

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4787

By Delegates Ridenour, Jennings, Martin, Mallow,
Phillips, Hillenbrand, Butler, Funkhouser, Kimble,
Watt, and Maynor

[Introduced January 23, 2026; referred to the
Committee on the Judiciary]

Intr HB

2026R2323

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article
2 designated as §61-3F-1, §61-3F-2, §61-3F-3, §61-3F-4, §61-3F-5, §61-3F-6, §61-3F-7,
3 §61-3F-8, §61-3F-9, §61-3F-10, §61-3F-11, §61-3F-12, and §61-3F-13, relating to
4 creating the Anti-Terrorism Act; defining terms; declaring that specific acts are felony
5 criminal acts of terrorism and establishing punishment therefor; creating mandatory
6 sentencing; requiring restitution to be paid to victims of terrorism; clarifying unlawful
7 restraint; prohibiting obstruction of a terrorism investigation; and requiring the Attorney
8 General to identify and designate terroristic entities and members engaged in acts of
9 terrorism.

Be it enacted by the Legislature of West Virginia:

<u>ARTICLE</u>	<u>3F.</u>	<u>ANTI-TERRORISM</u>	<u>ACT.</u>
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<u>§61-3F-1.</u>	<u>Legislative</u>	<u>findings.</u>
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1 The Legislature finds that terrorism poses an increased threat to good governance and the
2 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.

§61-3F-2. Penalties cumulative; restitution; reimbursement to state; civil liabilities;
consecutive sentences; mandatory sentences; jurisdiction.

1 (a) It is the intention of the Legislature in enacting this article that all criminal offenses and
2 penalties defined in this article shall be cumulative and shall be in addition to any other offenses
3 and penalties provided for by law. The Legislature contemplates and authorizes separate and
4 consecutive sentences for the offenses defined in this article and other offenses provided for or
5 defined by law. The Legislature declares as a matter of law that for the offenses defined in this
6 article that involve injuries or death to persons those offenses are separate offenses as to each
7 person whose injury or death results from the conduct proscribed by this article.

8 (b) The court shall order any person convicted of an offense under this article to pay the
9 victim restitution in an amount not to exceed three times the total amount of any economic harm
10 suffered.

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

14 (d) The conviction of any person under the provisions of this article does not preclude or
15 otherwise limit any civil proceedings arising from the same act.

16 (e) Sentences for terrorism will not run concurrently with any other state or federal
17 sentence for another charge. Any sentence will be served after other sentences have been
18 served. A charge will be rendered for each terrorist act. Multiple terrorist acts can be prosecuted
19 for a single incident.

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

22 (g) Any person or group who conducts a terrorist act against a person in the State of West
23 Virginia may be charged with terrorism under this statute, regardless of where the offense
24 occurred.

§61-3F-3. Definitions.

1 As used in this article:

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 the
11 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 to
14 cause a reasonable person to believe that the substance or device is of a nature which is capable
15 of causing serious bodily injury or damage to property or the environment.

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

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

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

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

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

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

31 (9) "Weapon of mass destruction" means chemical warfare agents, weaponized biological
32 or biologic warfare agents, nuclear weapons, radiological weapons and agents or the intentional

33 release of industrial agents as a weapon. Fentanyl is designated as a weapon of mass
34 destruction.

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

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

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

45 (13) "Material support or resources" means any property, tangible or intangible, or service,
46 including:

47 (A) Solicitation for a terrorist act;

48 (B) Currency or monetary instruments or financial securities;

49 (C) Financial services;

50 (D) Lodging;

51 (E) Training;

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

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

56 (H) Communications equipment;

57 (I) Facilities;

58 (J) Weapons or items that may be used as weapons, including laser pointers, to inflict
59 lethal or serious bodily injuries, or lethal substances, or explosives;
60 (K) Personnel (one or more persons who may be or include oneself); and
61 (L) Transportation;
62 (M) Any other support or facilitation of terrorism; and
63 (N) Incitement of or encouragement to individuals or groups to commit terrorist acts.
64 (14) "Training" means instruction or teaching designed to impart a specific skill, as
65 opposed to general knowledge; and
66 (15) "Expert advice or assistance" means advice or assistance derived from scientific,
67 technical or other specialized knowledge.

