

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

HOUSE BILL 2614

5 By: Representative Norton
6
7

For An Act To Be Entitled

8 THE ARKANSAS ANTI-TERRORISM ACT OF 2003.
9

Subtitle

10 THE ARKANSAS ANTI-TERRORISM ACT OF 2003.
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15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
16

17 SECTION 1. Arkansas Code § 5-38-101(5), concerning the definition of
18 catastrophe, is amended to read as follows:

19 (5) "Catastrophe" means serious physical injury or death to ~~ten (10)~~
20 five (5) or more persons or substantial damage to ~~ten (10)~~ five (5) or more
21 occupiable structures, or property loss in excess of one-half million dollars
22 (\$500,000).
23

24 SECTION 2. Arkansas Code § 5-38-202 is amended to read as follows:

25 5-38-202. Causing a catastrophe - Threatening to cause a catastrophe.

26 (a)(1) A person commits the offense of causing a catastrophe if he or
27 she purposely knowingly causes a catastrophe by explosion, fire, flood,
28 avalanche, collapse of building, distribution of poison, radioactive
29 material, bacteria, virus, or other dangerous and difficult to confine force
30 or substance.

31 (2) Causing a catastrophe is a Class Y felony.

32 (b)(1) A person commits the offense of threatening to cause a
33 catastrophe if he or she contacts any person, company, corporation, or
34 governmental entity and threatens to cause a catastrophe by explosion, fire,
35 flood, avalanche, collapse of building, release of poison, radioactive
36 material, bacteria, virus, or other dangerous and difficult to confine force



1 or substance unless paid a sum of money, any type of property, or unless the
 2 person, company, corporation, or governmental entity performs a requested
 3 act.

4 (2) Threatening to cause a catastrophe is a Class D felony.

5 (c) The court may order, in addition to any other restitution ordered
 6 under § 5-4-205, that a person who violates this section make restitution to
 7 the state or any of its political subdivisions for any cleanup costs
 8 associated with the commission of the offense.

9
 10 SECTION 3. Arkansas Code Title 5, Chapter 54 is amended to add an
 11 additional subchapter to read as follows:

12 Subchapter 2 - Terrorism

13 5-54-201. Definitions.

14 For purposes of this subchapter:

15 (1) "Act of terrorism" means:

16 (A) Any act that causes or creates a risk of death or great
 17 bodily harm to one (1) or more persons;

18 (B) Any act that disables or destroys the usefulness or
 19 operation of any communications system;

20 (C) Any act or any series of two (2) or more acts committed in
 21 furtherance of a single intention, scheme, or design that disables or
 22 destroys the usefulness or operation of a computer network, computers,
 23 computer programs, or data used by any industry, by any class of business, or
 24 by five (5) or more businesses or by the federal government, state
 25 government, any unit of local government, a public utility, a manufacturer of
 26 pharmaceuticals, a national defense contractor, or a manufacturer of chemical
 27 or biological products used in connection with agricultural production;

28 (D) Any act that disables or causes substantial damage to or
 29 destruction of any structure or facility used in or in connection with
 30 ground, air, or water transportation, the production or distribution of
 31 electricity, gas, oil, or other fuel, the treatment of sewage or the
 32 treatment or distribution of water, or controlling the flow of any body of
 33 water;

34 (E) Any act that causes substantial damage to or destruction of
 35 livestock or crops or a series of two (2) or more acts committed in
 36 furtherance of a single intention, scheme, or design which, in the aggregate,

1 causes substantial damage to or destruction of livestock or crops;

2 (F) Any act that causes substantial damage to or destruction of
3 any hospital, or any building or facility used by the federal government,
4 state government, any unit of local government, by a national defense
5 contractor, a public utility, a manufacturer of chemical or biological
6 products used in or in connection with agricultural production or the storage
7 or processing of agricultural products or the preparation of agricultural
8 products for food or food products intended for resale or for feed for
9 livestock; or

10 (G) Any act that causes substantial damage to any building;

11 (2) "Agricultural products" means crops and livestock;

12 (3) "Agricultural production" means the breeding and growing of
13 livestock and crops;

14 (4) "Biological products used in agriculture" means, but is not
15 limited to, seeds, plants, and DNA of plants or animals altered for use in
16 crop or livestock breeding or production or which are sold, intended,
17 designed, or produced for use in crop production;

18 (5) "Communications system" means any works, property, or material of
19 any radio, telegraph, telephone, microwave, cable line, station, or system;

20 (6)(A) "Computer" means a device that accepts, processes, stores,
21 retrieves, or outputs data.

