

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2757

By Delegates Ridenour, Jennings, Petitto, Phillips,
Maynor, Hillenbrand, Roop, Kimble, Butler, Mallow,
and Funkhouser

[Introduced February 21, 2025; 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 to
2 clarifying definitions of terroristic acts and groups; creating mandatory sentencing, and
3 requiring the Attorney General to identify terrorist groups; requiring restitution to be paid to
4 victims of terrorism; increasing penalties upon conviction of the felony offences of
5 threatening to commit a terrorist act, conveys false information knowing the information to
6 be false concerning an attempt or alleged attempt being made or to be made of a terrorist
7 act, and for use of a hoax substance or device with the specific intent to commit a terrorist
8 act; creating the felony offenses of committing a terrorist act or being a member of a
9 terrorist group, actively participating in violent actions as part of a terrorist act in which
10 another person is killed as a result of the terrorist act; providing criminal penalties;
11 providing for restitution for economic harm to victims for such acts; establishing certain
12 acts as acts of terrorism and providing for criminal penalties for committing such acts;
13 providing that sentences for terrorism are mandatory, and are not subject to suspension,
14 alternative sentencing, or probation; providing that the Attorney General identify terrorist
15 entities and that any member or associate of these groups shall be deemed to be engaged
16 in terrorism, will be identified as a terrorist and will be punished in accordance with this
17 section.

Be it enacted by the Legislature of West Virginia:

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~~ The Anti-Terrorism Act.

1 (a) The Legislature finds that terrorism poses an increased threat to good governance and
2 the ability of citizens and groups to exist without fear. The Legislature finds that terrorism must be
3 eradicated to the greatest extent possible, and terrorists must be prevented from operating in West
4 Virginia.

5 (a) (b) As used in this section:

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

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

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

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

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

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

~~(3) "Terrorist act" means an act that is:~~

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

~~(B) Intended to:~~

~~(i) Intimidate or coerce the civilian population;~~

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

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

~~(iv) Retaliate against a branch or level of government for a policy or conduct of the government~~

(3) "Terrorism" means the unlawful use or threatened use of physical force, violence, or acts dangerous to life in order to inculcate fear and appear intended to coerce, intimidate, retaliate against or attack groups, governments, or societies to influence or affect the policies of those entities by perpetrators in the pursuit of goals that are generally political, religious, or ideological.

(4) "Terrorist act" means an act of terrorism, including active participation in a violent mass action.

(5) "Terrorist violent mass action" means a violent event, including violent protests, riots and mobs, conducted to inculcate fear and appear intended to coerce, intimidate or attack groups, governments, or societies.

(6) "Terrorist group" means any entity that uses terrorism to advance its agenda.

(7) "Terrorist" means any person who uses terrorism to advance a cause.

(8) "Critical infrastructure" means publicly or privately owned facilities, systems, functions, or assets, whether physical or virtual, providing or distributing services for the benefit of the public, including, but not limited to, energy, fuel, water, agriculture, health care, finance, or communication.

(9) "Weapon of mass destruction" means chemical warfare agents, weaponized biological or biologic warfare agents, nuclear weapons, radiological weapons and agents or the intentional release of industrial agents as a weapon. Fentanyl is designated as a weapon of mass destruction.

(10) "Terroristic vandalism" are acts resulting in permanent destruction of property as a means to coerce, intimidate or attack targeted groups, governments, or societies.

(11) "Terrorist swatting" means unlawfully deliberately and maliciously reporting or contriving a false crime or emergency to law enforcement to evoke an aggressive response by a law enforcement agency to a targeted location to harass and intimidate a person, persons or entity. Swatting is a terrorist act if the action meets the definition of terrorism above.

(12) "Material support to terrorism" means provision of material support or resources; or concealment or disguise of the nature, location, source, or ownership of material support or resources; knowing or intending that they are to be used in preparation for or in carrying out terrorism.

(13) "Material support or resources" means any property, tangible or intangible, or service,

including:

(A) Solicitation for a terrorist act;

(B) Currency or monetary instruments or financial securities;

(C) Financial services;

(D) Lodging;

(E) Training;

(F) Expert advice or assistance, including direction, supervision, planning or support to planning terrorism;

(G) Providing means of escape for terrorist entities, including harboring, concealment, safehouses, or false documentation or identification;

(H) Communications equipment;

(I) Facilities;

(J) Weapons or items that may be used as weapons to inflict lethal or serious bodily injuries, or lethal substances, or explosives;

(K) Personnel (one or more persons who may be or include oneself); and

(L) Transportation;

(14) "Training" means instruction or teaching designed to impart a specific skill, as opposed to general knowledge; and

(15) "Expert advice or assistance" means advice or assistance derived from scientific, technical or other specialized knowledge.

~~(b)~~ (c) Any person who knowingly and willfully threatens to commit a terrorist act, with or without the intent to commit the act, is guilty of a felony and, upon conviction thereof, shall be fined not less than ~~\$5,000~~ \$100,000 nor more than ~~\$25,000~~ \$2,500,000 or confined in a state correctional facility for not less than ~~one year~~ three years nor more than ~~three years~~ 10 years, or both.

~~(e)~~ (d) Any person who knowingly and willfully conveys false information knowing the

information to be false concerning an attempt or alleged attempt being made or to be made of a terrorist act is guilty of a felony and, upon conviction thereof, shall be fined not less than ~~\$5,000~~ \$100,000 nor more than ~~\$25,000~~ \$2,500,000 or confined in a state correctional facility for not less than ~~one year~~ three years nor more than ~~three years~~ 10 years, or both.

(d) (e) Any person who uses a hoax substance or device with the specific intent to commit a terrorist act is guilty of a felony and, upon conviction thereof, shall be fined not less than ~~\$10,000~~ \$100,000 nor more than ~~\$50,000~~ \$2,500,000 or confined in a state correctional facility for not less than ~~one year~~ three years nor more than ~~five~~ 10 years, or both.

