

HB 1764 -- Anti-Terrorism

Sponsor or Co-Sponsors: Dempsey, Crowell

Same as or similar to: Year: 2002

Emergency Clause: Yes or Effective Date of:

Use Summary For: Version:, Year:,

Verbatim:

Modify above as follows:

New summary as follows:

This bill establishes the Anti-Terrorism Act. It creates crimes related to terrorism and makes various revisions to sections dealing with criminal procedure.

MAKING A TERRORISTIC THREAT

The bill creates the crime of making a terroristic threat in the first and second degree. A terroristic threat in the first degree is defined as knowingly threatening to commit or cause the commission of a terrorist act and causing a reasonable expectation or fear of the imminent commission of a terrorist act with the intent to intimidate or coerce civilians. The punishment is a felony with imprisonment for nine to forty years. In addition, a person convicted of a terroristic threat in the first degree must to pay all expenses incurred by any governmental unit responding to a terroristic threat in the first

degree or for any cleanup caused by any terroristic act in the first degree.

A terroristic threat in the second degree is defined as knowingly communicating a threat to commit a felony, knowingly making a false report concerning the commission of a felony, or knowingly making a false report concerning the occurrence of a catastrophe to frighten or disturb 10 or more people, to cause or disregarding the risk of causing the evacuation or closure of any building, inhabitable structure, place of assembly or facility or transportation. The penalty is a class C or class D felony.

SOLICITATING MATERIAL SUPPORT FOR TERRORISM

The crime of soliciting material support for terrorism is defined as knowingly raising, soliciting, or collecting material support or resources knowing that the material support or resources are to be used to plan, prepare, carry out, or avoid apprehension for committing terrorism. The punishment is a felony with imprisonment for nine to forty years. In addition, a person convicted of soliciting material support for terrorism must pay all expenses incurred by any governmental unit responding to a violation under this section or for any cleanup caused by a violation under this section.

PROVIDING MATERIAL SUPPORT FOR TERRORISM

The crime of providing material support for terrorism is defined as knowingly providing material support or resources knowing that the material support or resources are to be used to plan, prepare, carry out, facilitate, or avoid apprehension for committing terrorism. The punishment is a felony with imprisonment for nine to forty years. In addition, a person convicted of providing material support for terrorism must pay all expenses incurred by any governmental unit responding to a violation under this section or for any cleanup caused by a violation under this section.

CRIME OF TERRORISM

The crime of terrorism is defined as knowingly committing an act of terrorism inside the state, or that has an effect in this state, with the intent to intimidate or coerce a significant portion of the civilian population. The punishment is a felony with imprisonment for ten to thirty years. However, if the terrorism results in the death of one or more people, the punishment is death or life imprisonment with no parole. In addition, a person convicted of terrorism must pay all expenses incurred by any governmental unit responding to a violation under this section or for any cleanup caused by a violation under this section.

CRIME OF HINDERING PROSECUTION

The crime of hindering prosecution in the first degree applies only to terrorism crimes and is expanded to include suppressing physical evidence that might aid in the discovery or apprehension of the person suspected of terrorism, aiding the suspect to protect or profit from the crime or providing services or assistance to the suspect. The punishment is a felony with imprisonment for 20 to 30 years; however, if the conduct of the other person resulted in a death, the punishment is life without parole.

The crime of hindering prosecution in the second degree is defined as assistance given to any person for the purpose of preventing the apprehension, prosecution, conviction, or punishment of another for conduct constituting any crime except for terrorism. The punishment is a class A misdemeanor; however, if the other person's conduct constitutes a felony, the punishment is a class D felony.

SEARCH WARRANTS

The bill specifies that existing search warrant procedures are for situations when written applications for a search warrant are needed and adds a procedure for obtaining a search warrant based

upon oral testimony when the offense involves terrorism. This provision will be inoperative on or after January 1, 2005.

FORFEITURE PROVISIONS

The bill contains forfeiture provisions for money or property acquired in connection with a terrorism offense. A suspected terrorist may be forced to forfeit money or property following a hearing to determine whether the money or property is subject to forfeiture. The bill specifies the procedures to be used during the hearing process.

CRIMINAL PROCEDURE

The bill requires that appeals for proceedings involving terrorism charges go directly to the Missouri supreme court, removes the statute of limitations for charges involving terrorist activities, and prevents any person incarcerated under terrorism charges from receiving good time credit. The bill also includes terrorism in the charging, trial, punishment and appellate review procedures as an offense against the person, specifies where persons accused of terrorism must be prosecuted, and specifies how homicidal terrorism counts may be charged, tried, joined, punished.

The bill adds terrorism to sections dealing with discovery,

waiver of a jury trial, first degree murder trial procedures, and evidence in death penalty cases.

The bill specifies statutory aggravating circumstances and statutory mitigating circumstances for cases involving terrorism resulting in one or more deaths and requires that jury instructions be given regarding these statutory aggravating circumstances and statutory mitigating circumstances. The bill also requires the supreme court to review any finding of statutory aggravating circumstances for a terrorism offense upon appeal of a death penalty case.

MISCELLANEOUS PROVISIONS

The bill allows wire communications to be intercepted and allows wiretaps to be obtained on persons suspected of terrorist activities. Also, any person convicted of terrorism or soliciting or providing material support for terrorism must have a blood or other biological sample collected for DNA profiling.

This bill has an emergency clause.

Dana