

MAR 28 2002

JUDICIARY

HOUSE FILE 2602

BY FORD

Passed House, Date _____ Passed Senate, Date _____
 Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
 Approved _____

A BILL FOR

1 An Act relating to terrorism and terrorist-related crimes by
 2 requiring the state department of transportation to review
 3 safety measures at airports, establishing new crimes, and
 4 providing penalties.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2602

1 Section 1. NEW SECTION. 724.31 USE OF WEAPONS OF MASS
2 DESTRUCTION.

3 1. A person who manufactures, places, disseminates, or
4 detonates a weapon of mass destruction with the intent to
5 cause death or serious injury to another person commits a
6 class "B" felony. However, notwithstanding section 902.9,
7 subsection 2, the maximum sentence for a person convicted
8 under this section shall be a period of confinement of not
9 more than fifty years.

10 2. A person who manufactures, places, disseminates, or
11 detonates a weapon of mass destruction with the intent to
12 damage, destroy, sicken, or kill livestock or crops commits a
13 class "C" felony.

14 3. As used in this section, a "weapon of mass destruction"
15 means an instrument, device, or substance designed to cause
16 death or serious injury to a person, or an instrument, device,
17 or substance designed to sicken or destroy livestock or crops,
18 and that is capable of inflicting death or serious injury upon
19 a person, or sickening or destroying livestock or crops.

20 Sec. 2. NEW SECTION. 729A.2A FORCIBLE FELONY -- HATE
21 CRIME.

22 A person who commits a hate crime as defined in section
23 729A.2 when committing a forcible felony as defined in section
24 702.11 is guilty of a class "B" felony. If a person is
25 sentenced for a hate crime under section 729A.2 and for a
26 forcible felony, the sentencing judge shall order the sentence
27 pursuant to this section to begin at the expiration of the
28 sentence for the hate crime and the forcible felony. Except
29 as otherwise provided in section 903A.7, if consecutive
30 sentences are specified in the order of commitment, the
31 several terms shall be construed as one continuous term of
32 imprisonment.

33 Sec. 3. STATE DEPARTMENT OF TRANSPORTATION -- TERRORISM
34 REVIEW. The state department of transportation shall review
35 existing policies and procedures to determine if more

1 stringent security measures are necessary to prevent the
2 spread of terrorism through the use of aircraft and aircraft
3 transportation infrastructures. The review shall include but
4 is not limited to an assessment of private aviation services,
5 pilot training within the state including training to fly crop
6 dusters, and background checks on pilots. The department
7 shall consult with other states and the proper federal
8 agencies when conducting the review. The department shall
9 issue findings based upon the review and file the findings
10 with the general assembly by November 30, 2002.

11 EXPLANATION

12 This bill requires the state department of transportation
13 to review safety measures at airports, establishes new crimes,
14 and provides penalties.

15 The bill creates the crime of use of weapons of mass
16 destruction. The bill provides that a person who
17 manufactures, places, disseminates, or detonates a weapon of
18 mass destruction with the intent to cause death or serious
19 injury to another person commits a class "B" felony,
20 punishable by confinement of not more than 50 years. The bill
21 provides that a person who manufactures, places, disseminates,
22 or detonates a weapon of mass destruction with the intent to
23 damage, destroy, sicken, or kill livestock or crops commits a
24 class "C" felony. The bill defines a "weapon of mass
25 destruction" as an instrument or substance designed to cause
26 death or serious injury to a person, or an instrument or
27 substance designed to sicken or destroy livestock or crops and
28 capable of such death, injury, sickening, or destruction.

29 The bill also provides that a person who commits a hate
30 crime as defined in Code section 729A.2 when committing a
31 forcible felony is also guilty of a separate class "B" felony.
32 The bill provides that if a person is sentenced for a hate
33 crime under Code section 729A.2 and for a forcible felony, the
34 person shall serve the additional sentence for committing a
35 hate crime when committing a forcible felony consecutively

1 with any other sentence.

2 The bill requires the state department of transportation to
3 review existing policies and procedures to determine if more
4 stringent security measures are necessary to prevent the
5 spread of terrorism through the use of aircraft and aircraft
6 transportation infrastructures.

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