

## 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

AS AMENDED ON THIRD CONSIDERATION, DECEMBER 4, 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; and providing  
7 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 UNDER this part that involves a violent act <—  
2 or an act dangerous to human life, including an attempt or  
3 conspiracy 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) APPLICATION OF SECTION.--THIS SECTION SHALL NOT APPLY TO <—  
18 CONDUCT BY A PARTY TO A LABOR DISPUTE AS DEFINED IN THE ACT OF  
19 JUNE 2, 1937 (P.L.1198, NO.308), KNOWN AS THE LABOR ANTI-  
20 INJUNCTION ACT, OR TO ANY CONSTITUTIONALLY PROTECTED ACTIVITY.

21 (e) (D) Definitions.--As used in this section, the following <—  
22 words and phrases shall have the meanings given to them in this  
23 subsection:

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

26 "Mass destruction." An act which is intended to or likely to  
27 destroy or cause serious damage to another person or persons,  
28 transportation-related infrastructure or facilities, energy-  
29 related infrastructure or facilities, public or private  
30 buildings, places of public accommodation or public works by

1 explosion, fire, flood, avalanche, collapse and release of  
2 poison gas, radioactive material or other harmful substance or  
3 by any other means causing potential widespread death, injury or  
4 damage.

5 § 2717. Soliciting or providing support for terrorism and  
6 terrorist organizations.

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

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

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

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

28 "Terrorism." ~~As defined in AN ACT CLASSIFIED AS AN OFFENSE~~ ←  
29 UNDER section 2716(a) (relating to terrorism).

30 "Terrorist organization." The term includes any

1 organization, domestic or foreign, which directly engages in the  
2 planning, preparation, carrying out or aiding of any act of  
3 terrorism and includes, but is not limited to, any organization  
4 under section 219 of the Immigration and Nationality Act (66  
5 Stat. 163, 8 U.S.C. § 1189) as a foreign terrorist organization.  
6 § 2718. Hindering prosecution for terrorism.

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

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

28 (1) harbors or conceals such person;

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



1 5312(a)(2) (relating to definitions and application),  
2 including an operating or financial subsidiary, that complies  
3 with Federal laws and regulations relating to a financial  
4 transaction at the time the transaction occurs including, to  
5 the extent applicable, the International Money Laundering  
6 Abatement and Anti-Terrorist Financing Act of 2001 (Title III  
7 of Public Law 107-56).

8 (2) CONDUCT BY A PARTY TO A LABOR DISPUTE AS DEFINED IN <—  
9 THE ACT OF JUNE 2, 1937 (P.L.1198, NO.308), KNOWN AS THE  
10 LABOR ANTI-INJUNCTION ACT, OR TO ANY CONSTITUTIONALLY  
11 PROTECTED ACTIVITY.

12 (b) (C) Recovery.--The plaintiff may seek recovery for any <—  
13 of the following:

14 (1) General and special damages, including damages for  
15 emotional distress.

16 (2) Punitive damages.

17 (3) Reasonable attorney fees and costs.

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

20 (c) (D) Assets.--In making a recovery under this section, <—  
21 the plaintiff may enforce the judgment against the assets of the  
22 terrorist, terrorist organization or person who knowingly  
23 provided material support or resources to or aided the terrorist  
24 or terrorist organization.

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

28 "Act of terrorism." An act or acts constituting a specified  
29 offense defined in UNDER 18 Pa.C.S. Part II (relating to <—  
30 definition of specific offenses) that involve a violent act or

1 an act dangerous to human life, including an attempt or  
2 conspiracy to commit any such offense, intended to intimidate or  
3 coerce a civilian population; influence the policy of a  
4 government by intimidation or coercion; or affect the conduct of  
5 a government by mass destruction, assassination or kidnapping.

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

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

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

20 Section 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) Section 1 of this act and this section shall take  
26 effect immediately.