

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL**

**No. 1000** Session of  
2001

INTRODUCED BY GREENLEAF, COSTA, BOSCOLA, O'PAKE, ARMSTRONG,  
DENT, ERICKSON, HOLL, MURPHY, PUNT, RHOADES, SCARNATI,  
TARTAGLIONE, TOMLINSON AND MADIGAN, OCTOBER 9, 2001

REFERRED TO JUDICIARY, OCTOBER 9, 2001

AN ACT

1 Amending Titles 18 (Crimes and Offenses), 20 (Decedents, Estates  
2 and Fiduciaries) and 42 (Judiciary and Judicial Procedure) of  
3 the Pennsylvania Consolidated Statutes, providing for the  
4 offenses of terrorism, soliciting or providing support for an  
5 act of terrorism and hindering prosecution for an act of  
6 terrorism; authorizing the use of multipoint wiretaps in  
7 investigations into terrorism; providing for persons presumed  
8 dead from the September 11, 2001, terrorist attack; creating  
9 a civil action to recover damages caused by terrorism;  
10 further providing for the sentencing procedure for first  
11 degree murder; directing the design of a memorial; and  
12 providing for penalties.

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

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

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

19 § 2716. Terrorism.

20 (a) Offense.--A person commits the offense of terrorism if,  
21 with the intent to intimidate or coerce a civilian population,  
22 influence the policy of a unit of government by intimidation or

1 coercion, or affect the conduct of a unit of government by mass  
2 destruction, assassination or kidnapping, he commits a specified  
3 offense defined in this part, including an attempt or conspiracy  
4 to commit any such offense.

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

18 § 2717. Soliciting or providing support for an act of  
19 terrorism.

20 (a) Offense.--A person commits the offense of soliciting or  
21 providing support for an act of terrorism when, with intent that  
22 the material support or resources will be used, in whole or in  
23 part, to plan, prepare, carry out or aid in an act of terrorism  
24 or the concealment of, or an escape from, an act of terrorism,  
25 he raises, solicits, collects or provides material support or  
26 resources.

27 (b) Grading.--Notwithstanding the provisions of section  
28 2716(b) (relating to terrorism), if the total value of material  
29 support or resources exceeds \$1,000, an offense under this  
30 section is a felony of the second degree; otherwise, an offense

1 under this section is a felony of the third degree.

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

5 "Act of terrorism." An act or acts constituting a specified  
6 offense defined in this part, including an attempt or conspiracy  
7 to commit any such offense, intended to intimidate or coerce a  
8 civilian population; influence the policy of a unit of  
9 government by intimidation or coercion; or affect the conduct of  
10 a unit of government by mass destruction, assassination or  
11 kidnapping.

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

18 § 2718. Hindering prosecution for an act of terrorism.

19 (a) Offense.--A person commits the offense of hindering  
20 prosecution for an act of terrorism if he renders criminal  
21 assistance to a person who has committed an act of terrorism,  
22 knowing or believing that such person engaged in conduct  
23 constituting an act of terrorism.

24 (b) Grading.--Notwithstanding the provisions of section  
25 2716(b) (relating to terrorism), if the act of terrorism  
26 resulted in the death of a person other than one of the  
27 participants, an offense under this section is a felony of the  
28 second degree; otherwise, an offense under this section is a  
29 felony of the third degree.

30 (c) Definitions.--As used in this section, the following

1 words and phrases shall have the meanings given to them in this  
2 subsection:

3 "Act of terrorism." An act or acts constituting a specified  
4 offense defined in this part, including an attempt or conspiracy  
5 to commit any such offense, intended to intimidate or coerce a  
6 civilian population; influence the policy of a unit of  
7 government by intimidation or coercion; or affect the conduct of  
8 a unit of government by mass destruction, assassination or  
9 kidnapping.

10 "Renders criminal assistance." With the intent to prevent,  
11 hinder or delay the discovery or apprehension of, or the  
12 bringing of a criminal charge against, a person who he knows or  
13 believes has committed an offense under section 2716 (relating  
14 to terrorism), or is being sought by law enforcement officials  
15 for the commission of an offense under section 2716, or with  
16 intent to assist a person in profiting or benefiting from the  
17 commission of an offense under section 2716, he:

18 (1) harbors or conceals such person;

19 (2) warns such person of impending discovery or  
20 apprehension;

21 (3) provides such person with money, transportation,  
22 weapon, disguise or other means of avoiding discovery or  
23 apprehension;

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

28 (5) suppresses, by any act of concealment, alteration or  
29 destruction, any physical evidence which might aid in the  
30 discovery or apprehension of such person or in the bringing

1 of a criminal charge against him; or

2 (6) aids such person to protect or expeditiously profit  
3 from an advantage derived from such crime.

