

HB233 INTRODUCED



1 HB233
2 SSLJ558-1
3 By Representative Baker
4 RFD: Public Safety and Homeland Security
5 First Read: 06-Feb-25



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SYNOPSIS:

Under existing law, a person commits the crime of making a terrorist threat in the second degree if he or she credibly threatens to commit a crime of violence, and there is a gravity of purpose and an immediate prospect that the threat will be executed.

Under existing law, the crime of making a terrorist threat in the second degree is a Class A misdemeanor.

This bill would remove the requirement that a threat must be credible and imminent in order to constitute the crime of making a terrorist threat in the second degree.

This bill would also provide that a second or subsequent conviction of the crime of making a terrorist threat in the second degree is a Class D felony.

A BILL
TO BE ENTITLED
AN ACT

Relating to the crime of making a terrorist threat; to amend Sections 13A-10-240, 13A-10-241, as last amended by Act



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29 2024-229 of the 2024 Regular Session, and 13A-10-242, Code of
30 Alabama 1975; to revise the circumstances in which a threat
31 constitutes the crime of making a terrorist threat in the
32 second degree; and to further provide criminal penalties for
33 second or subsequent convictions.

34 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

35 Section 1. Sections 13A-10-240, 13A-10-241, as last
36 amended by 2024-229 of the 2024 Regular Session, and
37 13A-10-242, Code of Alabama 1975, are amended to read as
38 follows:

39 "§13A-10-240

40 As used in this article, the following terms have the
41 following meanings:

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

45 a. A church, mosque, synagogue, or other religious real
46 property.

47 b. A public or private school.

48 (2) ~~THREATEN. A person threatens another if all of the~~
49 ~~following occur:~~

50 ~~a. The person intentionally and knowingly makes a~~
51 ~~statement verbally, in writing, by means of an electronic~~
52 ~~communication device, or by any other means to harm a person~~
53 ~~or property.~~

54 ~~b. The statement is communicated to another person.~~

55 ~~c. Under the circumstances, the threatened harm is~~
56 ~~credible and imminent.~~



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57 ~~d. The statement, on its face and under the~~
58 ~~circumstances in which it is made, is so unequivocal,~~
59 ~~immediate, and specific as to convey to the person threatened,~~
60 ~~a gravity of purpose and an immediate prospect of execution of~~
61 ~~the threat.~~

62 ~~e. The statement causes the person to reasonably be in~~
63 ~~sustained fear for his or her own safety or for the object of~~
64 ~~the threat.~~

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

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

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

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

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

74 "§13A-10-241

75 (a) A person commits the crime of making a terrorist
76 threat in the first degree when he or she, based on an
77 objective evaluation, credibly threatens to commit a crime of
78 violence against a person or to damage any property by use of
79 a bomb, explosive, weapon of mass destruction, firearm, deadly
80 weapon, or other mechanism and any of the following occurs:

81 (1) The threat causes the evacuation of any real
82 property.

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



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

88 a. A witness or party in any judicial or administrative
89 proceeding.

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

92 c. A person who provided to a law enforcement officer,
93 adult or juvenile probation officer, prosecuting attorney, or
94 judge any information relating to the commission or possible
95 commission of an offense under the laws of this state, of the
96 United States, or a violation of conditions of bail, pretrial
97 release, probation, or parole.

98 (4) The threat is made against an elected public
99 official or his or her staff.

100 (b) For the purposes of this section, a person
101 threatens another when:

102 (1) The person makes a statement verbally, in writing,
103 by means of an electronic communication device, or by any
104 other means to harm a person or property;

105 (2) The statement is communicated to another person;

106 (3) Under the circumstances, the threatened harm is
107 credible and imminent;

108 (4) The statement, on its face and under the
109 circumstances in which it is made, is so unequivocal,
110 immediate, and specific as to convey to the person threatened,
111 a gravity of purpose and an immediate prospect of execution of
112 the threat; and



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113 (5) The statement causes the person to reasonably be in
114 sustained fear for his or her own safety or for the object of
115 the threat.

116 (c) The crime of making a terrorist threat in the first
117 degree is a Class C felony."

118 "§13A-10-242

119 (a) A person commits the crime of making a terrorist
120 threat in the second degree when he or she, ~~based on an~~
121 ~~objective evaluation, credibly~~ threatens to commit a crime of
122 violence against a person or to damage any property by use of
123 a bomb, explosive, weapon of mass destruction, firearm, deadly
124 weapon, or other mechanism.

125 (b) For the purposes of this section, a person
126 threatens another when:

127 (1) The person makes a statement verbally, in writing,
128 by means of an electronic communication device, or by any
129 other means to harm a person or property;

130 (2) The person makes the statement with the intent to
131 cause fear or harm; and

132 (3) The statement is communicated to another person.

133 (c) (1) The crime of making a terrorist threat in the
134 second degree is a Class A misdemeanor.

135 (2) A second or subsequent violation of this section is
136 a Class D felony."

137 Section 2. This act shall become effective on October
138 1, 2025.