

IN THE SENATE

SENATE BILL NO. 1398

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE TERRORIST CONTROL ACT; AMENDING SECTION 18-8101, IDAHO CODE,  
2 TO REVISE THE LEGISLATIVE PURPOSE; AMENDING SECTION 18-8102, IDAHO  
3 CODE, TO REMOVE A DEFINITION, TO DEFINE TERMS, TO REVISE A DEFINITION,  
4 AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-8103, IDAHO  
5 CODE, TO REVISE A PROVISION REGARDING PROHIBITED ACTIVITIES, TO PROVIDE  
6 FOR THE CRIME OF DOMESTIC TERRORISM, AND TO MAKE TECHNICAL CORRECTIONS;  
7 AMENDING SECTION 18-8106, IDAHO CODE, TO PROVIDE FOR DOMESTIC TERROR-  
8 ISTS; AMENDING SECTION 18-4003, IDAHO CODE, TO PROVIDE FOR DOMESTIC  
9 TERRORISM AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 19-401,  
10 IDAHO CODE, TO PROVIDE FOR DOMESTIC TERRORISM; AND DECLARING AN EMER-  
11 GENCY AND PROVIDING AN EFFECTIVE DATE.  
12

13 Be It Enacted by the Legislature of the State of Idaho:

14 SECTION 1. That Section 18-8101, Idaho Code, be, and the same is hereby  
15 amended to read as follows:

16 18-8101. PURPOSE. The legislature recognizes the constitutional  
17 right of every citizen to peaceably assemble and petition the government  
18 for redress of grievances, to harbor and express beliefs on any subject, to  
19 associate with others ~~who share similar beliefs,~~ and to keep and bear arms.  
20 It is not the intent, by the provisions of this chapter, to interfere with the  
21 exercise of any and all rights protected by the constitutions of the state  
22 of Idaho or the United States. The legislature further recognizes and finds  
23 that conspiracies and training activities in furtherance of unlawful acts of  
24 terrorism and violence against persons and property is not constitutionally  
25 protected, poses a threat to public order and safety, and should be subject  
26 to criminal sanctions.

27 SECTION 2. That Section 18-8102, Idaho Code, be, and the same is hereby  
28 amended to read as follows:

29 18-8102. DEFINITIONS. As used in this chapter:

30 (1) ~~"Civil disorder" means any public disturbance involving acts of vi-~~  
31 ~~olence by an assemblage of two (2) or more persons which acts cause an imme-~~  
32 ~~diat danger of or result in damage or injury to the property or person of any~~  
33 ~~other individual. "Domestic terrorism" means activities conducted within~~  
34 ~~or that take effect within the geographical boundaries of the state of Idaho~~  
35 that:

36 (a) Are done in cooperation with any federally designated interna-  
37 tional terrorist organization that threatens or appears to threaten the  
38 sovereignty of Idaho or the United States of America;

39 (b) Are a violation of Idaho criminal law; and

40 (c) Either:

1            (i) Involve violent acts or threats specifically intended to  
 2 physically harm human life and:

3            1. Intimidate, coerce, influence, or disrupt other lawful  
 4 activities within Idaho; or

5            2. Influence the policy of the state of Idaho or any politi-  
 6 cal subdivision thereof; or

7            (ii) Involve use of weapons of mass destruction as defined in sec-  
 8 tion 18-3322, Idaho Code.

9            (2) "Domestic terrorist" means a person who pleads guilty to or is found  
 10 guilty of domestic terrorism as defined in this section.

11            (3) "Governmental military force" means the national guard, as defined  
 12 in section 101(9) of title 10, United States Code 10 U.S.C. 101(c) (1); the  
 13 organized militia of any state or territory of the United States, the Com-  
 14 monwealth of Puerto Rico, or the District of Columbia, not included with the  
 15 definition of national guard as defined by such section 101(9) 10 U.S.C.  
 16 101(c) (1); and the armed forces of the United States.

17            (34) "Law enforcement agency" means a governmental unit of one (1) or  
 18 more persons employed full-time or part-time by the state or federal govern-  
 19 ment, or a political subdivision thereof, for the purpose of preventing and  
 20 detecting crime and enforcing laws or local ordinances and the employees of  
 21 which are authorized to make arrests for crimes while acting within the scope  
 22 of their authority.

23            (45) "Peace officer" means any duly appointed officer of a law enforce-  
 24 ment agency as defined herein, including, but not limited to, an officer  
 25 of the Idaho state police, department of fish and game, a sheriff or deputy  
 26 sheriff of a county, or a marshal or police officer of a city.

27            (56) "Terrorism" means activities that:

28            (a) Are done in cooperation with any federally designated interna-  
 29 tional terrorist organization that threatens or appears to threaten the  
 30 sovereignty of another state or the United States of America;

31            (b) Are a violation of Idaho criminal law within the geographical  
 32 boundaries of the state of Idaho; and

33            (bc) Either:

34            (i) Involve violent acts dangerous to or threats specifically in-  
 35 tended to physically harm human life that are intended to and:

36            (i)1. Intimidate or, coerce a civilian population, influ-  
 37 ence, or disrupt other lawful activities outside the state  
 38 of Idaho; or

39            (ii)2. Influence the policy of a government by intimidation  
 40 or coercion any jurisdiction of the United States or any po-  
 41 litical subdivision thereof; or

42            (iii) Affect the conduct of a government by Involve the use of  
 43 weapons of mass destruction, as defined in section 18-3322, Idaho  
 44 Code.

45            (7) "Terrorist" means a person who pleads guilty to or is found guilty  
 46 of terrorism as defined in this section.

