

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 2983

By: Duncan

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7 COMMITTEE SUBSTITUTE

8 An Act relating to crimes and punishments; amending
9 Sections 2 and 6, Chapter 477, O.S.L. 2002 (21 O.S.
10 Supp. 2009, Sections 1268.1 and 1268.5), which relate
11 to the Oklahoma Antiterrorism Act; modifying
12 definition of terrorism; modifying penalties; and
13 declaring an emergency.

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

15 SECTION 1. AMENDATORY Section 2, Chapter 477, O.S.L.
16 2002 (21 O.S. Supp. 2009, Section 1268.1), is amended to read as
17 follows:

18 Section 1268.1 As used in this act:

19 1. "Biochemical terrorism" means an act of terrorism involving
20 any biological organism, pathogen, bacterium, virus, chemical or its
21 toxins, isomers, salts or compounds, or any combination of
22 organisms, viruses or chemicals that is capable of and intended to
23 cause death, disease, injury, illness or harm to any human or animal
24 upon contact or ingestion, or harm to any food supply, plant, water

1 supply, drink, medicine or other product used for or consumed by
2 humans or animals;

3 2. "Terrorism" means an act of violence resulting in damage to
4 property or personal injury perpetrated to coerce a civilian
5 population or government into granting illegal political ~~or~~,
6 military, economic or religious demands; or conduct intended to
7 incite violence or economic chaos in order to create apprehension of
8 bodily injury or damage to property in order to coerce a civilian
9 population or government into granting illegal political ~~or~~,
10 military, economic or religious demands. Peaceful picketing or
11 boycotts and other nonviolent action shall not be considered
12 terrorism;

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

- 16 a. the intentional use of any substance to cause fear,
17 intimidation or anxiety and a reasonable belief by any
18 victim that such substance is used, placed, sent,
19 delivered or otherwise employed as an act of
20 biochemical terrorism requiring an emergency response
21 or the evacuation or quarantine of any person, place
22 or article, or
- 23 b. any act or threat of violence, sabotage, damage or
24 harm against a population, place or infrastructure

1 that causes fear, intimidation or anxiety and a
2 reasonable belief by any victim that such act or
3 threat is an act of terrorism to disrupt any place,
4 population, business, agency or government;

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

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

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

19 SECTION 2. AMENDATORY Section 6, Chapter 477, O.S.L.
20 2002 (21 O.S. Supp. 2009, Section 1268.5), is amended to read as
21 follows:

22 Section 1268.5 A. Every person who, without justifiable or
23 excusable cause, willfully commits biochemical assault against
24 another person shall be punished as provided in this section.

1 B. Every act of biochemical assault is a ~~misdemeanor~~ felony
2 punishable by imprisonment in the ~~county jail~~ custody of the
3 Department of Corrections for a term ~~of not more than one (1) year~~
4 to exceed twenty (20) years, or by a fine not to exceed ~~One Thousand~~
5 ~~Dollars (\$1,000.00)~~ Twenty Thousand Dollars (\$20,000.00), or by both
6 such fine and imprisonment when the person knows the substance or
7 material used to commit biochemical assault is not toxic, noxious,
8 or lethal to humans. In addition to any term of imprisonment
9 imposed for biochemical assault, the person shall be ordered to make
10 restitution to the victim and to reimburse the cost of any emergency
11 personnel, equipment, supplies, and other expenses incurred by the
12 state and any political subdivision as a result of responding to
13 such act.

14 C. Every act of biochemical assault is a felony punishable by
15 imprisonment in the ~~State Penitentiary~~ custody of the Department of
16 Corrections for a term ~~of not more than ten (10) years~~ to exceed
17 life without parole when the person knows the substance or material
18 used to commit biochemical assault is toxic, noxious, or lethal to
19 humans. In addition to any term of imprisonment imposed for
20 biochemical assault, the person shall be ordered to make restitution
21 to the victim and to reimburse the cost of any emergency personnel,
22 equipment, supplies, and other expenses incurred by the state and
23 any political subdivision as a result of responding to such act.

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1 SECTION 3. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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