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## **States Enact New Terrorism Crimes and Penalties**

By Donna Lyons, *Program Director*

Many states have created new crimes and penalties related to acts of terrorism since September 11. New state laws also address terrorist hoaxes, threats and anti-terrorism information.

At least 33 states have passed legislation that amends criminal codes related to acts of terrorism. Michigan lawmakers passed a package of measures that includes the Michigan Anti-Terrorism Act. It creates criminal penalties for an “act of terrorism,” defined as a violent felony intended to intimidate or coerce a civilian population, or influence or affect the conduct of a government. This language, which is similar to that of the U.S. code, is used to define terrorism in other new state laws, as well.

Immediately after the terrorist attacks, New York state legislators added murder committed in furtherance of a terrorist act to the list of capital crimes. In at least 12 other states—including Florida, Georgia, Idaho, New Jersey, North Carolina, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Utah and Virginia—recent anti-terrorism laws make specific reference to the death penalty, or to first degree or aggravated murder in a state in which that establishes capital case eligibility. (Other states already have aggravating factors or define capital crime acts that might constitute or be included in terrorism, so states with new laws are not the only ones in which capital punishment could be imposed for terrorist-related murder.) Minnesota lawmakers this year also added terrorism to the definition of first-degree murder, but the state does not have a death penalty. Michigan similarly will impose life without parole for terrorism resulting in death. Maine lawmakers created the crime of terrorist murder, requiring a life sentence and adding that crime to those for which the statute of limitations does not apply. Laws in Michigan and New Jersey also eliminate statutes of limitations for terrorism crimes.

New laws also enhance penalties for crimes committed with a terrorist intent. Legislation passed in Connecticut, Florida and Ohio upgrades the crime and penalty to a more serious degree of felony. Minnesota’s measure sets a statutory maximum of 50 percent longer than the underlying crime for any

felony carried out in furtherance of terrorism. Indiana lawmakers also enhanced penalties for various terrorist-related acts.

Some new laws are specific to weapons of mass destruction. North Carolina law makes it a felony punishable by 20 years to life without parole to manufacture, assemble, possess or acquire a chemical or biological weapon of mass destruction. Other laws make specific reference to tampering with an airplane or contaminating food, air or water with the intent to cause physical injury. An act in Pennsylvania creates crimes of unlawful possession, manufacture or use of a weapon of mass destruction, with second- and first-degree felony penalties. That measure also expands the definition of a bomb to include various biological and chemical agents. Tennessee law similarly defines weapons of mass destruction as related to felony acts of terrorism. A Utah enactment expands “criminal mischief” law to create felonies related to damaging or destroying “critical infrastructure.” The law describes infrastructure as information and communications systems; financial and banking systems; transportation; and public energy, water, health, law enforcement and other government operations and systems. Maine’s act also includes damage to critical infrastructure in its definition of terrorism and expands the crime of causing a catastrophe to include use of chemical or biological toxins. Criminal laws in Connecticut and Vermont also specifically address damage to public transportation or food supplies.

*New laws create crimes of unlawful possession, manufacture or use of a weapon of mass destruction.*

Hoax weapons and threats were addressed in many state laws in 2002. New Jersey’s act, which was assigned Assembly Bill 911, enhances the felony level for such actions during a declared period of national, state or local emergency. Pennsylvania’s law also upgrades to a felony any false alarm made to agencies of public safety during a declared state of emergency. Measures in that state and in Arizona, California, Florida, Massachusetts, Ohio, Oklahoma, Utah, South Carolina, South Dakota and West Virginia will hold offenders liable for economic costs related to a terrorism hoax or threat. California lawmakers recently expanded the law on false bombs to include placing a facsimile or false weapon of mass destruction with the intent to cause others to fear for their safety. The Massachusetts act establishes the crime of communicating a terrorist threat by various means and sets prison sentences and fines. A Delaware enactment added causing an individual to believe that he or she has been exposed to a harmful substance to the state’s definition of “terrorist threatening.” Alaska, Iowa, Michigan, Pennsylvania, Utah and West Virginia also updated or added terrorist threat language to criminal statutes this year.

At least 10 states have created offenses related to providing support, resources or assistance for terrorism. Connecticut's law mentions computer crime in furtherance of a terrorist purpose. Connecticut and a few other states include hindering prosecution of an act of terrorism as a criminal act. Laws in Georgia, Idaho, Michigan, New Jersey, Ohio and Utah fold certain terrorist activity into the state's racketeering, corrupt activity or criminal enterprise laws. Laws in Indiana, Michigan and Virginia also specifically add acts related to terrorism to forfeiture or seizure provisions.

State legislatures also are addressing crime information and public safety communication related to terrorism. A Florida measure creates a Domestic Security and Counter-Terrorism Intelligence Center within the Florida Department of Law Enforcement. The center is charged with developing and maintaining a database to analyze patterns, trends and correlations indicative of potential or actual terrorist activity within the states. The law also makes the database available to federal, state and local law enforcement agencies.

A Maryland act establishes the State Commission on Public Safety Technology and Critical Infrastructure to ensure that public safety communication and information management systems are compatible. A Minnesota act that establishes a public-private Homeland Security Advisory Council also authorizes public debt to design, construct and acquire public safety communication system infrastructure and equipment and requires regional public safety communications planning. Indiana lawmakers similarly authorized bonds and created service charges to fund an integrated wireless public safety communications system. A measure in California charges the Public Safety Strategic Planning Committee with developing a statewide integrated public safety communications system that provides for interoperability, which is the ability to share information in real time between agencies. It also addresses other shared uses of the radio spectrum allotted to public safety agencies.

State laws also are expanding communications interception—or wiretapping—provisions as part of anti-terrorism policies. New measures either update interception laws to add wireless or computer technologies or add crimes related to terrorism to those for which investigators and prosecutors can apply for a court order authorizing interception of communications.

Since September 11, several states have addressed victims' issues. California, Delaware, New York and Wyoming have passed laws to include victims of terrorism under crime

*State legislatures are addressing crime information and public safety communication related to terrorism.*

victim compensation law. New York's law was part of a broader Victims and Families Relief Act. Shortly after September 11, 2001, California lawmakers approved a one-time, urgency measure giving \$1 million to the New York state victim compensation program.

### **Citations to Enactments**

2001: California S 551; Florida S 8, S 6C, and S 26C; New York A 6002 and S 70002; North Carolina S 1108; West Virginia S 6002

2002: Alabama H 38; Alaska H 350; Arizona S 1427; California A 2018, S 551, S 1267, and S 1873; Connecticut H 5759; Delaware H 343 and S 288; Florida S 998; Georgia S 320 and S 459; Idaho S 1348; Indiana H 1001; Iowa S 2146; Louisiana H 53; Maine S 801; Maryland H 1265; Massachusetts S 2122; Michigan H 5513, S 930, S 936, S 942, S 948, S 949, S 995, S 996, and S 997; Minnesota H 2515; Nebraska L 82; New Jersey A 911 and S 775; New York S 7356; Ohio H 411 and S 184; Oklahoma S 822 and S 1472; Pennsylvania S 1109; South Carolina H 4416; South Dakota H 1305 and S 19; Tennessee H 3232; Utah H 283; Vermont S 298; Virginia H 1120 and S 514; Wyoming S 61

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