47            SECTION 3. That Section 18-8103, Idaho Code, be, and the same is hereby  
 48 amended to read as follows:

49            18-8103. PROHIBITED ACTIVITIES -- PENALTIES. Any person who:

1 (1) Conspires with one (1) or more persons to injure, oppress, threaten  
 2 or intimidate any citizen in the free exercise or enjoyment of any right or  
 3 privilege secured to him by the constitutions or laws of the United States or  
 4 the state of Idaho, by the use of violence against the person or property of  
 5 such citizen; or

6 (2) Goes on the highway, or on the premises of any citizen, with one (1)  
 7 or more other persons, with the intent by use of violence against such cit-  
 8 izen or his property, to prevent or hinder his free exercise or enjoyment of  
 9 any right or privilege so secured; or

10 (3) Assembles with one (1) or more persons for the purpose of training  
 11 or instructing in the use of, or practicing with, any technique or means ca-  
 12 pable of causing property damage, bodily injury or death with the intent to  
 13 employ such training, instruction or practice in the commission of ~~a civil~~  
 14 ~~disorder~~ domestic terrorism, as defined herein in this chapter; or

15 (4) Commits an act of terrorism or domestic terrorism, as defined in  
 16 this chapter; or

17 (5) Conspires with one (1) or more persons to commit an act of terrorism  
 18 or domestic terrorism, as defined in this chapter;

19 shall be guilty of a felony. A violation of subsection (1), (2) or (3) of this  
 20 section shall be punished by imprisonment in the state prison for a period  
 21 not to exceed ten (10) years, by a fine not in excess of fifty thousand dol-  
 22 lars (\$50,000), or by both such fine and imprisonment. A violation of sub-  
 23 section (4) or (5) of this section shall be punished by imprisonment in the  
 24 state prison for a period of up to and including life imprisonment or by a  
 25 fine not exceeding fifty thousand dollars (\$50,000), or by both.

26 SECTION 4. That Section 18-8106, Idaho Code, be, and the same is hereby  
 27 amended to read as follows:

28 18-8106. PROVIDING MATERIAL SUPPORT TO TERRORISTS OR DOMESTIC TER-  
 29 RORISTS. (1) A person who provides material support or resources, or who  
 30 conceals or disguises the nature, location, source or ownership of material  
 31 support or resources, with the knowledge and intention that such support or  
 32 resources are to be used in the preparation or carrying out of a violation  
 33 of this chapter, or in the preparation or carrying out of the concealment of  
 34 such support or resources, or in the escape from the commission of any such  
 35 violation, shall be guilty of a felony and shall be punished by imprisonment  
 36 in the state prison for a period not to exceed fifteen (15) years or by a fine  
 37 not exceeding fifty thousand dollars (\$50,000), or by both.

38 (2) As used in this section, the term "material support or resources"  
 39 means currency or other financial securities, financial services, lodging,  
 40 safe houses, training, false documentation or identification, communica-  
 41 tions equipment, facilities, weapons, lethal substances, explosives, per-  
 42 sonnel, transportation, and other physical assets. "Material support or re-  
 43 sources" does not include medical or religious material.

44 SECTION 5. That Section 18-4003, Idaho Code, be, and the same is hereby  
 45 amended to read as follows:

46 18-4003. DEGREES OF MURDER. (a) All murder which is perpetrated by  
 47 means of poison, or lying in wait, or torture, when torture is inflicted with

1 the intent to cause suffering, to execute vengeance, to extort something  
2 from the victim, or to satisfy some sadistic inclination, or which is per-  
3 petrated by any kind of willful, deliberate and premeditated killing, is  
4 murder of the first degree.

5 (b) Any murder of any peace officer, executive officer, officer of the  
6 court, fireman, judicial officer or prosecuting attorney who was acting in  
7 the lawful discharge of an official duty, and was known or should have been  
8 known by the perpetrator of the murder to be an officer so acting, shall be  
9 murder of the first degree.

10 (c) Any murder committed by a person under a sentence for murder of the  
11 first or second degree, including such persons on parole or probation from  
12 such sentence, shall be murder of the first degree.

13 (d) Any murder committed in the perpetration of, or attempt to perpe-  
14 trate, aggravated battery on a child under twelve (12) years of age, arson,  
15 rape, robbery, burglary, kidnapping or mayhem, or an act of terrorism or do-  
16 mestic terrorism, as defined in section 18-8102, Idaho Code, or the use of a  
17 weapon of mass destruction, biological weapon or chemical weapon, is murder  
18 of the first degree.

19 (e) Any murder committed by a person incarcerated in a penal institu-  
20 tion upon a person employed by the penal institution, another inmate of the  
21 penal institution or a visitor to the penal institution shall be murder of  
22 the first degree.

23 (f) Any murder committed by a person while escaping or attempting to es-  
24 cape from a penal institution is murder of the first degree.

25 (g) All other kinds of murder are of the second degree.

26 SECTION 6. That Section 19-401, Idaho Code, be, and the same is hereby  
27 amended to read as follows:

28 19-401. NO STATUTE OF LIMITATIONS FOR CERTAIN FELONIES. Notwithstand-  
29 ing any other provision of law, there is no limitation of time within which a  
30 prosecution for the following crimes must be commenced:

- 31 (1) Murder;  
32 (2) Voluntary manslaughter;  
33 (3) Rape pursuant to section 18-6101(3) through (10), Idaho Code;  
34 (4) Sexual abuse of a child or lewd conduct with a child as set forth in  
35 sections 18-1506 and 18-1508, Idaho Code; or  
36 (5) An act of terrorism or domestic terrorism as set forth in sections  
37 18-8102, 18-8103, 18-3322, 18-3323 and 18-3324, Idaho Code.

38 SECTION 7. An emergency existing therefor, which emergency is hereby  
39 declared to exist, this act shall be in full force and effect on and after  
40 July 1, 2022.