

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, MADIGAN, GERLACH, STACK AND KASUNIC, OCTOBER 9, 2001

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, OCTOBER 16, 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 TERRORISM; ESTABLISHING A CIVIL ACTION TO RECOVER DAMAGES <—
13 CAUSED BY TERRORISM; DIRECTING THE DESIGN OF A MEMORIAL; AND
14 providing for penalties.

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

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

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

21 § 2716. Terrorism.

22 (a) Offense.--A person commits the offense of terrorism if,
23 with the intent to intimidate or coerce a civilian population,

1 influence the policy of a unit of government by intimidation or <—
2 coercion, or affect the conduct of a unit of government by mass <—
3 destruction, assassination or kidnapping, he commits a specified
4 offense defined in this part THAT INVOLVES A VIOLENT ACT OR AN <—
5 ACT DANGEROUS TO HUMAN LIFE, including an attempt or conspiracy
6 to commit any such offense.

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

20 (C) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING <—
21 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
22 SUBSECTION:

23 "DANGEROUS TO HUMAN LIFE." AN ACT WHICH IS INTENDED TO OR
24 LIKELY TO CAUSE DEATH OR SERIOUS BODILY INJURY.

25 "MASS DESTRUCTION." AN ACT WHICH IS INTENDED TO OR LIKELY TO
26 DESTROY OR CAUSE SERIOUS DAMAGE TO TRANSPORTATION-RELATED
27 INFRASTRUCTURE OR FACILITIES, PUBLIC OR PRIVATE BUILDINGS,
28 PLACES OF PUBLIC ACCOMMODATION, PUBLIC WORKS OR PUBLIC UTILITIES
29 UNDER CIRCUMSTANCES EVINCING DEPRAVED INDIFFERENCE TO HUMAN LIFE
30 OR PROPERTY.

1 § 2717. Soliciting or providing support for an act of <—
2 terrorism.

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

10 (b) Grading.--Notwithstanding the provisions of section
11 2716(b) (relating to terrorism), if the total value of material
12 support or resources exceeds \$1,000, an offense under this
13 section is a felony of the second degree; otherwise, an offense
14 under this section is a felony of the third degree.

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

18 "Act of terrorism." An act or acts constituting a specified <—
19 offense defined in this part, including an attempt or conspiracy
20 to commit any such offense, intended to intimidate or coerce a
21 civilian population; influence the policy of a unit of
22 government by intimidation or coercion; or affect the conduct of
23 a unit of government by mass destruction, assassination or
24 kidnapping.

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

1 "TERRORISM." AS DEFINED IN SECTION 2716(A) (RELATING TO <—
2 TERRORISM).

3 § 2718. Hindering prosecution for an act of terrorism. <—

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

9 (b) Grading.--Notwithstanding the provisions of section
10 2716(b) (relating to terrorism), if the act of terrorism <—
11 resulted in the death of a person other than one of the
12 participants, an offense under this section is a felony of the
13 second degree; otherwise, an offense under this section is a
14 felony of the third degree.

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

18 "Act of terrorism." An act or acts constituting a specified <—
19 offense defined in this part, including an attempt or conspiracy
20 to commit any such offense, intended to intimidate or coerce a
21 civilian population; influence the policy of a unit of
22 government by intimidation or coercion; or affect the conduct of
23 a unit of government by mass destruction, assassination or
24 kidnapping.

25 "Renders criminal assistance." With the intent to prevent,
26 hinder or delay the discovery or apprehension of, or the
27 bringing of a criminal charge against, a person who he knows or
28 believes has committed an offense under section 2716 (relating
29 to terrorism), or is being sought by law enforcement officials
30 for the commission of an offense under section 2716, or with

1 intent to assist a person in profiting or benefiting from the
2 commission of an offense under section 2716, he:

3 (1) harbors or conceals such person;

4 (2) warns such person of impending discovery or
5 apprehension;

6 (3) provides such person with money, transportation,
7 weapon, disguise or other means of avoiding discovery or
8 apprehension;

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

13 (5) suppresses, by any act of concealment, alteration or
14 destruction, any physical evidence which might aid in the
15 discovery or apprehension of such person or in the bringing
16 of a criminal charge against him; or

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

19 "TERRORISM." AS DEFINED IN SECTION 2716(A) (RELATING TO <—
20 TERRORISM).

21 ~~Section 3. Section 5712 of Title 18 is amended by adding a~~ <—
22 ~~subsection to read:~~

23 ~~§ 5712. Issuance of order and effect.~~

24 ~~* * *~~

25 ~~(h) Multipoint wiretaps. In the case of investigations~~
26 ~~involving section 2716 (relating to terrorism), 2717 (relating~~
27 ~~to soliciting or providing support for an act of terrorism) or~~
28 ~~2718 (relating to hindering prosecution for an act of~~
29 ~~terrorism), the requirements of subsection (a)(3) do not apply~~
30 ~~with respect to the interception of a wire, oral or electronic~~

1 ~~communication if:~~

2 ~~(i) the application is made by the Attorney General~~
3 ~~or a deputy attorney general designated in writing by the~~
4 ~~Attorney General or the district attorney or a deputy~~
5 ~~district attorney designated in writing by the district~~
6 ~~attorney;~~

