

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1152

92ND GENERAL ASSEMBLY

Reported from the Committee on Homeland Security and Veterans Affairs March 11, 2004, with recommendation that the House Committee Substitute for House Bill No. 1152 Do Pass.

Taken up for Perfection March 17, 2004. House Committee Substitute for House Bill No. 1152 ordered Perfected and printed, as amended.

STEPHEN S. DAVIS, Chief Clerk

2489L.04P

AN ACT

To repeal section 574.115, RSMo, and to enact in lieu thereof three new sections relating to terrorism, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 574.115, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 574.115, 574.117, and 574.119, to read as follows:

- 574.115. 1. A person commits the crime of making a terrorist threat if such person communicates a threat, **by any means, to commit any crime of violence or** to cause an incident or condition involving danger to life, [communicates a] **or knowingly makes a false report of an incident or condition involving danger to life, or knowingly causes a false belief or fear that an incident has occurred or that a condition exists involving danger to life:**
- (1) With the purpose of frightening [ten or more people] **any person;**
 - (2) With the purpose of causing **serious public inconvenience or terror, including but not limited to the disruption of public services or** the evacuation, quarantine or closure of any portion of a building, inhabitable structure, place of assembly or facility of transportation; or
 - (3) With reckless disregard of the risk of causing **serious public inconvenience or terror, including but not limited to the disruption of public services or** the evacuation,

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

12 quarantine or closure of any portion of a building, inhabitable structure, place of assembly or
13 facility of transportation; or

14 (4) With criminal negligence with regard to the risk of causing **serious public**
15 **inconvenience or terror, including but not limited to the disruption of public services or**
16 the evacuation, quarantine or closure of any portion of a building, inhabitable structure, place of
17 assembly or facility of transportation.

18 2. Making a terrorist threat is a class C felony unless committed under subdivision (3)
19 of subsection 1 of this section in which case it is a class D felony or unless committed under
20 subdivision (4) of subsection 1 of this section in which case it is a class A misdemeanor.

21 3. For the purpose of this section, **"by any means" includes verbal communications,**
22 **written communications, or communications through the use of an electronic device;**
23 **"crime of violence" includes any crime that involves the use of force; and "threat" includes**
24 an express or implied threat.

25 4. A person who acts in good faith with the purpose to prevent harm does not commit
26 a crime pursuant to this section.

574.117. 1. A person commits the crime of threatening the use of a weapon of mass
2 **destruction if such person knowingly makes a threat to an identifiable group to use a**
3 **weapon of mass destruction with a specific intent that the statement made verbally, in**
4 **writing, or by means of an electronic communication device is to be taken as a threat, even**
5 **if there is no intent of actually carrying it out, which on its face and under the**
6 **circumstances in which it is made, is so unequivocal, immediate, and specific as to convey**
7 **to the person threatened a gravity of purpose and an immediate prospect of execution of**
8 **the threat, and thereby cause that person reasonably to be in substantial fear of his or her**
9 **own safety, or of his or her immediate family's safety.**

10 2. As used in this section "threat" includes express or implied threats and
11 "identifiable group" includes but is not limited to law enforcement, prosecutors, judges,
12 and ethnic or religious organizations.

13 3. As used in this section "weapon of mass destruction" means any biological or
14 chemical agent or substance or any radioactive material capable of causing serious physical
15 injury as defined in section 565.002, RSMo, serious illness, or death when unleashed by any
16 means, or any explosive or incendiary device as defined pursuant to section 574.070,
17 RSMo, or any explosive nuclear device.

18 4. Threatening the use of a weapon of mass destruction is a class C felony for a first
19 offense and a class B felony for a second or subsequent offense.

574.119. 1. A person commits the crime of computer dissemination of information
2 **to promote a terrorist act if such person knowingly furnishes or disseminates through a**

3 computer or computer network any picture, photograph, drawing or similar visual or
4 verbal description of any information with the intent to encourage, solicit, or otherwise
5 promote a terrorist act.

6 2. As used in this section "terrorist act" means:

7 (1) Any act that is intended to cause or create or does cause or create a risk of death
8 or serious physical injury to one or more persons;

9 (2) Any act that disables or destroys the usefulness or operation of any
10 communications system;

11 (3) Any act or any series of two or more acts committed in furtherance of a single
12 intention, scheme, or design that disables or destroys the usefulness or operation of a
13 computer network, computers, computer programs, or data used by any industry, by any
14 class of business, or by five or more businesses or by the federal government, state
15 government, any local unit of government, a public utility, a manufacturer of
16 pharmaceuticals, a national defense contractor, or a manufacturer of chemical or
17 biological products used in or in connection with agricultural production;

18 (4) Any act that disables or causes substantial damage to or destruction of any
19 structure or facility used in connection with ground, air, or water transportation, the
20 production or distribution of electricity, gas, oil, or other fuel, the treatment of sewage, or
21 the treatment or distribution of water, or controlling the flow of any body of water;

22 (5) Any act that causes substantial damage to or destruction of livestock or to crops
23 or a series of two or more acts committed in furtherance of a single intention, scheme, or
24 design, which in the aggregate, causes substantial damage to or destruction of livestock or
25 crops;

26 (6) Any act that causes substantial damage to or destruction of any hospital or any
27 building or facility used by the federal government, state government, any unit of local
28 government or by a national defense contractor or by a public utility, a manufacturer of
29 pharmaceuticals, a manufacturer of chemical or biological products used in or in
30 connection with agricultural production or the storage or processing of agricultural
31 products or the preparation of agricultural products for food or food products intended
32 for resale or for feed for livestock;

33 (7) Any act that causes substantial damage to any building containing five or more
34 businesses of any type or to any building in which ten or more people reside;

35 (8) Any act that uses a burning or flaming cross or other burning or flaming
36 symbol or flambeau with the intent to terrorize another or another's household;

37 **(9) Any act that involves shooting or throwing an object at a conveyance which is**
38 **being operated or which is occupied by passengers which is not done in the commission of**
39 **an otherwise lawful act; or**

40 **(10) Any act that involves the release of any hazardous substance or any simulated**
41 **hazardous substance under the guise of a hazardous substance for the purpose of**
42 **terrorizing another or of causing the evacuation of a building, place of assembly, or a**
43 **facility of public transportation, or otherwise causing a serious public inconvenience or in**
44 **negligent or reckless disregard of the risk of causing such terror or inconvenience.**

45 **3. Computer dissemination of information to promote a terrorist act is a class B**
46 **felony.**