

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 477 Session of
2005

INTRODUCED BY BROWNE, FEBRUARY 14, 2005

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 14, 2005

AN ACT

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

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

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

8 § 8317. Terrorism action.

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

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

18 (1) A financial institution as defined by 31 U.S.C. §

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 (c) Recovery.--The plaintiff may seek recovery for any of
13 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 (d) Assets.--In making a recovery under this section, the
21 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 (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 under 18 Pa.C.S. Part II (relating to definition of
30 specific offenses) that involve a violent act or an act

1 dangerous to human life, including an attempt or conspiracy to
2 commit any such offense, intended either to intimidate or coerce
3 a civilian population; influence the policy of a government by
4 intimidation or coercion; or affect the conduct of a government
5 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 2. This act shall take effect immediately.