4 Section 3. Section 5712 of Title 18 is amended by adding a  
5 subsection to read:

6 § 5712. Issuance of order and effect.

7 \* \* \*

8 (h) Multipoint wiretaps.--In the case of investigations  
9 involving section 2716 (relating to terrorism), 2717 (relating  
10 to soliciting or providing support for an act of terrorism) or  
11 2718 (relating to hindering prosecution for an act of  
12 terrorism), the requirements of subsection (a)(3) do not apply  
13 with respect to the interception of a wire, oral or electronic  
14 communication if:

15 (i) the application is made by the Attorney General  
16 or a deputy attorney general designated in writing by the  
17 Attorney General or the district attorney or a deputy  
18 district attorney designated in writing by the district  
19 attorney;

20 (ii) the application contains a full and complete  
21 statement as to why such specification is not practical  
22 and identifies the person believed to be committing the  
23 offense and whose communications are to be intercepted;  
24 and

25 (iii) the judge finds that such specification is not  
26 practical.

27 Section 4. Title 20 is amended by adding a section to read:

28 § 5706. Persons presumed dead from September 11, 2001,  
29 terrorist attack.

30 The requirements of sections 5703 (relating to distribution

1 of property of absentee) and 5704 (relating to notice to  
2 absentee) shall not apply with respect to a person who is  
3 presumed dead as a result of the terrorist attacks on September  
4 11, 2001. These terrorist attacks constitute specific perils  
5 within the meaning of section 5701(c) (relating to proof of  
6 death) which would justify a court to immediately determine that  
7 the presumed decedent died on September 11, 2001.

8 Section 5. Title 42 is amended by adding a section to read:  
9 § 8315. Terrorism action.

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

17 (b) Recovery.--The plaintiff may seek recovery for any of  
18 the following:

19 (1) General and special damages, including damages for  
20 emotional distress.

21 (2) Punitive damages.

22 (3) Reasonable attorney fees and costs.

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

25 (c) Assets.--In making a recovery under this section, the  
26 plaintiff may enforce the judgment against the assets of the  
27 terrorist, terrorist organization or person who provided  
28 material support or resources to or aided the terrorist or  
29 terrorist organization.

30 (d) Definitions.--As used in this section, the following

1 words and phrases shall have the meanings given to them in this  
2 subsection:

3 "Act of terrorism." An act or acts constituting a specified  
4 offense defined in 18 Pa.C.S. Part II (relating to definition of  
5 specific offenses), including an attempt or conspiracy to commit  
6 any such offense, intended to intimidate or coerce a civilian  
7 population; influence the policy of a unit of government by  
8 intimidation or coercion; or affect the conduct of a unit of  
9 government by mass destruction, assassination or kidnapping.

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

16 Section 6. Section 9711(d) of Title 42 is amended by adding  
17 a paragraph to read:

18 § 9711. Sentencing procedure for murder of the first degree.

19 \* \* \*

20 (d) Aggravating circumstances.--Aggravating circumstances  
21 shall be limited to the following:

22 \* \* \*

23 (19) The death of the victim occurred while the  
24 defendant was engaged in the offense of terrorism as defined  
25 in 18 Pa.C.S. § 2716 (relating to terrorism).

26 \* \* \*

27 Section 7. The Governor shall direct the appropriate  
28 agencies of the Commonwealth, with input from design  
29 professionals and the victims' families, to design a memorial to  
30 the victims of the terrorist attacks on September 11, 2001, in

1 New York, Pennsylvania and Virginia. Not later than six months  
2 from the effective date of this act, the Governor shall submit  
3 to the General Assembly a report with the design and cost of the  
4 memorial. The memorial may include an eternal flame and be  
5 located in or near Independence Park in the City of  
6 Philadelphia.

7 Section 8. This act shall take effect as follows:

8 (1) The addition of § 5712(h) of 18 Pa.C.S., § 5706 of  
9 20 Pa.C.S. and § 8315 of 42 Pa.C.S. shall take effect  
10 immediately.

11 (2) The addition of §§ 2716, 2717 and 2718 of 18 Pa.C.S.  
12 and § 9711(d)(19) of 42 Pa.C.S. shall take effect in 60 days.

13 (3) Sections 1 and 7 of this act and this section shall  
14 take effect immediately.