

HB37 INTRODUCED



1 5LUD63-1
2 By Representative Hill
3 RFD: Judiciary
4 First Read: 07-Mar-23
5 PFD: 23-Feb-23



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SYNOPSIS:

Under existing law, the crime of making a terrorist threat is a Class C felony.

This bill would also create the crime of making a terrorist threat in the second degree and provide for penalties.

This bill would repeal the existing crime of making a terrorist threat and create the new crime of making a terrorist threat in the first degree.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions



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29 contained in the amendment.

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A BILL

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TO BE ENTITLED

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AN ACT

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Relating to crimes and offenses; to create the crime of making a terrorist threat in the second degree; to establish penalties for violations; to repeal Section 13A-10-15, Code of Alabama 1975, the existing crime of making a terrorist threat, and create the new crime of making a terrorist threat in the first degree; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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Section 1. Article 10, commencing with Section

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13A-10-240, is added to Chapter 10 of Title 13A of the Code of Alabama 1975, to read as follows:

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§13A-10-240

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As used in this article, the following terms have the following meanings:

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(1) PROPERTY. Personal or real property. The term includes, but is not limited to, any of the following buildings or real property:

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a. A church, mosque, synagogue, or other religious real property.

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57 b. A public or private school.

58 (2) THREATEN. A person threatens another if all of the
59 following occur:

60 a. The person intentionally and knowingly makes a
61 statement verbally, in writing, by means of an electronic
62 communication device, or by any other means to harm a person
63 or property.

64 b. The statement is communicated to another person.

65 c. Under the circumstances, the threatened harm is
66 credible and imminent.

67 d. The statement, on its face and under the
68 circumstances in which it is made, is so unequivocal,
69 immediate, and specific as to convey to the person threatened,
70 a gravity of purpose and an immediate prospect of execution of
71 the threat.

72 e. The statement causes the person to reasonably be in
73 sustained fear for his or her own safety or for the object of
74 the threat.

75 (3) WEAPONS OF MASS DESTRUCTION. Any of the following:

76 a. A destructive device as defined in 18 U.S.C. § 921.

77 b. A weapon that is designed or intended to cause death
78 or serious bodily injury through the release, dissemination,
79 or impact of toxic or poisonous chemicals.

80 c. A weapon involving a biological agent, toxin, or
81 vector, as those terms are defined in 18 U.S.C. § 178.

82 d. A weapon that is designed to release radiation or
83 radioactivity at a level dangerous to human life.

84 §13A-10-241



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85 (a) A person commits the crime of making a terrorist
86 threat in the first degree when he or she, based on an
87 objective evaluation, credibly threatens to commit a crime of
88 violence against a person or to damage any property by use of
89 a bomb, explosive, weapon of mass destruction, firearm, deadly
90 weapon, or other mechanism and any of the following occurs:

91 (1) The threat causes the evacuation of any real
92 property.

93 (2) The threat causes the disruption of a school,
94 church, or government activity.

95 (3) The threat is with intent to retaliate against the
96 victim because of his or her involvement or participation as
97 any of the following:

98 a. A witness or party in any judicial or administrative
99 proceeding.

100 b. A person who produced records, documents, or other
101 objects in a judicial or administrative proceeding.

102 c. A person who provided to a law enforcement officer,
103 adult or juvenile probation officer, prosecuting attorney, or
104 judge any information relating to the commission or possible
105 commission of an offense under the laws of this state, of the
106 United States, or a violation of conditions of bail, pretrial
107 release, probation, or parole.

108 (b) The crime of making a terrorist threat in the first
109 degree is a Class C felony.

110 §13A-10-242

111 (a) A person commits the crime of making a terrorist
112 threat in the second degree when he or she, based on an



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113 objective evaluation, credibly threatens to commit a crime of
114 violence against a person or to damage any property by use of
115 a bomb, explosive, weapon of mass destruction, firearm, deadly
116 weapon, or other mechanism.

117 (b) The crime of making a terrorist threat in the
118 second degree is a Class A misdemeanor.

119 Section 2. Section 13A-10-15, Code of Alabama 1975,
120 relating to the crime of making a terrorist threat, is
121 repealed.

122 Section 3. Although this bill would have as its purpose
123 or effect the requirement of a new or increased expenditure of
124 local funds, the bill is excluded from further requirements
125 and application under Section 111.05 of the Constitution of
126 Alabama of 2022, because the bill defines a new crime or
127 amends the definition of an existing crime.

128 Section 4. This act shall take effect on the first day
129 of the third month, following its passage and approval by the
130 Governor, or its otherwise becoming law.