

House Bill 5495

Sponsor: Rep. Jim Howell

Committee: Criminal Justice

Complete to 2-23-02

A SUMMARY OF HOUSE BILL 5495 AS INTRODUCED 12-12-01

The bill would create the "Michigan Anti-Terrorism Act" as Chapter 83-A of the Michigan Penal Code. The bill would prescribe criminal penalties for various violations involving an "act of terrorism".

"Act of terrorism" would mean an act that would be a "violent felony" under Michigan law, whether or not committed in Michigan, that was dangerous to human life and intended to intimidate or coerce a civilian population or influence or affect the conduct of a government or a unit of government through intimidation or coercion. "Violent felony" would mean a felony in which an element was the use, attempted use, or threatened use of physical force against the person or property of another, or that by its nature involved a substantial risk that physical force against the person or property of another could be used in the course of committing the offense.

Soliciting or Providing Material Support or Resources. The bill would prohibit a person from knowingly raising, soliciting, or collecting "material support or resources" intending that the support or resources be used, in whole or in part, to plan, prepare, carry out, or avoid apprehension for committing an act of terrorism against the United States or its citizens or knowing that the support or resources raised, solicited, or collected would be used by an organization that had been designated by the U.S. State Department as engaging in or sponsoring an act of terrorism.

The bill also would prohibit a person from knowingly providing material support or resources to a person, knowing that the person would use the support or resources, in whole or in part, to plan, prepare, carry out, facilitate, or avoid apprehension for committing an act of terrorism against the United States or its citizens.

A violation of either prohibition would be a felony punishable by up to 20 years imprisonment.

"Material support or resources" would mean currency or other financial securities, financial services, lodging, training, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, any other kind of physical assets or intangible property, and expert services or expert assistance.

Making a Terrorist Threat. The bill would prohibit a person from knowingly threatening to commit, or causing to be committed, an act of terrorism with the intent to intimidate or coerce a civilian population or influence or affect the conduct of a government or unit of government,

and thereby causing a reasonable expectation or fear of the imminent commission of an act of terrorism. A violation would be a felony punishable by up to 20 years imprisonment.

The bill specifies that it would not be a defense to a prosecution for making a terrorist threat that the defendant did not have the intent or capability of committing the act of terrorism or that the threat was not made to a person who was a subject or intended victim or target of the act.

Falsely Communicating a Terrorist Threat. The bill would prohibit communicating a threat of an act of terrorism that the offender knew to be false. A violation would be a felony punishable by up to 20 years imprisonment.

Terrorism. The bill would prohibit a person from knowingly committing an act of terrorism within Michigan or, while outside of the state, knowingly committing an act of terrorism that took effect within Michigan or produced substantial detrimental effects within Michigan. Terrorism would be a felony punishable by imprisonment for life or any term of years. If death were caused by the terrorist act, however, the bill would require a penalty of imprisonment for life without the opportunity for parole.

Hindering Prosecution of Terrorism. A person would be guilty of "hindering prosecution of terrorism" if he or she knowingly committed an act that "renders criminal assistance" to a person who had committed an act of terrorism. Hindering prosecution of terrorism would be a felony punishable by imprisonment for life or any term of years if no death were caused by the act of terrorism committed by the person to whom the offender rendered criminal assistance. If death were caused by that act of terrorism, however, the bill would require a penalty of imprisonment for life without the opportunity for parole for hindering prosecution of terrorism.

"Renders criminal assistance" would mean that a person, with the intent to prevent, hinder, or delay the discovery or apprehension of, or the filing of a criminal charge against, another person whom he or she knew or believed had committed a violation of the bill or was being sought by law enforcement officials for committing a violation of the bill, or with the intent to assist a person in profiting or benefiting from committing a violation of the bill, did any of the following:

- Harbored or concealed that other person.
- Warned that other person of impending discovery or apprehension.
- Provided the person with money, transportation, a weapon, a disguise, fake identification documents, or any other means of avoiding discovery or apprehension.
- Prevented or obstructed, by means of force, intimidation, or deception, anyone from performing an act that might aid in the discovery or apprehension of that other person or in the filing of a criminal charge against that other person.

- Suppressed, by any act of concealment, alteration, or destruction, any physical evidence that could aid in the discovery or apprehension of that other person or in the filing of a criminal charge against that other person.

- Aided that other person to protect or expeditiously profit from an advantage derived from the crime.

Prosecution. A prosecution for a violation of the bill could be commenced at any time. The bill states that it would not prohibit a person from being charged with, convicted of, or sentenced for any other violation of law arising out of the same criminal transaction as the violation of the bill.

MCL 750.543a et. al.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.