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3 HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR SB7  
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8 SYNOPSIS: This bill would authorize payment of  
9 restitution to any person or entity upon conviction  
10 of a crime of terrorism.

11 This bill would provide property, proceeds,  
12 or instrumentalities of any kind used or derived  
13 from any crimes of terrorism shall be subject to  
14 forfeiture.

15 This bill would also authorize a person  
16 injured by an act of terrorism to file an action  
17 for damages against a person committing an act of  
18 terrorism, and would authorize the recovery of  
19 specified damages.  
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21 A BILL  
22 TO BE ENTITLED  
23 AN ACT  
24

25 Relating to acts of terrorism; to add Section  
26 13A-10-155, to Chapter 10 of Title 13A, Code of Alabama 1975;  
27 to authorize payment of restitution upon conviction of a crime

1 of terrorism; to provide for forfeiture of property used or  
2 derived from any crimes of terrorism; to authorize a person  
3 injured by an act of terrorism to file an action for damages  
4 against a person committing an act of terrorism; and to  
5 provide for damages.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Section 13A-10-155 is added to Chapter 10  
8 of Title 13A, Code of Alabama 1975, to read as follows:

9 §13A-10-155.

10 (a) Restitution for conviction of any crime under  
11 this article shall include any damages incurred by a person or  
12 entity including, but not limited to, direct expenses, medical  
13 expenses, and lost income. Restitution shall also include  
14 damages or costs of any private entity, law enforcement  
15 agency, or other governmental agency that participated in the  
16 investigation, mitigation, seizure, or forfeiture process for  
17 the act of terrorism.

18 (1) Funds collected pursuant to any conviction under  
19 this article shall first be applied to disbursements to the  
20 primary victims, including individuals injured or otherwise  
21 personally damaged.

22 (2) After the victims are paid in full, any  
23 collected funds shall be applied as provided by law.

24 (b) Any property, proceeds, or instrumentality of  
25 every kind, used or intended for use in the course of, derived  
26 from, or realized through the commission of an offense under  
27 this article, is subject to civil forfeiture under the Alabama

1 Comprehensive Criminal Proceeds Forfeiture Act as provided in  
2 Article 4, Chapter 5 of Title 15. Property subject to  
3 forfeiture shall be subject to pre-trial seizure as provided  
4 by Alabama criminal and civil law.

5 (c) A person or entity injured in his or her person,  
6 property, or business by reason of a criminal offense under  
7 this article or his or her estate, survivors, or heirs may  
8 file an action for damages in circuit court against the person  
9 or entity who committed the act of terrorism or who is  
10 criminally responsible as a conspirator or accomplice.

11 (1) In addition to actual damages, a person who  
12 files an action under this section may recover punitive  
13 damages, which in no case shall be less than three times the  
14 actual damages sustained.

15 (2) The burden of proof shall be a preponderance of  
16 the evidence.

17 (3) The plaintiff shall also be entitled to  
18 attorney's fees in the trial and appellate courts if the  
19 plaintiff prevails in the claim.

20 (4) The rights and remedies provided in this section  
21 are in addition to any other rights and remedies provided by  
22 law.

23 (5) The limitation period for a claim brought under  
24 this section is five years from the date of discovery of the  
25 violation of this article.

1                   Section 2. This act shall become effective on the  
2 first day of the third month following its passage and  
3 approval by the Governor, or its otherwise becoming law.