HOUSE BILL No. 5495

December 12, 2001, Introduced by Reps. Howell, Koetje, Toy, Julian, Bishop, Caul, Mead, Gosselin, Gilbert, Faunce, Meyer, Van Woerkom, Birkholz, Hummel, Newell, Voorhees, Tabor, Middaugh, Ruth Johnson, Schauer, Ehardt, Neumann, George, Shackleton, McConico, Lockwood, Bisbee, Kowall, Jelinek, Rocca, Bernero, Allen, Sheltrown, DeVuyst, Callahan, Hager, Rivet, Pumford, Zelenko, Lipsey, Phillips, Frank, Jacobs, Basham, Richardville, Kuipers, Pappageorge, Shulman, Whitmer and Cassis and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled

"The Michigan penal code,"

(MCL 750.1 to 750.568) by adding chapter LXXXIII-A.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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HOUSE BILL No. 5495

CHAPTER LXXXIII-A

2 SEC. 543A. THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS
3 THE "MICHIGAN ANTI-TERRORISM ACT".

4 SEC. 543B. WHEN USED IN THIS ACT, WHERE NOT OTHERWISE DIS5 TINCTLY EXPRESSED OR MANIFESTLY INCOMPATIBLE WITH THE INTENT OF
6 THIS ACT, THE TERMS SET OUT IN SUBDIVISIONS (A) TO (G) HAVE THE
7 MEANINGS ASCRIBED TO THEM IN THOSE SUBDIVISIONS.

8 (A) "ACT OF TERRORISM" MEANS AN ACT THAT WOULD BE A VIOLENT
9 FELONY UNDER THE LAWS OF THIS STATE, WHETHER OR NOT COMMITTED IN
10 THIS STATE, THAT IS DANGEROUS TO HUMAN LIFE AND INTENDED TO
11 INTIMIDATE OR COERCE A CIVILIAN POPULATION OR INFLUENCE OR AFFECT

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THE CONDUCT OF A GOVERNMENT OR A UNIT OF GOVERNMENT THROUGH
 INTIMIDATION OR COERCION.

3 (B) "FINANCIAL INSTITUTION" MEANS THAT TERM AS DEFINED IN
4 SECTION 411J OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
5 750.411J.

6 (C) "MATERIAL SUPPORT OR RESOURCES" MEANS CURRENCY OR OTHER
7 FINANCIAL SECURITIES, FINANCIAL SERVICES, LODGING, TRAINING, SAFE
8 HOUSES, FALSE DOCUMENTATION OR IDENTIFICATION, COMMUNICATIONS
9 EQUIPMENT, FACILITIES, WEAPONS, LETHAL SUBSTANCES, EXPLOSIVES,
10 PERSONNEL, TRANSPORTATION, ANY OTHER KIND OF PHYSICAL ASSETS OR
11 INTANGIBLE PROPERTY, AND EXPERT SERVICES OR EXPERT ASSISTANCE.

12 (D) "PERSON" MEANS AN INDIVIDUAL, AGENT, ASSOCIATION, CHARI13 TABLE ORGANIZATION, CORPORATION, JOINT APPRENTICESHIP COMMITTEE,
14 JOINT STOCK COMPANY, LABOR ORGANIZATION, LEGAL REPRESENTATIVE,
15 MUTUAL COMPANY, PARTNERSHIP, RECEIVER, TRUST, TRUSTEE, TRUSTEE IN
16 BANKRUPTCY, UNINCORPORATED ORGANIZATION, OR ANY OTHER LEGAL OR
17 COMMERCIAL ENTITY.

(E) "RENDERS CRIMINAL ASSISTANCE" MEANS THAT A PERSON WITH
THE INTENT TO PREVENT, HINDER, OR DELAY THE DISCOVERY OR APPREHENSION OF OR FILING A CRIMINAL CHARGE AGAINST ANOTHER PERSON
WHOM HE OR SHE KNOWS OR BELIEVES HAS COMMITTED A VIOLATION OF
THIS ACT OR IS BEING SOUGHT BY LAW ENFORCEMENT OFFICIALS FOR COMMITTING A VIOLATION OF THIS ACT OR WITH THE INTENT TO ASSIST A
PERSON IN PROFITING OR BENEFITING FROM COMMITTING A VIOLATION OF
THIS ACT, DOES ANY OF THE FOLLOWING:

26 (*i*) HARBORS OR CONCEALS THAT OTHER PERSON.

