

ENGROSSED HOUSE
BILL NO. 2115

By: Balkman, Duncan, DePue,
Nance, Martin and Cooksey
of the House

and

Nichols of the Senate

An Act relating to crimes and punishments; amending Section 2, Chapter 477, O.S.L. 2002 and Section 3, Chapter 477, O.S.L. 2002 (21 O.S. Supp. 2005, Sections 1268.1 and 1268.2), which relate to terrorism; modifying definition; modifying penalty; and providing an effective date.

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

SECTION 1. AMENDATORY Section 2, Chapter 477, O.S.L. 2002 (21 O.S. Supp. 2005, Section 1268.1), is amended to read as follows:

Section 1268.1 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 an act of violence resulting in damage to property or personal injury perpetrated to coerce a 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 2. AMENDATORY Section 3, Chapter 477, O.S.L. 2002 (21 O.S. Supp. 2005, Section 1268.2), is amended to read as follows:

Section 1268.2 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 without parole.

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 3. This act shall become effective November 1, 2006.

Passed the House of Representatives the 13th day of March, 2006.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2006.

Presiding Officer of the Senate