§61-3F-4. Threatening to commit a terrorist act; penalty.

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

§61-3F-5. Conveying false information; penalties.

1 Any person who knowingly and willfully conveys false information knowing the information
2 to be false concerning an attempt or alleged attempt being made or to be made of a terrorist act is
3 guilty of a felony and, upon conviction thereof, shall be fined not less than \$100,000 nor more than
4 \$2,500,000 or confined in a state correctional facility for not less than three years nor more than 10
5 years, or both fined and confined.

§61-3F-6. Using hoax substance with intent to commit terrorist act; penalty.

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

§61-3F-7. Commission of a terrorist act; penalties.

1 (a) Any person who knowingly and willfully commits a terrorist act or is a member of a
2 terrorist group is guilty of a felony and, upon conviction thereof, shall be confined in a state
3 correctional facility for three years for each instance of commission of a terrorist act or
4 membership in a terrorist group.

5 (b) As a separate and additional offense to the offense provided for in subsection (a) of this
6 section, any person who knowingly and willfully commits a terrorist act which results in any injury
7 to a person or property damage is guilty of a felony and, upon conviction thereof, shall be confined
8 in a state correctional facility for 10 years for each instance resulting in any injury or property
9 damage.

10 (c) As a separate and additional offense to the offenses provided for in subsections (a) and
11 (b) of this section, any person who knowingly and willfully commits a terrorist act which results in
12 any injury to a law-enforcement officer is guilty of a felony and, upon conviction thereof, shall be
13 confined in a state correctional facility for 20 years for each instance resulting in any injury to a law-
14 enforcement officer.

§61-3F-8. Participating in violent actions; penalties.

1 (a) Any person who actively participates in violent actions as part of a terrorist act in which
2 another person is killed as a result of the terrorist act is guilty of a felony and, upon conviction
3 thereof, shall be confined in a state correctional facility for a definite term of imprisonment in the
4 penitentiary which is not less than three nor more than fifteen years. A person imprisoned pursuant
5 to the provisions of this section is not eligible for parole prior to having served a minimum of three
6 years of his or her sentence or the minimum period required by the provisions of §62-12-13 of this
7 code, whichever is greater.

8 (b) Any person who actively participates in violent actions as part of a terrorist act in which
9 another person is killed as a direct result of the perpetrator's commission of the terrorist act is
10 guilty of a felony and, upon conviction thereof, shall be fined not less than \$250,000, and will be

11 confined in a state correctional facility for life, without the possibility of parole, or will be sentenced
12 to death should the legislature reinstate the death penalty.

**§61-3F-9. Providing material support for terrorist acts or soliciting material support for
terrorism; penalties.**

1 (a) Any person who does any of the following is guilty of a crime punishable as provided in
2 subsection (b):

3 (1) Knowingly raises, solicits, or collects material support or resources, as defined in §61-
4 3F-3(13) of this code, intending that the material support or resources will be used, in whole or in
5 part, to plan, prepare, carry out, or avoid apprehension for committing an act of terrorism against
6 the United States or its citizens, this state or its citizens, or a political subdivision or any other
7 instrumentality of this state or of a local unit of government who knows that the material support or
8 resources raised, solicited, or collected will be used by a terrorist or terrorist organization.

9 (2) Knowingly provides material support or resources, as defined in §61-3F-3(13) of this
10 code, to a person knowing that the person will use that support or those resources in whole or in
11 part to plan, prepare, carry out, facilitate, or avoid apprehension for committing an act of terrorism
12 against the United States or its citizens, this state or its citizens, or a political subdivision or any
13 other instrumentality of this state or of a local unit of government.

14 (b) A person who violates subsection (a)(1) is guilty of soliciting material support for
15 terrorism. A person who violates subsection (a)(2) is guilty of providing material support for
16 terrorist acts. Soliciting material support for terrorism and providing material support for terrorist
17 acts are felonies punishable by imprisonment for not more than 20 years or a fine of not more than
18 \$20,000.00, or both.

