

JUDICIAL CODE (42 PA.C.S.) - CIVIL ACTION TO RECOVER DAMAGES  
CAUSED BY TERRORISM

Act of Jan. 6, 2006, P.L. 11, No. 2

Cl. 42

Session of 2006

No. 2006-2

HB 477

AN ACT

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, establishing a civil action to recover damages caused by terrorism.

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

Section 1. Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

**§ 8318. Terrorism action.**

(a) **General rule.**--In addition to any other right of action and any other remedy provided by law, an action may be brought to recover damages against a terrorist, terrorist organization or person who knowingly provided material support or resources to or aided a terrorist or terrorist organization for the death of an individual or for an injury to an individual or damage to or loss of property caused by an act of terrorism.

(b) **Application of section.**--This section shall not apply to:

(1) A financial institution as defined by 31 U.S.C. § 5312(a)(2) (relating to definitions and application), including an operating or financial subsidiary, that complies with Federal laws and regulations relating to a financial transaction at the time the transaction occurs, including, to the extent applicable, the International Money Laundering Abatement and Anti-Terrorist Financing Act of 2001 (Title III of Public Law 107-56, 31 U.S.C. § 5301 et seq.).

(2) 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.

(c) **Recovery.**--The plaintiff may seek recovery for any of the following:

(1) General and special damages, including damages for emotional distress, loss of consortium, loss of filial consortium and loss of life's pleasures.

(2) Punitive damages.

(3) Reasonable attorney fees and costs.

(4) Such other relief that the court deems necessary and proper.

(d) **Assets.**--In making a recovery under this section, the plaintiff may enforce the judgment against the assets of the terrorist, terrorist organization or person who knowingly provided material support or resources to or aided the terrorist or terrorist organization.

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

"Act of terrorism." An act or acts constituting an offense under 18 Pa.C.S. Pt. II (relating to definition of specific offenses), including an attempt, conspiracy or solicitation to commit any such offense, which is punishable by imprisonment of more than one year and involves an act dangerous to human life or property, intended either to intimidate or coerce a civilian population, influence the policy of a government by intimidation or coercion or affect the conduct of a government.

"Dangerous to human life or property." A violent act which is intended to or likely to cause death, serious bodily injury or mass destruction.

"Mass destruction." An act which is intended to or likely to destroy or cause serious damage to transportation-related infrastructure or facilities, energy-related infrastructure or facilities, public or private buildings, places of public accommodation or public works under circumstances evincing depraved indifference to human life or property.

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

"Terrorist." A person who commits an act of terrorism.

"Terrorist organization." A domestic or foreign organization which directly engages in the planning, preparation, carrying out or aiding of an act of terrorism. The term includes any organization designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (66 Stat. 163, 8 U.S.C. § 1189) (relating to designation of foreign terrorist organizations).

Section 2. This act shall take effect immediately.

APPROVED--The 6th day of January, A. D. 2006.

EDWARD G. RENDELL