

**HB188 INTRODUCED**



1      HB188  
2      G3H9GC6-1  
3      By Representative Baker  
4      RFD: Judiciary  
5      First Read: 13-Jan-26



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4     SYNOPSIS:

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

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

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

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

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23               A BILL

24               TO BE ENTITLED

25               AN ACT

26  
27               Relating to the crime of making a terrorist threat; to  
28     amend Sections 13A-10-240, 13A-10-241, and 13A-10-242, Code of

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29 Alabama 1975; to revise the circumstances in which a threat  
30 constitutes the crime of making a terrorist threat in the  
31 second degree; and to further provide criminal penalties for  
32 second or subsequent convictions.

33 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

34       Section 1. Sections 13A-10-240, 13A-10-241, and  
35 13A-10-242, Code of Alabama 1975, are amended to read as  
36 follows:

37       "§13A-10-240

38       As used in this article, the following terms have the  
39 following meanings:

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

43       a. A church, mosque, synagogue, or other religious real  
44 property.

45       b. A public or private school.

46       (2) ~~A person threatens another if all of the~~  
47 ~~following occur:~~

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

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

53       c. ~~Under the circumstances, the threatened harm is~~  
54 ~~credible and imminent.~~

55       d. ~~The statement, on its face and under the~~  
56 ~~circumstances in which it is made, is so unequivocal,~~



57 ~~immediate, and specific as to convey to the person threatened,~~  
58 ~~a gravity of purpose and an immediate prospect of execution of~~  
59 ~~the threat.~~

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

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

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

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

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

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

72 "§13A-10-241

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

79 (1) The threat causes the evacuation of any real  
80 property.

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

83 (3) The threat is with intent to retaliate against the  
84 victim because of his or her involvement or participation as



85 any of the following:

86       a. A witness or party in any judicial or administrative  
87 proceeding.

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

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

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

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

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

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

104           (3) Under the circumstances, the threatened harm is  
105 credible and imminent;

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

111           (5) The statement causes the person to reasonably be in  
112 sustained fear for his or her own safety or for the object of



113       the threat.

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

116           "§13A-10-242

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

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

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

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

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

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

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

135           Section 2. This act shall become effective on October  
136 1, 2026.