

ENROLLED SENATE
BILL NO. 822

By: Shurden, Harrison and Kerr
of the Senate

and

Leist of the House

An Act relating to crimes and punishments; creating the Oklahoma Antiterrorism Act; providing short title; defining terms; criminalizing acts of terrorism, terrorism hoax, biochemical assault, and manufacturing substance with intent of terrorist activity; stating punishments; requiring certain restitution and reimbursements to state and political subdivision for emergency response costs; providing for codification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1268 of Title 21, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Antiterrorism Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1268.1 of Title 21, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Biochemical terrorism" means an act of terrorism involving any biological organism, pathogen, bacterium, virus, chemical or its toxins, isomers, salts or compounds, or any combination of organisms, viruses or chemicals that is capable of and intended to cause death, disease, injury, illness or harm to any human or animal upon contact or ingestion, or harm to any food supply, plant, water supply, drink, medicine or other product used for or consumed by humans or animals;

2. "Terrorism" means an act of violence resulting in damage to property or personal injury perpetrated to coerce a civilian population or government into granting illegal political or economic demands; or conduct intended to incite violence in order to create apprehension of bodily injury or damage to property in order to coerce a civilian population or government into granting illegal political or economic demands. Peaceful picketing or boycotts and other nonviolent action shall not be considered terrorism;

3. "Terrorism hoax" means the willful conduct to simulate an act of terrorism as a joke, hoax, prank or trick against a place, population, business, agency or government by:

- a. the intentional use of any substance to cause fear, intimidation or anxiety and a reasonable belief by any victim that such substance is used, placed, sent, delivered or otherwise employed as an act of biochemical terrorism requiring an emergency response or the evacuation or quarantine of any person, place or article, or
- b. any act or threat of violence, sabotage, damage or harm against a population, place or infrastructure that causes fear, intimidation or anxiety and a reasonable belief by any victim that such act or threat is an act of terrorism to disrupt any place, population, business, agency or government;

4. "Biochemical assault" means the intentional delivery of any substance or material to another person without lawful cause, whether or not such substance or material is toxic, noxious or lethal to humans, to:

- a. cause intimidation, fear or anxiety and a reasonable belief by the victim that death, disease, injury or illness will occur as a result of contamination by such substance or material and, based upon that belief, an emergency response is necessary, or
- b. poison, injure, harm or cause disease or illness to any person; and

5. "Terrorist activity" means to plan, aid or abet an act of terrorism or aid or abet any person who plans or commits an act of terrorism.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1268.2 of Title 21, unless there is created a duplication in numbering, reads as follows:

- A. Every act of terrorism is a felony.
- B. A person convicted of terrorism shall be punished by imprisonment in the State Penitentiary for a term not exceeding life.
- C. A person who kills another person or who causes the death of another person in the commission of an act of terrorism shall be guilty of murder in the first degree.
- D. A person convicted of biochemical terrorism shall be ordered, in addition to the punishment imposed for the act of terrorism, to reimburse the cost of any emergency personnel, equipment, supplies, and other expenses incurred by the state and any political subdivision as a result of responding to such act of terrorism.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1268.3 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Conspiracy to commit terrorism is a felony.

B. A person convicted of conspiracy to commit terrorism shall be punished by imprisonment in the State Penitentiary for a term not exceeding life.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1268.4 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Terrorism hoax is a felony.

B. A person convicted of terrorism hoax shall be punished by imprisonment in the State Penitentiary for a term of not more than ten (10) years. In addition to any punishment imposed for the act of terrorism hoax, the person shall be ordered to make restitution to the victim and to reimburse the cost of any emergency personnel, equipment, supplies, and other expenses incurred by the state and any political subdivision as a result of responding to such act.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1268.5 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Every person who, without justifiable or excusable cause, willfully commits biochemical assault against another person shall be punished as provided in this section.

B. Every act of biochemical assault is a misdemeanor punishable by imprisonment in the county jail for a term of not more than one (1) year, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment when the person knows the substance or material used to commit biochemical assault is not toxic, noxious, or lethal to humans. In addition to any term of imprisonment imposed for biochemical assault, the person shall be ordered to make restitution to the victim and to reimburse the cost of any emergency personnel, equipment, supplies, and other expenses incurred by the state and any political subdivision as a result of responding to such act.

C. Every act of biochemical assault is a felony punishable by imprisonment in the State Penitentiary for a term of not more than ten (10) years when the person knows the substance or material used to commit biochemical assault is toxic, noxious, or lethal to humans. In addition to any term of imprisonment imposed for biochemical assault, the person shall be ordered to make restitution to the victim and to reimburse the cost of any emergency personnel, equipment, supplies, and other expenses incurred by the state and any political subdivision as a result of responding to such act.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1268.6 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. It shall be unlawful for any person to manufacture, send, deliver or possess any toxic, noxious, or lethal substance, chemical, biological or nuclear material with the intent of engaging in terrorist activity.

B. A person convicted of a violation of this section shall be guilty of a felony punishable by imprisonment in the State Penitentiary for a term of not more than eight (8) years. In addition to any term of imprisonment imposed for a violation of this section, the person shall be ordered to make restitution to victims and to reimburse the cost of any emergency personnel, equipment, supplies, and other expenses incurred by the state and any political subdivision as a result of responding to the crime.

SECTION 8. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 20th day of May, 2002.

Presiding Officer of the Senate

Passed the House of Representatives the 24th day of May, 2002.

Presiding Officer of the House
of Representatives

