

THE HOUSE OF REPRESENTATIVES  
Wednesday, February 17, 2010

Committee Substitute for  
House Bill No. 2983

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2983 - By: DUNCAN of the House.

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

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

- 1 SECTION 1. AMENDATORY Section 2, Chapter 477, O.S.L. 2002 (21 O.S.  
2 Supp. 2009, Section 1268.1), is amended to read as follows:  
3 Section 1268.1 As used in this act:  
4 1. "Biochemical terrorism" means an act of terrorism involving any biological  
5 organism, pathogen, bacterium, virus, chemical or its toxins, isomers, salts or  
6 compounds, or any combination of organisms, viruses or chemicals that is capable of and  
7 intended to cause death, disease, injury, illness or harm to any human or animal upon  
8 contact or ingestion, or harm to any food supply, plant, water supply, drink, medicine or  
9 other product used for or consumed by humans or animals;  
10 2. "Terrorism" means an act of violence resulting in damage to property or personal  
11 injury perpetrated to coerce a civilian population or government into granting illegal  
12 political ~~or~~, military, economic or religious demands; or conduct intended to incite

1 violence or economic chaos in order to create apprehension of bodily injury or damage to  
2 property in order to coerce a civilian population or government into granting illegal  
3 political ~~or~~, military, economic or religious demands. Peaceful picketing or boycotts and  
4 other nonviolent action shall not be considered terrorism;

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

7 a. the intentional use of any substance to cause fear, intimidation or  
8 anxiety and a reasonable belief by any victim that such substance is  
9 used, placed, sent, delivered or otherwise employed as an act of  
10 biochemical terrorism requiring an emergency response or the  
11 evacuation or quarantine of any person, place or article, or

12 b. any act or threat of violence, sabotage, damage or harm against a  
13 population, place or infrastructure that causes fear, intimidation or  
14 anxiety and a reasonable belief by any victim that such act or threat is  
15 an act of terrorism to disrupt any place, population, business, agency  
16 or government;

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

20 a. cause intimidation, fear or anxiety and a reasonable belief by the  
21 victim that death, disease, injury or illness will occur as a result of

1                   contamination by such substance or material and, based upon that  
2                   belief, an emergency response is necessary, or

3                   b.       poison, injure, harm or cause disease or illness to any person; and

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

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

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

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

21                  C. Every act of biochemical assault is a felony punishable by imprisonment in the  
22 ~~State Penitentiary~~ custody of the Department of Corrections for a term of not ~~more than~~

1 ~~ten (10) years~~ to exceed life without parole when the person knows the substance or  
2 material used to commit biochemical assault is toxic, noxious, or lethal to humans. In  
3 addition to any term of imprisonment imposed for biochemical assault, the person shall  
4 be ordered to make restitution to the victim and to reimburse the cost of any emergency  
5 personnel, equipment, supplies, and other expenses incurred by the state and any  
6 political subdivision as a result of responding to such act.

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

10 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02-16-10 - DO PASS,  
11 As Amended.