

An Act

ENROLLED HOUSE
BILL NO. 2320

By: Loring, Sanders, Biggs and
Tadlock of the House

and

Shaw of the Senate

An Act relating to crimes and punishments; amending 21 O.S. 2011, Sections 1268.1 and 1268.2, which relate to the Oklahoma Antiterrorism Act; modifying certain definition; updating language; clarifying terrorism penalty provision; and providing an effective date.

SUBJECT: Oklahoma Antiterrorism Act

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1268.1, is amended to read as follows:

Section 1268.1 As used in this act:

1. "Biochemical assault" means the intentional delivery of any substance or material to another person without lawful cause, whether or not such substance or material is toxic, noxious or lethal to humans, to:

- a. cause intimidation, fear or anxiety and a reasonable belief by the victim that death, disease, injury or illness will occur as a result of contamination by such substance or material and, based upon that belief, an emergency response is necessary, or
- b. poison, injure, harm or cause disease or illness to any person;

2. "Biochemical terrorism" means an act of terrorism involving any biological organism, pathogen, bacterium, virus, chemical or its toxins, isomers, salts or compounds, or any combination of organisms, viruses or chemicals that is capable of and intended to cause death, disease, injury, illness or harm to any human or animal upon contact or ingestion, or harm to any food supply, plant, water supply, drink, medicine or other product used for or consumed by humans or animals;

3. "Conduct" includes initiating, concluding, or participating in initiating or concluding a transaction;

4. "Financial institution" includes:

- a. any financial institution, as defined in Section 5312(a)(2) of Title 31 of the United States Code, or the regulations promulgated thereunder, and
- b. any foreign bank, as defined in Section 3101 of Title 12 of the United States Code;

5. "Financial transaction" means:

- a. a transaction which in any way or degree affects state, interstate or foreign commerce:
 - (1) involving the movement of funds by wire or other means,
 - (2) involving one or more monetary instruments, or
 - (3) involving the transfer of title to any real property, vehicle, vessel, or aircraft, or
- b. a transaction involving the use of a financial institution which is engaged in, or the activities of which affect, state, interstate or foreign commerce in any way or degree;

6. "Monetary instrument" means:

- a. coin or currency of the United States or of any other country, travelers' checks, personal checks, bank checks, and money orders, or

- b. investment securities or negotiable instruments, in bearer form or otherwise in such form that title thereto passes upon delivery;

7. "Proceeds" means all monies, negotiable instruments, and securities received, used, or intended to be used to facilitate any violation of the Oklahoma Antiterrorism Act;

8. "Terrorism" means an one or more kidnappings or other act of violence, or a series of acts of violence, resulting in damage to property or, personal injury perpetrated to or death, or the threat of such act or acts that appears to be intended:

- a. to intimidate or coerce a civilian population or,
- b. to influence the policy or conduct of a government into granting illegal political or economic demands, or by intimidation or coercion, or
- c. in retaliation for the policy or conduct intended to incite violence in order to create apprehension of bodily injury or damage to property in order to coerce a civilian population or government into granting illegal political or economic demands of a government by intimidation or coercion.

Peaceful picketing or boycotts and other nonviolent action shall not be considered terrorism;

9. "Terrorism hoax" means the willful conduct to simulate an act of terrorism as a joke, hoax, prank or trick against a place, population, business, agency or government by:

- a. the intentional use of any substance to cause fear, intimidation or anxiety and a reasonable belief by any victim that such substance is used, placed, sent, delivered or otherwise employed as an act of biochemical terrorism requiring an emergency response or the evacuation or quarantine of any person, place or article, or
- b. any act or threat of violence, sabotage, damage or harm against a population, place or infrastructure that causes fear, intimidation or anxiety and a

reasonable belief by any victim that such act or threat is an act of terrorism to disrupt any place, population, business, agency or government;

10. "Terrorist activity" means to plan, aid or abet an act of terrorism or aid or abet any person who plans or commits an act of terrorism; and

11. "Transaction" includes a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition, and with respect to a financial institution includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument, use of a safe deposit box, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected.

SECTION 2. AMENDATORY 21 O.S. 2011, Section 1268.2, is amended to read as follows:

Section 1268.2 A. Every act of terrorism is a felony.

B. A person convicted of terrorism shall be punished by imprisonment in the State Penitentiary custody of the Department of Corrections for a term not exceeding life.

C. A person who kills another person or who causes the death of another person in the commission of an act of terrorism shall be guilty of murder in the first degree.

D. A person convicted of biochemical terrorism shall be ordered, in addition to the punishment imposed for the act of terrorism, to reimburse the cost of any emergency personnel, equipment, supplies, and other expenses incurred by the state and any political subdivision as a result of responding to such act of terrorism.

E. The punishment for terrorism shall be in addition to any penalty imposed for any individual offense or offenses involved in the act or acts of terrorism.

SECTION 3. This act shall become effective November 1, 2016.

Passed the House of Representatives the 3rd day of March, 2016.

Scott C. Martin

Presiding Officer of the House
of Representatives

Passed the Senate the 18th day of April, 2016.

A. Griffin

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 19th

day of April, 20 16, at 4:46 o'clock P M.

By: Andrey Rodwell

Approved by the Governor of the State of Oklahoma this 25th

day of April, 20 16, at 1:27 o'clock P M.

Mary Fallin

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 25

day of April, 20 16, at 2:45 o'clock P. M.

By: Christ Benz