111TH CONGRESS 1ST SESSION

S. 2844

To amend title 18, United States Code, to improve the terrorist hoax statute.

IN THE SENATE OF THE UNITED STATES

DECEMBER 7, 2009

Mr. Schumer (for himself, Mr. Kyl, Mrs. Feinstein, and Mr. Cornyn) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to improve the terrorist hoax statute.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "Terrorist Hoax Im-
- 5 provements Act of 2009".
- 6 SEC. 2. IMPROVEMENTS TO THE TERRORIST HOAX STAT-
- 7 **UTE.**
- 8 (a) Hoax Statute.—Section 1038 of title 18,
- 9 United States Code, is amended—
- 10 (1) in subsection (a)—

1	(A) in paragraph (1), after "title 49," in-
2	sert "or any other offense listed under section
3	2332b(g)(5)(B) of this title,"; and
4	(B) in paragraph (2)—
5	(i) in subparagraph (A), by striking
6	"5 years" and inserting "10 years"; and
7	(ii) in subparagraph (B), by striking
8	"20 years" and inserting "25 years"; and
9	(2) by amending subsection (b) to read as fol-
10	lows:
11	"(b) CIVIL ACTION.—
12	"(1) In General.—Whoever engages in any
13	conduct with intent to convey false or misleading in-
14	formation under circumstances where such informa-
15	tion may reasonably be believed and where such in-
16	formation indicates that an activity has taken, is
17	taking, or will take place that would constitute an
18	offense listed under subsection $(a)(1)$ is liable in a
19	civil action to any party incurring expenses incident
20	to any emergency or investigative response to that
21	conduct, for those expenses.
22	"(2) Effect of conduct.—
23	"(A) IN GENERAL.—A person described in
24	subparagraph (B) is liable in a civil action to

1	any party described in subparagraph (B)(ii) for
2	any expenses that are incurred by that party—
3	"(i) incident to any emergency or in-
4	vestigative response to any conduct de-
5	scribed in subparagraph (B)(i); and
6	"(ii) after the person that engaged in
7	that conduct should have informed that
8	party of the actual nature of the activity.
9	"(B) APPLICABILITY.—A person described
10	in this subparagraph is any person that—
11	"(i) engages in any conduct that has
12	the effect of conveying false or misleading
13	information under circumstances where
14	such information may reasonably be be-
15	lieved to indicate that an activity has
16	taken, is taking, or will take place that
17	would constitute an offense listed under
18	subsection (a)(1);
19	"(ii) receives actual notice that an-
20	other party is taking emergency or inves-
21	tigative action because that party believes
22	that the information indicates that an ac-
23	tivity has taken, is taking, or will take
24	place that would constitute an offense list-
25	ed under subsection (a)(1); and

1	"(iii) after receiving such notice, fails
2	to promptly and reasonably inform 1 or
3	more parties described in clause (ii) of the
4	actual nature of the activity.".
5	(b) Threatening Communications.—
6	(1) Mailed within the united states.—
7	Section 876 of title 18, United States Code, is
8	amended by adding at the end thereof the following
9	new subsection:
10	"(e) For purposes of this section, the term 'addressed
11	to any other person' includes an individual (other than the
12	sender), a corporation or other legal person, and a govern-
13	ment or agency or component thereof.".
14	(2) Mailed to a foreign country.—Section
15	877 of title 18, United States Code, is amended by
16	adding at the end thereof the following new para-
17	graph:
18	"For purposes of this section, the term 'addressed to
19	any person' includes an individual, a corporation or other
20	legal person, and a government or agency or component
21	thereof.".

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