

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 THOMPSON, APPROPRIATIONS, RE-REPORTED AS AMENDED, NOVEMBER 19, 2001

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, providing for the offenses of terrorism, soliciting
4 or providing support for an act of terrorism and hindering
5 prosecution for an act of terrorism; establishing a civil
6 action to recover damages caused by terrorism; ~~directing the~~ ←
7 ~~design of a memorial;~~ and providing for penalties.

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

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

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

14 § 2716. Terrorism.

15 (a) Offense.--A person commits the offense of terrorism if,
16 with the intent to intimidate or coerce a civilian population,
17 influence the policy of a government by intimidation or
18 coercion, or affect the conduct of a government by mass
19 destruction, assassination or kidnapping, he commits a specified

1 offense defined in this part that involves a violent act or an
2 act dangerous to human life, including an attempt or conspiracy
3 to commit any such offense.

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

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

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

22 "Mass destruction." An act which is intended to or likely to
23 destroy or cause serious damage to ANOTHER PERSON OR PERSONS, <—
24 transportation-related infrastructure or facilities, ENERGY- <—
25 RELATED INFRASTRUCTURE OR FACILITIES, public or private
26 buildings, places of public accommodation, ~~public works or~~ <—
27 ~~public utilities under circumstances evincing depraved~~
28 ~~indifference to human life or property.~~ OR PUBLIC WORKS BY <—
29 EXPLOSION, FIRE, FLOOD, AVALANCHE, COLLAPSE AND RELEASE OF
30 POISON GAS, RADIOACTIVE MATERIAL OR OTHER HARMFUL SUBSTANCE OR

1 BY ANY OTHER MEANS CAUSING POTENTIAL WIDESPREAD DEATH, INJURY OR
2 DAMAGE.

3 § 2717. Soliciting or providing support for terrorism AND ←
4 TERRORIST ORGANIZATIONS.

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

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

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

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

26 "Terrorism." As defined in section 2716(a) (relating to
27 terrorism).

28 "TERRORIST ORGANIZATION." THE TERM INCLUDES ANY ←
29 ORGANIZATION, DOMESTIC OR FOREIGN, WHICH DIRECTLY ENGAGES IN THE
30 PLANNING, PREPARATION, CARRYING OUT OR AIDING OF ANY ACT OF

1 TERRORISM AND INCLUDES, BUT IS NOT LIMITED TO, ANY ORGANIZATION
2 UNDER SECTION 219 OF THE IMMIGRATION AND NATIONALITY ACT (66
3 STAT. 163, 8 U.S.C. § 1189) AS A FOREIGN TERRORIST ORGANIZATION.
4 § 2718. Hindering prosecution for terrorism.

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

9 (b) Grading.--Notwithstanding the provisions of section
10 2716(b) (relating to terrorism), if the terrorism resulted in
11 the death of a person other than one of the participants, an
12 offense under this section is a felony of the second degree;
13 otherwise, an offense under this section is a felony of the
14 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 "Renders criminal assistance." With the intent to prevent,
19 hinder or delay the discovery or apprehension of, or the
20 bringing of a criminal charge against, a person who he knows or
21 believes has committed an offense under section 2716 (relating
22 to terrorism), or is being sought by law enforcement officials
23 for the commission of an offense under section 2716, or with
24 intent to assist a person in profiting or benefiting from the
25 commission of an offense under section 2716, he:

26 (1) harbors or conceals such person;

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

29 (3) provides such person with money, transportation,
30 weapon, disguise or other means of avoiding discovery or

1 apprehension;

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

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

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

12 "Terrorism." As defined in section 2716(a) (relating to
13 terrorism).

14 Section 3. Title 42 is amended by adding a section to read:
15 § 8315. Terrorism action.

16 (a) General rule.--In addition to any other right of action
17 and any other remedy provided by law, an action may be brought
18 to recover damages against the terrorist, terrorist organization
19 or person who knowingly provided material support or resources
20 to or aided a terrorist or terrorist organization for the death
21 of an individual or for an injury to an individual or damage to
22 or loss of property caused by an act of terrorism. THIS SECTION ←
23 SHALL NOT APPLY TO A FINANCIAL INSTITUTION, AS DEFINED BY 31
24 U.S.C. § 5312(A)(2) (RELATING TO DEFINITIONS AND APPLICATION),
25 INCLUDING AN OPERATING OR FINANCIAL SUBSIDIARY, THAT COMPLIES
26 WITH FEDERAL LAWS AND REGULATIONS RELATING TO A FINANCIAL
27 TRANSACTION AT THE TIME THE TRANSACTION OCCURS INCLUDING, TO THE
28 EXTENT APPLICABLE, THE INTERNATIONAL MONEY LAUNDERING ABATEMENT
29 AND ANTI-TERRORIST FINANCING ACT OF 2001 (TITLE III OF PUBLIC
30 LAW 107-56).

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

3 (1) General and special damages, including damages for
4 emotional distress.

5 (2) Punitive damages.

6 (3) Reasonable attorney fees and costs.

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

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

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

17 "Act of terrorism." An act or acts constituting a specified
18 offense defined in 18 Pa.C.S. Part II (relating to definition of
19 specific offenses) that involve a violent act or an act
20 dangerous to human life, including an attempt or conspiracy to
21 commit any such offense, intended to intimidate or coerce a
22 civilian population; influence the policy of a government by
23 intimidation or coercion; or affect the conduct of a government
24 by mass destruction, assassination or kidnapping.

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

27 "Mass destruction." An act which is intended to or likely to
28 destroy or cause serious damage to transportation-related
29 infrastructure or facilities, ENERGY-RELATED INFRASTRUCTURE OR <—
30 FACILITIES, public or private buildings, places of public

1 ~~accommodation, public works or public utilities~~ OR PUBLIC WORKS <—
2 under circumstances evincing depraved indifference to human life
3 or property.

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

10 ~~Section 4. The Governor shall direct the appropriate~~ <—
11 ~~agencies of the Commonwealth, with input from design~~
12 ~~professionals and the victims' families, to design a memorial to~~
13 ~~the victims of the terrorist attacks on September 11, 2001, in~~
14 ~~New York, Pennsylvania and Virginia. Not later than six months~~
15 ~~from the effective date of this act, the Governor shall submit~~
16 ~~to the General Assembly a report with the design and cost of the~~
17 ~~memorial. The memorial may include an eternal flame and be~~
18 ~~located in or near Independence Park in the City of~~
19 ~~Philadelphia.~~

20 Section 5 4. This act shall take effect as follows: <—

21 (1) The addition of 18 Pa.C.S. §§ 2716, 2717 and 2718
22 shall take effect in 60 days.

23 (2) The addition of 42 Pa.C.S. § 8315 shall take effect
24 immediately.

25 (3) ~~Sections 1 and 4~~ SECTION 1 of this act and this <—
26 section shall take effect immediately.