§61-3F-10. Identification and designation of terrorist entities.

1 (a) The Attorney General and Secretary of Homeland Security will jointly identify and
2 designate terrorist entities under West Virginia Code, consulting federal terrorist group
3 designations, including the list of Designated Foreign Terrorist Organizations (FTOs) as identified

4 by the Secretary of State in Section 219 of the Immigration and Nationality Act. Foreign and
5 domestic terrorist groups will be identified, specifically including, but not limited to, any group
6 engaged in terrorism as defined in §61-3F-3 of this code. Any member or associate of these
7 groups shall be deemed to be engaged in terrorism and will be identified as a terrorist and will be
8 punished in accordance with the above upon conviction by a court of law

9 (b) Any person or group that actively conducts a violent attack during a terrorist violent
10 mass action is engaged in terrorism and will be identified as a terrorist/terrorist group and will be
11 punished in accordance with this article upon conviction by a court of law.

12 (c) Any person or group that conducts a deliberate attack on critical infrastructure is
13 engaged in terrorism and will be identified as a terrorist/terrorist group and will be punished in
14 accordance with this article upon conviction by a court of law. Any person or group that for political
15 reasons blockades property containing critical infrastructure is engaged in threatening terrorism
16 and will be punished in accordance with this article upon conviction by a court of law. Any person
17 or group that trespasses for political reasons onto property containing critical infrastructure is
18 engaged in threatening terrorism and will be punished in accordance with this article upon
19 conviction by a court of law.

20 (d) Any person or group that uses a weapon of mass destruction in an attack or distributes
21 a weapon of mass destruction that results in an injury or death is engaged in terrorism and will be
22 identified as a terrorist/terrorist group and will be punished in accordance with this article upon
23 conviction by a court of law.

24 (e) Any person or group that uses terroristic vandalism is engaged in terrorism and will be
25 identified as a terrorist/terrorist group and will be punished in accordance with this article upon
26 conviction by a court of law.

27 (f) Any person or group that uses terrorist swatting is engaged in terrorism and will be
28 identified as a terrorist/terrorist group and will be punished in accordance with this article upon
29 conviction by a court of law.

30 (g) Any person or group that provides material support to terrorism is engaged in terrorism
31 and will be identified as a terrorist/terrorist group and will be punished in accordance with this
32 article upon conviction by a court of law.

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

37 (i) Any person who has conducted a terrorist act as defined in this article is a terrorist.
38 Terrorists may not enter West Virginia, irrespective of the location where the terrorist act occurred,
39 and whether that terrorist act has been prosecuted and the person has been sentenced. Any
40 terrorist who enters West Virginia shall be deemed to be engaged in terrorism and will be punished
41 in accordance with the above upon conviction by a court of law.

§61-3F-11. Unlawful restraint.

1 (a) Actions by persons or groups taken for political reasons to bar other persons from
2 exercising their freedom of movement, via foot or any other conveyance, are engaged in unlawful
3 restraint, kidnapping and terrorism. Persons perpetrating these actions will be charged in each
4 instance with all three crimes for each person unlawfully restrained and will be punished in
5 accordance with the above upon conviction by a court of law.

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

§61-3F-12. Obstruction of terrorism investigation.

1 (a) Any person or group who prevents or obstructs by means of force, deception,
2 concealment or intimidation anyone from performing an act that might aid in the discovery,
3 apprehension, prosecution or conviction of any person or that might aid in the prevention of a

3 terrorist act is providing material support to terrorism and will be punished in accordance with this
4 article upon conviction by a court of law.

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

§61-3F-13. Scope.

1 Nothing in this article may be construed or applied in a manner that violates or conflicts
2 with superseding federal law.

NOTE: The purpose of this bill is to create the Anti-Terrorism Act; define terroristic acts and groups; declare that specific acts are felony criminal acts of terrorism and establish punishment therefor; create mandatory sentencing; require restitution to be paid to victims of terrorism; clarify unlawful restraint; prohibit obstruction of a terrorism investigation; and require the Attorney General to identify and designate terroristic entities and members engaged in acts of 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.