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(*ii*) WARNS THAT OTHER PERSON OF IMPENDING DISCOVERY OR
 2 APPREHENSION.

3 (*iii*) PROVIDES THAT OTHER PERSON WITH MONEY, TRANSPORTATION,
4 A WEAPON, A DISGUISE, FAKE IDENTIFICATION DOCUMENTS, OR ANY OTHER
5 MEANS OF AVOIDING DISCOVERY OR APPREHENSION.

6 (*iv*) PREVENTS OR OBSTRUCTS, BY MEANS OF FORCE, INTIMIDATION,
7 OR DECEPTION, ANYONE FROM PERFORMING AN ACT THAT MIGHT AID IN THE
8 DISCOVERY OR APPREHENSION OF THAT OTHER PERSON OR IN THE FILING
9 OF A CRIMINAL CHARGE AGAINST THAT OTHER PERSON.

10 (v) SUPPRESSES, BY ANY ACT OF CONCEALMENT, ALTERATION, OR
11 DESTRUCTION, ANY PHYSICAL EVIDENCE THAT MIGHT AID IN THE DISCOV12 ERY OR APPREHENSION OF THAT OTHER PERSON OR IN THE FILING OF A
13 CRIMINAL CHARGE AGAINST THAT OTHER PERSON.

14 (vi) AIDS THAT OTHER PERSON TO PROTECT OR EXPEDITIOUSLY
15 PROFIT FROM AN ADVANTAGE DEPRIVED FROM THE CRIME.

16 (F) "TERRORIST" AND "TERRORIST ORGANIZATION" MEAN ANY PERSON17 WHO ENGAGES OR IS ABOUT TO ENGAGE IN AN ACT OF TERRORISM.

18 (G) "VIOLENT FELONY" MEANS A FELONY IN WHICH AN ELEMENT IS
19 THE USE, ATTEMPTED USE, OR THREATENED USE OF PHYSICAL FORCE
20 AGAINST THE PERSON OR PROPERTY OF ANOTHER, OR THAT BY ITS NATURE,
21 INVOLVES A SUBSTANTIAL RISK THAT PHYSICAL FORCE AGAINST THE
22 PERSON OR PROPERTY OF ANOTHER MAY BE USED IN THE COURSE OF COM23 MITTING THE OFFENSE.

24 SEC. 543C. (1) ANY PERSON WHO DOES ANY OF THE FOLLOWING IS
25 GUILTY OF A CRIME PUNISHABLE AS PROVIDED IN SUBSECTION (2):
26 (A) KNOWINGLY RAISES, SOLICITS, OR COLLECTS MATERIAL SUPPORT
27 OR RESOURCES INTENDING THAT THE MATERIAL SUPPORT OR RESOURCES

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WILL BE USED, IN WHOLE OR IN PART, TO PLAN, PREPARE, CARRY OUT,
 OR AVOID APPREHENSION FOR COMMITTING AN ACT OF TERRORISM AGAINST
 THE UNITED STATES OR ITS CITIZENS OR WHO KNOWS THAT THE MATERIAL
 SUPPORT OR RESOURCES RAISED, SOLICITED, OR COLLECTED WILL BE USED
 BY AN ORGANIZATION THAT HAS BEEN DESIGNATED BY THE UNITED STATES
 STATE DEPARTMENT AS ENGAGING IN OR SPONSORING AN ACT OF
 TERRORISM.

8 (B) KNOWINGLY PROVIDES MATERIAL SUPPORT OR RESOURCES TO A
9 PERSON KNOWING THAT THE PERSON WILL USE THAT SUPPORT OR THOSE
10 RESOURCES IN WHOLE OR IN PART TO PLAN, PREPARE, CARRY OUT, FACIL11 ITATE, OR AVOID APPREHENSION FOR COMMITTING AN ACT OF TERRORISM
12 AGAINST THE UNITED STATES OR ITS CITIZENS.

(2) A PERSON WHO VIOLATES SUBSECTION (1)(A) IS GUILTY OF
SOLICITING MATERIAL SUPPORT FOR TERRORISM. A PERSON WHO VIOLATES
SUBSECTION (1)(B) IS GUILTY OF PROVIDING MATERIAL SUPPORT FOR
TERRORIST ACTS. SOLICITING MATERIAL SUPPORT FOR TERRORISM AND
PROVIDING MATERIAL SUPPORT FOR TERRORIST ACTS ARE FELONIES PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 20 YEARS.

