

**House Judiciary Reported Substitute for HB188**

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5 A BILL

6 TO BE ENTITLED

7 AN ACT

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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.

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



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29 following occur:

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

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

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

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

42 e. ~~The statement causes the person to reasonably be in sustained fear for his or her own safety or for the object of 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 or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals.

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

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

54 "§13A-10-241

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

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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;

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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.

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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.