SENATE BILL No. 930

December 11, 2001, Introduced by Senators DE GROW, VAN REGENMORTER, BULLARD, SHUGARS, JOHNSON, MC MANUS, SIKKEMA, GOUGEON, HAMMERSTROM, NORTH, GARCIA, SANBORN, SCHUETTE, GOSCHKA, STEIL, SCHWARZ and STILLE and referred to the Committee on Judiciary.

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:

- 1 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 DIS-
- 5 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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- 1 THE CONDUCT OF A GOVERNMENT OR A UNIT OF GOVERNMENT THROUGH
- 2 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, CHARI-
- 13 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.
- 18 (E) "RENDERS CRIMINAL ASSISTANCE" MEANS THAT A PERSON WITH
- 19 THE INTENT TO PREVENT, HINDER, OR DELAY THE DISCOVERY OR APPRE-
- 20 HENSION OF OR FILING A CRIMINAL CHARGE AGAINST ANOTHER PERSON
- 21 WHOM HE OR SHE KNOWS OR BELIEVES HAS COMMITTED A VIOLATION OF
- 22 THIS ACT OR IS BEING SOUGHT BY LAW ENFORCEMENT OFFICIALS FOR COM-
- 23 MITTING A VIOLATION OF THIS ACT OR WITH THE INTENT TO ASSIST A
- 24 PERSON IN PROFITING OR BENEFITING FROM COMMITTING A VIOLATION OF
- 25 THIS ACT, DOES ANY OF THE FOLLOWING:
- 26 (i) HARBORS OR CONCEALS THAT OTHER PERSON.

- 1 (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 DISCOV-
- 12 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 PERSON
- 17 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 COM-
- 23 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

- 1 WILL BE USED, IN WHOLE OR IN PART, TO PLAN, PREPARE, CARRY OUT,
- 2 OR AVOID APPREHENSION FOR COMMITTING AN ACT OF TERRORISM AGAINST
- 3 THE UNITED STATES OR ITS CITIZENS OR WHO KNOWS THAT THE MATERIAL
- 4 SUPPORT OR RESOURCES RAISED, SOLICITED, OR COLLECTED WILL BE USED
- 5 BY AN ORGANIZATION THAT HAS BEEN DESIGNATED BY THE UNITED STATES
- 6 STATE DEPARTMENT AS ENGAGING IN OR SPONSORING AN ACT OF
- 7 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, FACIL-
- 11 ITATE, OR AVOID APPREHENSION FOR COMMITTING AN ACT OF TERRORISM
- 12 AGAINST THE UNITED STATES OR ITS CITIZENS.
- 13 (2) A PERSON WHO VIOLATES SUBSECTION (1)(A) IS GUILTY OF
- 14 SOLICITING MATERIAL SUPPORT FOR TERRORISM. A PERSON WHO VIOLATES
- 15 SUBSECTION (1)(B) IS GUILTY OF PROVIDING MATERIAL SUPPORT FOR
- 16 TERRORIST ACTS. SOLICITING MATERIAL SUPPORT FOR TERRORISM AND
- 17 PROVIDING MATERIAL SUPPORT FOR TERRORIST ACTS ARE FELONIES PUN-
- 18 ISHABLE 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 SECTION
- 27 THAT THE DEFENDANT DID NOT HAVE THE INTENT OR CAPABILITY OF

- 1 COMMITTING THE ACT OF TERRORISM OR THAT THE THREAT WAS NOT MADE
- 2 TO A PERSON WHO WAS A SUBJECT OR INTENDED VICTIM OR TARGET OF THE
- 3 ACT.
- 4 (3) MAKING A TERRORIST THREAT IS A FELONY PUNISHABLE BY
- 5 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 FELONY
- 10 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 20 YEARS.
- 11 SEC. 543F. (1) A PERSON IS GUILTY OF TERRORISM WHEN THAT
- 12 PERSON KNOWINGLY COMMITS AN ACT OF TERRORISM WITHIN THIS STATE,
- 13 OR WHILE OUTSIDE THIS STATE, KNOWINGLY COMMITS AN ACT OF TERROR-
- 14 ISM THAT TAKES EFFECT WITHIN THIS STATE OR PRODUCES SUBSTANTIAL
- 15 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.
- 23 (2) HINDERING PROSECUTION OF TERRORISM IS A FELONY PUNISH-
- 24 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

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