



**House Judiciary Reported Substitute for HB188**

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, and 13A-10-242, Code of Alabama 1975; to revise the circumstances in which a threat constitutes the crime of making a terrorist threat in the second degree; and to further provide criminal penalties for second or subsequent convictions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§13A-10-240

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

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

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

b. A public or private school.

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

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~~following occur:~~

~~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.~~

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

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

~~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.~~

~~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.~~

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

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

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.

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

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

"§13A-10-241

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

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

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

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

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

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

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

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

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

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

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(2) The statement is communicated to another person;

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

(4) 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 purpose and an immediate prospect of execution of the threat; and

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

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

"§13A-10-242

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

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

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

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

(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.