

12 § 2717. Terrorism.

13 (a) Offense.--A person commits the offense of terrorism if,
14 with the intent to intimidate or coerce a civilian population,
15 influence the policy of a government by intimidation or
16 coercion, or affect the conduct of a government by mass
17 destruction, assassination or kidnapping, he commits a specified
18 offense under this part that involves a violent act or an act

dangerous to human life, including an attempt or conspiracy to
commit any such offense.

(b) Grading and penalty.--If the specified offense is a
misdemeanor or a felony of the third or second degree, an
offense under this section shall be classified one degree higher
in the classification specified in section 106 (relating to
classes of offenses) than the classification of the specified
offense. If the specified offense is a felony of the first
degree, a person convicted of an offense under this section
shall be sentenced to a term of imprisonment fixed by the court
at not more than 40 years and may be sentenced to pay a fine of
not more than \$50,000. If the specified offense resulted in the
death of a person other than one of the participants, sentencing
shall be in accordance with 42 Pa.C.S. § 9711 (relating to
sentencing procedure for murder of the first degree).

(c) Application of section.--This section shall not apply to
conduct by a party to a labor dispute as defined in the act of
June 2, 1937 (P.L.1198, No.308), known as the Labor Anti-
Injunction Act, or to any constitutionally protected activity.

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

"Dangerous to human life." An act which is intended to or
likely to cause death or serious bodily injury.

"Mass destruction." An act which is intended to or likely to
destroy or cause serious damage to another person or persons,
transportation-related infrastructure or facilities, energy-
related infrastructure or facilities, public or private
buildings, places of public accommodation or public works by
explosion, fire, flood, avalanche, collapse and release of

1 poison gas, radioactive material or other harmful substance or
2 by any other means causing potential widespread death, injury or
3 damage.

4 § 2718. Soliciting or providing support for terrorism and
5 terrorist organizations.

6 (a) Offense.--A person commits the offense of soliciting or
7 providing support for terrorism or a terrorist organization
8 when, with the intent that the material support or resources
9 will be used, in whole or in part, to plan, prepare, carry out
10 or aid in terrorism or the concealment of, or an escape from,
11 terrorism, he raises, solicits, collects or provides material
12 support or resources.

13 (b) Grading.--Notwithstanding the provisions of section
14 2717(b) (relating to terrorism), if the total value of material
15 support or resources exceeds \$1,000, an offense under this
16 section is a felony of the second degree; otherwise, an offense
17 under this section is a felony of the third degree.

18 (c) Definitions.--As used in this section, the following
19 words and phrases shall have the meanings given to them in this
20 subsection:

21 "Material support or resources." Currency or other financial
22 securities, financial services, lodging, training, safe houses,
23 false documentation or identification, communications equipment,
24 facilities, weapons, lethal substances, explosives, personnel,
25 transportation and other physical assets, except medicine or
26 religious materials.

27 "Terrorism." An act classified as an offense under section
28 2717(a) (relating to terrorism).

29 "Terrorist organization." The term includes any
30 organization, domestic or foreign, which directly engages in the

1 planning, preparation, carrying out or aiding of any act of
2 terrorism and includes, but is not limited to, any organization
3 under section 219 of the Immigration and Nationality Act (66
4 Stat. 163, 8 U.S.C. § 1189) as a foreign terrorist organization.
5 § 2719. Hindering prosecution for terrorism.

6 (a) Offense.--A person commits the offense of hindering
7 prosecution for terrorism if he renders criminal assistance to a
8 person who has committed terrorism, knowing or believing that
9 such person engaged in conduct constituting terrorism.

10 (b) Grading.--Notwithstanding the provisions of section
11 2717(b) (relating to terrorism), if the terrorism resulted in
12 the death of a person other than one of the participants, an
13 offense under this section is a felony of the second degree;
14 otherwise, an offense under this section is a felony of the
15 third degree.

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

19 "Renders criminal assistance." With the intent to prevent,
20 hinder or delay the discovery or apprehension of, or the
21 bringing of a criminal charge against, a person who he knows or
22 believes has committed an offense under section 2717 (relating
23 to terrorism), or is being sought by law enforcement officials
24 for the commission of an offense under section 2717, or with
25 intent to assist a person in profiting or benefiting from the
26 commission of an offense under section 2717, he:

27 (1) harbors or conceals such person;

28 (2) warns such person of impending discovery or
29 apprehension;

30 (3) provides such person with money, transportation,

1 weapon, disguise or other means of avoiding discovery or
2 apprehension;

3 (4) prevents or obstructs, by means of force,
4 intimidation or deception, anyone from performing an act
5 which might aid in the discovery or apprehension of such
6 person or in the bringing of a criminal charge against him;
7 or

8 (5) suppresses, by any act of concealment, alteration or
9 destruction, any physical evidence which might aid in the
10 discovery or apprehension of such person or in the bringing
11 of a criminal charge against him.

12 "Terrorism." An act classified as an offense under section
13 2717(a) (relating to terrorism).

14 Section 3. This act shall take effect as follows:

15 (1) The addition of 18 Pa.C.S. §§ 2717, 2718 and 2719
16 shall take effect in 60 days.

17 (2) Section 1 of this act and this section shall take
18 effect immediately.