22 (B) "Computer" includes, but is not limited to, auxiliary
23 storage and telecommunications devices;

24 (7) "Computer network" means a set of related, remotely connected
25 devices and any communications facilities including more than one (1)
26 computer with the capability to transmit data among them through
27 communication facilities;

28 (8) "Computer program" means a series of coded instruction or
29 statements in a form acceptable to a computer that causes the computer to
30 process data and supply the results of data processing;

31 (9)(A) "Data" means representations of information, knowledge, facts,
32 concepts, or instructions, including program documentation, which are
33 prepared in a formalized manner and are stored or processed in or transmitted
34 by a computer.

35 (B) Data may be stored in any form including, but not limited
36 to, magnetic or optical storage media, punch cards, or data stored internally

1 in the memory of a computer;

2 (10) "Hoax substance" means any substance that would cause a
 3 reasonable person to believe that it is a dangerous chemical or biological
 4 agent, a poison, a harmful radioactive substance, or similar substance;

5 (11) "Livestock" means animals bred or raised for human
 6 consumption;

7 (12) "Material support or resources" means currency or other
 8 financial securities, financial services, lodging, training, safe house,
 9 false documentation or identification, communications equipment, facilities,
 10 weapons, lethal substances, explosives, personnel, transportation, any other
 11 kind of physical assets or intangible property, and expert services or expert
 12 assistance;

13 (13)(A) "Person" means an individual, public or private corporation,
 14 government, partnership, or unincorporated association.

15 (B) "Person" includes, without limitation, any charitable
 16 organization, whether incorporated or unincorporated, any professional fund
 17 raiser, professional solicitor, limited liability company, association, joint
 18 stock company, association, trust, trustee, or any group people formally or
 19 informally affiliated or associated for a common purpose, and any officer,
 20 director, partner, member, or agent of any person;

21 (14) "Render criminal assistance" means to do any of the following
 22 with the purpose to prevent, hinder, or delay the discovery or apprehension
 23 of, or the lodging of a criminal charge against, a person who he or she knows
 24 or believes has committed an offense under this subchapter or is being sought
 25 by law enforcement officials for the commission of an offense under this
 26 subchapter, or with the purpose to assist a person in profiting or benefiting
 27 from the commission of an offense under this subchapter:

28 (A) Harbor or conceal the person;

29 (B) Warn the person of impending discovery or apprehension;

30 (C) Provide the person with money, transportation, a weapon, a
 31 disguise, false identification documents, or any other means of avoiding
 32 discovery or apprehension;

33 (D) Prevent or obstruct, by means of force, intimidation, or
 34 deception, anyone from performing an act that might aid in the discovery or
 35 apprehension of the person or in the lodging of a criminal charge against the
 36 person;

1 (E) Suppress, by any act of concealment, alteration, or
2 destruction, any physical evidence that might aid in the discovery or
3 apprehension of the person or in the lodging of a criminal charge against the
4 person;

5 (F) Aid the person to protect or expeditiously profit from an
6 advantage derived from the crime; or

7 (G) Provide expert services or expert assistance to the person.
8 Providing expert services or expert assistance shall not be construed to
9 apply to:

10 (i) A licensed attorney who discusses with a client the
11 legal consequences of a proposed course of conduct or advises a client of
12 legal or constitutional rights; and

13 (ii) A licensed medical doctor who provides emergency
14 medical treatment to a person whom the doctor believes committed an offense
15 under this subchapter if, as soon as reasonably practicable either before or
16 after providing the treatment, the doctor notifies a law enforcement agency;
17 and

18 (15) "Terrorist" means any person who engages in or is about to engage
19 in a terrorist act with the purpose to intimidate or coerce a significant
20 portion of the civilian population or influence the policy of a government or
21 a unit of government.

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