7 ~~(ii) the application contains a full and complete~~
8 ~~statement as to why such specification is not practical~~
9 ~~and identifies the person believed to be committing the~~
10 ~~offense and whose communications are to be intercepted;~~
11 ~~and~~

12 ~~(iii) the judge finds that such specification is not~~
13 ~~practical.~~

14 Section 4. Title 20 is amended by adding a section to read:
15 ~~§ 5706. Persons presumed dead from September 11, 2001,~~
16 ~~terrorist attack.~~

17 ~~The requirements of sections 5703 (relating to distribution~~
18 ~~of property of absentee) and 5704 (relating to notice to~~
19 ~~absentee) shall not apply with respect to a person who is~~
20 ~~presumed dead as a result of the terrorist attacks on September~~
21 ~~11, 2001. These terrorist attacks constitute specific perils~~
22 ~~within the meaning of section 5701(c) (relating to proof of~~
23 ~~death) which would justify a court to immediately determine that~~
24 ~~the presumed decedent died on September 11, 2001.~~

25 Section 5 3. Title 42 is amended by adding a section to
26 read:

27 ~~§ 8315. Terrorism action.~~

28 ~~(a) General rule.--In addition to any other right of action~~
29 ~~and any other remedy provided by law, an action may be brought~~
30 ~~to recover damages against the terrorist, terrorist organization~~

1 or person who KNOWINGLY provided material support or resources <—
2 to or aided a terrorist or terrorist organization for the death
3 of an individual or for an injury to an individual or damage to
4 or loss of property caused by an act of terrorism.

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

7 (1) General and special damages, including damages for
8 emotional distress.

9 (2) Punitive damages.

10 (3) Reasonable attorney fees and costs.

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

13 (c) Assets.--In making a recovery under this section, the
14 plaintiff may enforce the judgment against the assets of the
15 terrorist, terrorist organization or person who KNOWINGLY <—
16 provided material support or resources to or aided the terrorist
17 or terrorist organization.

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

21 "Act of terrorism." An act or acts constituting a specified
22 offense defined in 18 Pa.C.S. Part II (relating to definition of
23 specific offenses) THAT INVOLVE A VIOLENT ACT OR AN ACT <—
24 DANGEROUS TO HUMAN LIFE, including an attempt or conspiracy to
25 commit any such offense, intended to intimidate or coerce a
26 civilian population; influence the policy of a ~~unit of~~ <—
27 government by intimidation or coercion; or affect the conduct of
28 a ~~unit of~~ government by mass destruction, assassination or <—
29 kidnapping.

30 "DANGEROUS TO HUMAN LIFE." AN ACT WHICH IS INTENDED TO OR <—

1 LIKELY TO CAUSE DEATH OR SERIOUS BODILY INJURY.

2 "MASS DESTRUCTION." AN ACT WHICH IS INTENDED TO OR LIKELY TO
3 DESTROY OR CAUSE SERIOUS DAMAGE TO TRANSPORTATION-RELATED
4 INFRASTRUCTURE OR FACILITIES, PUBLIC OR PRIVATE BUILDINGS,
5 PLACES OF PUBLIC ACCOMMODATION, PUBLIC WORKS OR PUBLIC UTILITIES
6 UNDER CIRCUMSTANCES EVINCING DEPRAVED INDIFFERENCE TO HUMAN LIFE
7 OR PROPERTY.

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

14 ~~Section 6. Section 9711(d) of Title 42 is amended by adding~~ <—
15 ~~a paragraph to read:~~

16 ~~§ 9711. Sentencing procedure for murder of the first degree.~~

17 ~~* * *~~

18 ~~(d) Aggravating circumstances. Aggravating circumstances~~
19 ~~shall be limited to the following:~~

20 ~~* * *~~

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

24 ~~* * *~~

25 Section 7 4. The Governor shall direct the appropriate <—
26 agencies of the Commonwealth, with input from design
27 professionals and the victims' families, to design a memorial to
28 the victims of the terrorist attacks on September 11, 2001, in
29 New York, Pennsylvania and Virginia. Not later than six months
30 from the effective date of this act, the Governor shall submit

1 to the General Assembly a report with the design and cost of the
2 memorial. The memorial may include an eternal flame and be
3 located in or near Independence Park in the City of
4 Philadelphia.

5 Section 5. This act shall take effect as follows: <—

6 ~~(1) The addition of § 5712(h) of 18 Pa.C.S., § 5706 of <—
7 20 Pa.C.S. and § 8315 of 42 Pa.C.S. shall take effect
8 immediately.~~

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

11 ~~(3) Sections 1 and 7 of this act and this section shall
12 take effect immediately.~~

13 (1) THE ADDITION OF 18 PA.C.S. §§ 2716, 2717 AND 2718 <—
14 SHALL TAKE EFFECT IN 60 DAYS.

15 (2) THE ADDITION OF 42 PA.C.S. § 8315 SHALL TAKE EFFECT
16 IMMEDIATELY.

17 (3) SECTIONS 1 AND 4 OF THIS ACT AND THIS SECTION SHALL
18 TAKE EFFECT IMMEDIATELY.