

**HB188 ENGROSSED**



1      HB188  
2      I 37QCZW-2  
3      By Representative Baker  
4      RFD: Judiciary  
5      First Read: 13-Jan-26



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5 A BILL  
6 TO BE ENTITLED  
7 AN ACT

9 Relating to the crime of making a terrorist threat; to  
10 amend Sections 13A-10-240, 13A-10-241, and 13A-10-242, Code of  
11 Alabama 1975; to revise the circumstances in which a threat  
12 constitutes the crime of making a terrorist threat in the  
13 second degree; and to further provide criminal penalties for  
14 second or subsequent convictions.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16                   Section 1. Sections 13A-10-240, 13A-10-241, and  
17 13A-10-242, Code of Alabama 1975, are amended to read as  
18 follows:

19 "§13A-10-240

20 As used in this article, the following terms have the  
21 following meanings:

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

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

27 b. A public or private school.

(2) THREATEN. A person threatens another if all of the



29 following occur:

30 a. The person intentionally and knowingly makes a  
31 statement verbally, in writing, by means of an electronic  
32 communication device, or by any other means to harm a person  
33 or property.

34 b. The statement is communicated to another person.

35 c. Under the circumstances, the threatened harm is  
36 credible and imminent.

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

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

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

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

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

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

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

54 "§13A-10-241

55 (a) A person commits the crime of making a terrorist  
56 threat in the first degree when he or she, based on an



57 objective evaluation, credibly threatens to commit a crime of  
58 violence against a person or to damage any property by use of  
59 a bomb, explosive, weapon of mass destruction, firearm, deadly  
60 weapon, or other mechanism and any of the following occurs:

61 (1) The threat causes the evacuation of any real  
62 property.

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

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

68 a. A witness or party in any judicial or administrative  
69 proceeding.

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

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

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

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

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



85        (2) The statement is communicated to another person;  
86        (3) Under the circumstances, the threatened harm is  
87        credible and imminent;

88        (4) The statement, on its face and under the  
89        circumstances in which it is made, is so unequivocal,  
90        immediate, and specific as to convey to the person threatened,  
91        a purpose and an immediate prospect of execution of the  
92        threat; and

93        (5) The statement causes the person to reasonably be in  
94        fear for his or her own safety or for the object of the  
95        threat.

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

98        "§13A-10-242

99        (a) A person commits the crime of making a terrorist  
100        threat in the second degree when he or she, ~~based on an~~  
101        ~~objective evaluation, credibly~~ threatens to commit a crime of  
102        violence against a person or to damage any property by use of  
103        a bomb, explosive, weapon of mass destruction, firearm, deadly  
104        weapon, or other mechanism.

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

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

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

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



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

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

117        Section 2. This act shall become effective on October  
118        1, 2026.



**HB188 Engrossed**

119  
120  
121 House of Representatives  
  
122 Read for the first time and referred ..... 13-Jan-26  
123 to the House of Representatives  
124 committee on Judiciary  
125  
126 Read for the second time and placed ..... 29-Jan-26  
127 on the calendar:  
128 2 amendments  
129  
130 Read for the third time and passed ..... 05-Feb-26  
131 as amended  
132 Yeas 83  
133 Nays 10  
134 Abstains 11  
135  
136  
137 John Treadwell  
138 Clerk  
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