

HB37 ENROLLED



1 5LUD63-2
2 By Representative Hill
3 RFD: Judiciary
4 First Read: 07-Mar-23
5 2023 Regular Session



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1 Enrolled, An Act,

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4 Relating to crimes and offenses; to create the crime of
5 making a terrorist threat in the second degree; to establish
6 penalties for violations; to repeal Section 13A-10-15, Code of
7 Alabama 1975, the existing crime of making a terrorist threat,
8 and create the new crime of making a terrorist threat in the
9 first degree; and in connection therewith would have as its
10 purpose or effect the requirement of a new or increased
11 expenditure of local funds within the meaning of Section
12 111.05 of the Constitution of Alabama of 2022.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Article 10, commencing with Section
15 13A-10-240, is added to Chapter 10 of Title 13A of the Code of
16 Alabama 1975, to read as follows:

17 §13A-10-240

18 As used in this article, the following terms have the
19 following meanings:

20 (1) PROPERTY. Personal or real property. The term
21 includes, but is not limited to, any of the following
22 buildings or real property:

23 a. A church, mosque, synagogue, or other religious real
24 property.

25 b. A public or private school.

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

28 a. The person intentionally and knowingly makes a



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29 statement verbally, in writing, by means of an electronic
30 communication device, or by any other means to harm a person
31 or property.

32 b. The statement is communicated to another person.

33 c. Under the circumstances, the threatened harm is
34 credible and imminent.

35 d. The statement, on its face and under the
36 circumstances in which it is made, is so unequivocal,
37 immediate, and specific as to convey to the person threatened,
38 a gravity of purpose and an immediate prospect of execution of
39 the threat.

40 e. The statement causes the person to reasonably be in
41 sustained fear for his or her own safety or for the object of
42 the threat.

43 (3) WEAPONS OF MASS DESTRUCTION. Any of the following:

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

45 b. A weapon that is designed or intended to cause death
46 or serious bodily injury through the release, dissemination,
47 or impact of toxic or poisonous chemicals.

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

50 d. A weapon that is designed to release radiation or
51 radioactivity at a level dangerous to human life.

52 §13A-10-241

53 (a) A person commits the crime of making a terrorist
54 threat in the first degree when he or she, based on an
55 objective evaluation, credibly threatens to commit a crime of
56 violence against a person or to damage any property by use of



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57 a bomb, explosive, weapon of mass destruction, firearm, deadly
58 weapon, or other mechanism and any of the following occurs:

59 (1) The threat causes the evacuation of any real
60 property.

61 (2) The threat causes the disruption of a school,
62 church, or government activity.

63 (3) The threat is with intent to retaliate against the
64 victim because of his or her involvement or participation as
65 any of the following:

66 a. A witness or party in any judicial or administrative
67 proceeding.

68 b. A person who produced records, documents, or other
69 objects in a judicial or administrative proceeding.

70 c. A person who provided to a law enforcement officer,
71 adult or juvenile probation officer, prosecuting attorney, or
72 judge any information relating to the commission or possible
73 commission of an offense under the laws of this state, of the
74 United States, or a violation of conditions of bail, pretrial
75 release, probation, or parole.

76 (b) The crime of making a terrorist threat in the first
77 degree is a Class C felony.

78 §13A-10-242

79 (a) A person commits the crime of making a terrorist
80 threat in the second degree when he or she, based on an
81 objective evaluation, credibly threatens to commit a crime of
82 violence against a person or to damage any property by use of
83 a bomb, explosive, weapon of mass destruction, firearm, deadly
84 weapon, or other mechanism.



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85 (b) The crime of making a terrorist threat in the
86 second degree is a Class A misdemeanor.

87 Section 2. Section 13A-10-15, Code of Alabama 1975,
88 relating to the crime of making a terrorist threat, is
89 repealed.

90 Section 3. Although this bill would have as its purpose
91 or effect the requirement of a new or increased expenditure of
92 local funds, the bill is excluded from further requirements
93 and application under Section 111.05 of the Constitution of
94 Alabama of 2022, because the bill defines a new crime or
95 amends the definition of an existing crime.

96 Section 4. This act shall take effect on the first day
97 of the third month, following its passage and approval by the
98 Governor, or its otherwise becoming law.



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 11-Apr-23.

John Treadwell
Clerk

Senate **31-May-23**

Passed