

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 289

**FISCAL
NOTE**

BY SENATORS BOSO AND TRUMP

[Introduced January 14, 2016;

Referred to the Committee on the Judiciary.]

1 A BILL to amend and reenact §61-6-24 of the Code of West Virginia, 1931, as amended, relating
 2 to modifying definition of a “terrorist act” to include the intimidation directed to either an
 3 official or employee of any branch or level of government or to members of his or her
 4 family; and applying existing criminal penalties.

Be it enacted by the Legislature of West Virginia:

1 That §61-6-24 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted to read as follows:

ARTICLE 6. CRIMES AGAINST THE PEACE.

**§61-6-24. Threats of terrorist acts, conveying false information concerning terrorist acts
 and committing terrorist hoaxes prohibited; penalties.**

1 (a) As used in this section:

2 (1) “Economic harm” means all direct, incidental and consequential pecuniary harm
 3 suffered by a victim as a result of criminal conduct. Economic harm includes, but is not limited to,
 4 the following:

5 (A) All wages, salaries or other compensation lost as a result of the criminal conduct;

6 (B) The cost of all wages, salaries or other compensation paid to employees for time those
 7 employees are prevented from working as a result of the criminal conduct;

8 (C) The cost of all wages, salaries or other compensation paid to employees for time those
 9 employees spent in reacting to the results of the criminal conduct; or

10 (D) The overhead costs incurred for the time that a business is shut down as a result of
 11 the criminal conduct.

12 (2) “Hoax substance or device” means any substance or device that is shaped, sized,
 13 colored, marked, imprinted, numbered, labeled, packaged, distributed, priced or delivered so as
 14 to cause a reasonable person to believe that the substance or device is of a nature which is
 15 capable of causing serious bodily injury or damage to property or the environment.

16 (3) “Terrorist act” means an act that is:

17 (A) Likely to result in serious bodily injury or damage to property or the environment; and

18 (B) Intended to:

19 (i) Intimidate or coerce the civilian population;

20 (ii) Influence the policy of a branch or level of government by intimidation or coercion;

21 (iii) Affect the conduct of a branch or level of government by intimidation or coercion

22 including, but not limited to, intimidation directed to either an official or employee of any branch
23 or level of government or to members of their family; or

24 (iv) Retaliate against a branch or level of government for a policy or conduct of the
25 government.

26 (b) Any person who knowingly and willfully threatens to commit a terrorist act, with or
27 without the intent to commit the act, is guilty of a felony and, upon conviction thereof, shall be
28 fined not less than \$5,000 nor more than \$25,000 or confined in a state correctional facility for not
29 less than one year nor more than three years, or both.

30 (c) Any person who knowingly and willfully conveys false information knowing the
31 information to be false concerning an attempt or alleged attempt being made or to be made of a
32 terrorist act is guilty of a felony and, upon conviction thereof, shall be fined not less than \$5,000
33 nor more than \$25,000 or confined in a state correctional facility for not less than one year nor
34 more than three years, or both.

35 (d) Any person who uses a hoax substance or device with the specific intent to commit a
36 terrorist act is guilty of a felony and, upon conviction thereof, shall be fined not less than \$10,000
37 nor more than \$50,000 or confined in a state correctional facility for not less than one year nor
38 more than five years, or both.

39 (e) The court shall order any person convicted of an offense under this section to pay the
40 victim restitution in an amount not to exceed the total amount of any economic harm suffered.

41 (f) The court shall order any person convicted of an offense under this section to reimburse
42 the state or any subdivision of the state for any expenses incurred by the state or the subdivision
43 incident to its response to a violation of this section.

44 (g) The conviction of any person under the provisions of this section does not preclude or
45 otherwise limit any civil proceedings arising from the same act.

NOTE: The purpose of this bill is to modify the definition of a "terrorist act" to include the intimidation directed to either an official or employee of any branch or level of government or to members of his or her family. The bill would also apply existing criminal penalties.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.