

1 ENGROSSED HOUSE  
2 BILL NO. 2320

By: Loring, Sanders and Biggs  
of the House

3 and

4 Shaw of the Senate  
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8 An Act relating to crimes and punishments; amending  
9 21 O.S. 2011, Sections 1268.1 and 1268.2, which  
10 relate to Oklahoma Antiterrorism Act; modifying  
11 certain definition; updating language; clarifying  
12 terrorism penalty provision; and providing an  
13 effective date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1268.1, is  
16 amended to read as follows:

17 Section 1268.1 As used in this act:

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

- 21 a. cause intimidation, fear or anxiety and a reasonable  
22 belief by the victim that death, disease, injury or  
23 illness will occur as a result of contamination by  
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1           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  
4           any person;

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

13           3.   "Conduct" includes initiating, concluding, or participating  
14 in initiating or concluding a transaction;

15           4.   "Financial institution" includes:

16           a.   any financial institution, as defined in Section  
17               5312(a)(2) of Title 31 of the United States Code, or  
18               the regulations promulgated thereunder, and

19           b.   any foreign bank, as defined in Section 3101 of Title  
20               12 of the United States Code;

21           5.   "Financial transaction" means:

22           a.   a transaction which in any way or degree affects  
23               state, interstate or foreign commerce:

1 (1) involving the movement of funds by wire or other  
2 means,

3 (2) involving one or more monetary instruments, or

4 (3) involving the transfer of title to any real  
5 property, vehicle, vessel, or aircraft, or

6 b. a transaction involving the use of a financial  
7 institution which is engaged in, or the activities of  
8 which affect, state, interstate or foreign commerce  
9 in any way or degree;

10 6. "Monetary instrument" means:

11 a. coin or currency of the United States or of any other  
12 country, travelers' checks, personal checks, bank  
13 checks, and money orders, or

14 b. investment securities or negotiable instruments, in  
15 bearer form or otherwise in such form that title  
16 thereto passes upon delivery;

17 7. "Proceeds" means all monies, negotiable instruments, and  
18 securities received, used, or intended to be used to facilitate any  
19 violation of the Oklahoma Antiterrorism Act;

20 8. "Terrorism" means ~~an~~ one or more kidnappings or other act of  
21 violence, or a series of acts of violence, resulting in damage to  
22 property ~~or,~~ personal injury ~~perpetrated to~~ or death, or the threat  
23 of such act or acts that appears to be intended:

24 a. to intimidate or coerce a civilian population ~~or,~~

1            b. to influence the policy or conduct of a government  
2            ~~into granting illegal political or economic demands;~~  
3            ~~or~~ by intimidation or coercion, or

4            c. in retaliation for the policy or conduct intended to  
5            ~~incite violence in order to create apprehension of~~  
6            ~~bodily injury or damage to property in order to coerce~~  
7            ~~a civilian population or government into granting~~  
8            ~~illegal political or economic demands~~ of a government  
9            by intimidation or coercion.

10           Peaceful picketing or boycotts and other nonviolent action shall  
11 not be considered terrorism;

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

15           a. the intentional use of any substance to cause fear,  
16           intimidation or anxiety and a reasonable belief by any  
17           victim that such substance is used, placed, sent,  
18           delivered or otherwise employed as an act of  
19           biochemical terrorism requiring an emergency response  
20           or the evacuation or quarantine of any person, place  
21           or article, or

22           b. any act or threat of violence, sabotage, damage or  
23           harm against a population, place or infrastructure  
24           that causes fear, intimidation or anxiety and a

1 reasonable belief by any victim that such act or  
2 threat is an act of terrorism to disrupt any place,  
3 population, business, agency or government;

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

7 11. "Transaction" includes a purchase, sale, loan, pledge,  
8 gift, transfer, delivery, or other disposition, and with respect to  
9 a financial institution includes a deposit, withdrawal, transfer  
10 between accounts, exchange of currency, loan, extension of credit,  
11 purchase or sale of any stock, bond, certificate of deposit, or  
12 other monetary instrument, use of a safe deposit box, or any other  
13 payment, transfer, or delivery by, through, or to a financial  
14 institution, by whatever means effected.

15 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1268.2, is  
16 amended to read as follows:

17 Section 1268.2 A. Every act of terrorism is a felony.

18 B. A person convicted of terrorism shall be punished by  
19 imprisonment in the ~~State Penitentiary~~ custody of the Department of  
20 Corrections for a term not exceeding life.

21 C. A person who kills another person or who causes the death of  
22 another person in the commission of an act of terrorism shall be  
23 guilty of murder in the first degree.

1 D. A person convicted of biochemical terrorism shall be  
2 ordered, in addition to the punishment imposed for the act of  
3 terrorism, to reimburse the cost of any emergency personnel,  
4 equipment, supplies, and other expenses incurred by the state and  
5 any political subdivision as a result of responding to such act of  
6 terrorism.

7 E. The punishment for terrorism shall be in addition to any  
8 penalty imposed for any individual offense or offenses involved in  
9 the act or acts of terrorism.

10 SECTION 3. This act shall become effective November 1, 2016.

11 Passed the House of Representatives the 3rd day of March, 2016.

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Presiding Officer of the House  
of Representatives

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Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2016.

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Presiding Officer of the Senate

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