

1 SB331  
2 184112-1  
3 By Senators Smitherman, Marsh, Waggoner, Blackwell, Reed, Dunn  
4 and Coleman-Madison  
5 RFD: Judiciary  
6 First Read: 16-MAR-17

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8 SYNOPSIS: Existing law provides for the crime of  
9 making a terrorist threat.

10 This bill would further define the crime and  
11 specify that a person commits this crime when he or  
12 she threatens to commit a crime of violence against  
13 any church, synagogue, mosque, or other religious  
14 real property, or a public or private school.

15 Amendment 621 of the Constitution of Alabama  
16 of 1901, now appearing as Section 111.05 of the  
17 Official Recompilation of the Constitution of  
18 Alabama of 1901, as amended, prohibits a general  
19 law whose purpose or effect would be to require a  
20 new or increased expenditure of local funds from  
21 becoming effective with regard to a local  
22 governmental entity without enactment by a 2/3 vote  
23 unless: it comes within one of a number of  
24 specified exceptions; it is approved by the  
25 affected entity; or the Legislature appropriates  
26 funds, or provides a local source of revenue, to  
27 the entity for the purpose.

1                   The purpose or effect of this bill would be  
2                   to require a new or increased expenditure of local  
3                   funds within the meaning of the amendment. However,  
4                   the bill does not require approval of a local  
5                   governmental entity or enactment by a 2/3 vote to  
6                   become effective because it comes within one of the  
7                   specified exceptions contained in the amendment.

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9                   A BILL  
10                  TO BE ENTITLED  
11                  AN ACT

12  
13                  To amend Section 13A-10-15, Code of Alabama 1975,  
14                  relating to terrorist threats; to further define the crime;  
15                  and in connection therewith would have as its purpose or  
16                  effect the requirement of a new or increased expenditure of  
17                  local funds within the meaning of Amendment 621 of the  
18                  Constitution of Alabama of 1901, now appearing as Section  
19                  111.05 of the Official Recompilation of the Constitution of  
20                  Alabama of 1901, as amended.

21                  BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22                  Section 1. Section 13A-10-15, Code of Alabama 1975,  
23                  is amended to read as follows:

24                  "§13A-10-15.

25                  "(a) A person commits the crime of making a  
26                  terrorist threat when he or she threatens ~~by any means~~ to  
27                  commit ~~any~~ a crime of violence ~~which or to damage any property~~

1 ~~by doing any of the following: with a bomb, explosive, weapon~~  
2 ~~of mass destruction, firearm, or other deadly weapon against~~  
3 ~~any person or property in the State of Alabama.~~

4 ~~"(1) Intentionally or recklessly:~~

5 ~~"a. Terrorizing another person.~~

6 ~~"b. Causing the disruption of school activities.~~

7 ~~"c. Causing the evacuation of a building, place of~~  
8 ~~assembly, or facility of public transportation, or other~~  
9 ~~serious public inconvenience.~~

10 ~~"(2) With the intent to retaliate against any person~~  
11 ~~who:~~

12 ~~"a. Attends a judicial or administrative proceeding~~  
13 ~~as a witness or party or produces records, documents, or other~~  
14 ~~objects in a judicial proceeding.~~

15 ~~"b. Provides to a law enforcement officer, adult or~~  
16 ~~juvenile probation officer, prosecuting attorney, or judge any~~  
17 ~~information relating to the commission or possible commission~~  
18 ~~of an offense under the laws of this state, of the United~~  
19 ~~States, or a violation of conditions of bail, pretrial~~  
20 ~~release, probation, or parole.~~

21 ~~"(b) As used in this section, the following terms~~  
22 ~~shall have the following meanings:~~

23 ~~"(1) PROPERTY. Includes, but is not limited to, any~~  
24 ~~of the following buildings or real property:~~

25 ~~"a. A church, mosque, synagogue, or other religious~~  
26 ~~real property.~~

27 ~~"b. A public or private school.~~

1           "c. Any other public or private real property.

2           "(2) THREATEN. A person threatens another if all of  
3 the following occur:

4           "a. The person intentionally and knowingly makes a  
5 statement verbally, in writing, or by means of an electronic  
6 communication device.

7           "b. The statement is communicated to another person.

8           "c. The statement, on its face and under the  
9 circumstances in which it is made, is so unequivocal,  
10 unconditional, immediate, and specific as to convey to the  
11 person threatened, a gravity of purpose and an immediate  
12 prospect of execution of the threat.

13           "d. The statement causes the person to reasonably be  
14 in sustained fear for his or her own safety or for the object  
15 of the threat.

16           "(3) WEAPONS OF MASS DESTRUCTION. Any of the  
17 following:

18           "a. A destructive device as defined in 18 U.S.C. §  
19 921.

20           "b. A weapon that is designed or intended to cause  
21 death or serious bodily injury through the release,  
22 dissemination, or impact of toxic or poisonous chemicals.

23           "c. A weapon involving a biological agent, toxin, or  
24 vector, as those terms are defined in 18 U.S.C. § 178.

25           "d. A weapon that is designed to release radiation  
26 or radioactivity at a level dangerous to human life.

1                   "~~(b)~~ (c) The crime of making a terrorist threat is a  
2 Class C felony."

3                   Section 2. Although this bill would have as its  
4 purpose or effect the requirement of a new or increased  
5 expenditure of local funds, the bill is excluded from further  
6 requirements and application under Amendment 621, now  
7 appearing as Section 111.05 of the Official Recompilation of  
8 the Constitution of Alabama of 1901, as amended, because the  
9 bill defines a new crime or amends the definition of an  
10 existing crime.

11                   Section 3. This act shall become effective on the  
12 first day of the third month following its passage and  
13 approval by the Governor, or its otherwise becoming law.