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

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

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

(i) Any person who knowingly and willfully commits a terrorist act or is a member of a terrorist group is guilty of a felony and, upon conviction thereof, shall be confined in a state correctional facility for three years for each instance of terrorism or membership in a terrorist group, 10 additional years for each instance resulting in any injury or property damage, 20 additional years for each instance resulting in any injury to a law enforcement officer.

(j) Any person who actively participates in violent actions as part of a terrorist act in which another person is killed as a result of the terrorist act will be charged with at least voluntary manslaughter and terrorism. If a person died as a direct result of a perpetrator's actions, that perpetrator will be charged with at least first degree murder and terrorism.

109 (k) Any person or group that actively conducts a violent attack during a terrorist violent
110 mass action is engaged in terrorism and will be identified as a terrorist/terrorist group and will be
111 punished in accordance with the above upon conviction by a court of law.

112 (l) Any person or group that conducts a deliberate attack on critical infrastructure is
113 engaged in terrorism and will be identified as a terrorist/terrorist group and will be punished in
114 accordance with the above upon conviction by a court of law. Any person or group that for political
115 reasons blockades property containing critical infrastructure is engaged in threatening terrorism
116 and will be punished in accordance with the above upon conviction by a court of law. Any person
117 or group that trespasses for political reasons onto property containing critical infrastructure is
118 engaged in threatening terrorism and will be punished in accordance with the above upon
119 conviction by a court of law.

120 (m) Any person or group that uses a weapon of mass destruction in an attack or distributes
121 a weapon of mass destruction that results in an injury or death is engaged in terrorism and will be
122 identified as a terrorist/terrorist group and will be punished in accordance with the above upon
123 conviction by a court of law.

124 (n) Any person or group that uses terroristic vandalism is engaged in terrorism and will be
125 identified as a terrorist/terrorist group and will be punished in accordance with the above upon
126 conviction by a court of law.

127 (o) Any person or group that uses terrorist swatting is engaged in terrorism and will be
128 identified as a terrorist/terrorist group and will be punished in accordance with the above upon
129 conviction by a court of law.

130 (p) Any person or group that provides material support to terrorism is engaged in terrorism
131 and will be identified as a terrorist/terrorist group and will be punished in accordance with the
132 above upon conviction by a court of law.

133 (q) Actions by persons or groups taken for political reasons to bar other persons from
134 exercising their freedom of movement, via foot or any other conveyance, are engaged in unlawful

restraint, kidnapping and terrorism. Persons perpetrating these actions will be charged in each instance with all three crimes for each person unlawfully restrained and will be punished in accordance with the above upon conviction by a court of law.

(r) Persons who attempt to escape from unlawful restraint, kidnapping and/or terrorism are not liable or culpable for actions that may injure perpetrators or supporters of perpetrators of that unlawful restraint, kidnapping and/or terrorism.

(s) Any person or group who prevents or obstructs by means of force, deception, concealment or intimidation anyone from performing an act that might aid in the discovery, apprehension, prosecution or conviction of any person or that might aid in the prevention of a terrorist act is providing material support to terrorism and will be punished in accordance with the above upon conviction by a court of law.

(t) Any person or group who suppresses by any act of concealment, alteration or destruction any physical evidence that might aid in the discovery, apprehension, prosecution or conviction of any person or that might aid in the prevention of a terrorist act is providing material support to terrorism and will be punished in accordance with the above upon conviction by a court of law.

(u) Any person or group who intentionally disseminates or spreads any type of contagious, communicable, or infectious disease among crops, poultry, or livestock is engaged in terrorism and will be identified as a terrorist/terrorist group and will be punished in accordance with the above upon conviction by a court of law.

(v) Any person or group who conducts a terrorist act against a West Virginia citizen will be charged with terrorism under this statute, provided the state in which the terrorist act occurred or the federal government does not try the perpetrator for terrorism.

(w) Any person who has conducted a terrorist act as defined in this article is a terrorist. Terrorists may not enter West Virginia, irrespective of the location where the terrorist act occurred, and whether that terrorist act has been prosecuted and the person has been sentenced. Any

terrorist who enters West Virginia shall be deemed to be engaged in terrorism and will be punished in accordance with the above upon conviction by a court of law.

(x) The court shall order any person convicted of an offense under this section to pay all victims restitution in an amount not to exceed three times the total amount of any economic harm suffered.

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

(z) The charge of terrorism will be in addition to any other charges resulting from the terrorist act. Sentences for terrorism will not run concurrently with any other state or federal sentence for another charge. Any sentence will be served after other sentences have been served. A charge will be rendered for each terrorist act. Multiple terrorist acts can be prosecuted for a single incident.

(aa) Sentences for terrorism are mandatory, and are not subject to suspension, alternative sentencing, or probation.

(bb) The Attorney General will identify terrorist entities under West Virginia Code. International terrorist groups will be identified, as well as domestic terrorist groups, specifically including but not limited to any group engaged in terrorism as defined in §61-6-24(b)(3) of this code. Any member or associate of these groups shall be deemed to be engaged in terrorism and will be identified as a terrorist and will be punished in accordance with the above upon conviction by a court of law.

(cc) Scope: Nothing in this article may be construed or applied in a manner that violates or conflicts with superseding federal law.

NOTE: The purpose of this bill is to clarify definitions of terroristic acts and groups, establishes specific acts that are felony criminal acts of terrorism and establishes punishment therefor; creates mandatory sentencing; and requires restitution to be paid to

victims of terrorism; and requires the Attorney General to identify terroristic entities and that any member or associate of these groups shall be deemed to be engaged in terrorism.

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