19 SEC. 543D. (1) A PERSON IS GUILTY OF MAKING A TERRORIST
20 THREAT WHEN, WITH THE INTENT TO INTIMIDATE OR COERCE A CIVILIAN
21 POPULATION OR INFLUENCE OR AFFECT THE CONDUCT OF A GOVERNMENT OR
22 UNIT OF GOVERNMENT THE PERSON, KNOWINGLY THREATENS TO COMMIT OR
23 CAUSES TO BE COMMITTED, AN ACT OF TERRORISM AND THEREBY CAUSES A
24 REASONABLE EXPECTATION OR FEAR OF THE IMMINENT COMMISSION OF AN
25 ACT OF TERRORISM.

26 (2) IT IS NOT A DEFENSE TO A PROSECUTION UNDER THIS SECTION27 THAT THE DEFENDANT DID NOT HAVE THE INTENT OR CAPABILITY OF

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COMMITTING THE ACT OF TERRORISM OR THAT THE THREAT WAS NOT MADE
 TO A PERSON WHO WAS A SUBJECT OR INTENDED VICTIM OR TARGET OF THE
 ACT.

4 (3) MAKING A TERRORIST THREAT IS A FELONY PUNISHABLE BY5 IMPRISONMENT FOR NOT MORE THAN 20 YEARS.

6 SEC. 543E. (1) A PERSON IS GUILTY OF FALSELY COMMUNICATING
7 A TERRORIST THREAT WHEN HE OR SHE COMMUNICATES A THREAT OF AN ACT
8 OF TERRORISM THAT HE OR SHE KNOWS IS FALSE.

9 (2) FALSELY COMMUNICATING A TERRORIST THREAT IS A FELONY10 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 20 YEARS.

SEC. 543F. (1) A PERSON IS GUILTY OF TERRORISM WHEN THAT
PERSON KNOWINGLY COMMITS AN ACT OF TERRORISM WITHIN THIS STATE,
OR WHILE OUTSIDE THIS STATE, KNOWINGLY COMMITS AN ACT OF TERRORISM THAT TAKES EFFECT WITHIN THIS STATE OR PRODUCES SUBSTANTIAL
DETRIMENTAL EFFECTS WITHIN THIS STATE.

16 (2) TERRORISM IS A FELONY, PUNISHABLE BY IMPRISONMENT FOR
17 LIFE OR ANY TERM OF YEARS. HOWEVER, IF DEATH WAS CAUSED BY THE
18 TERRORIST ACT, THE PERSON SHALL BE PUNISHED BY IMPRISONMENT FOR
19 LIFE WITHOUT THE OPPORTUNITY FOR PAROLE.

20 SEC. 543G. (1) A PERSON IS GUILTY OF HINDERING PROSECUTION
21 OF TERRORISM WHEN HE OR SHE KNOWINGLY RENDERS CRIMINAL ASSISTANCE
22 TO A PERSON WHO HAS COMMITTED AN ACT OF TERRORISM.

(2) HINDERING PROSECUTION OF TERRORISM IS A FELONY PUNISH24 ABLE BY IMPRISONMENT FOR LIFE OR ANY TERM OF YEARS IF NO DEATH
25 WAS CAUSED BY THE ACT OF TERRORISM COMMITTED BY THE PERSON TO
26 WHOM THE DEFENDANT RENDERED CRIMINAL ASSISTANCE. HOWEVER, IF
27 DEATH WAS CAUSED BY THE ACT OF TERRORISM COMMITTED BY THE PERSON

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1 TO WHOM THE DEFENDANT RENDERED CRIMINAL ASSISTANCE, THE PERSON 2 SHALL BE IMPRISONED FOR LIFE WITHOUT THE OPPORTUNITY FOR PAROLE. 3 SEC. 5431. A PROSECUTION FOR A VIOLATION OF THIS ACT MAY BE 4 COMMENCED AT ANY TIME.

5 SEC. 543J. THIS ACT DOES NOT PROHIBIT A PERSON FROM BEING 6 CHARGED WITH, CONVICTED OF, OR SENTENCED FOR ANY OTHER VIOLATION 7 OF LAW ARISING OUT OF THE SAME CRIMINAL TRANSACTION AS THE VIOLA-8 TION OF THIS ACT.