

CHAPTER 1075**TERRORISM AND INTIMIDATION WITH A DANGEROUS WEAPON**

S.F. 2146

AN ACT establishing criminal offenses for acts of terrorism, changing related criminal penalties, and providing a penalty.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I

Section 1. Section 707.2, Code 2001, is amended by adding the following new subsection: **NEW SUBSECTION.** 6. The person kills another person while participating in an act of terrorism as defined in section 708A.1.

Sec. 2. **NEW SECTION.** 708A.1 DEFINITIONS.

For purposes of this chapter:

1. "Material support or resources" means knowingly assisting or providing money, financial securities, financial services, lodging, training, safe houses, false documentation or identification, communication equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials, for the purpose of assisting a person in the commission of an act of terrorism.

2. "Renders criminal assistance" means a person who, with intent to prevent the apprehension or obstruct the prosecution or defense of any person, knowingly does any of the following acts:

a. Destroys, alters, conceals, or disguises physical evidence which would be admissible in the trial of another for a public offense, or makes available false evidence or furnishes false information with the intent that it be used in the trial of that case.

b. Induces a witness having knowledge material to the subject at issue to leave the state or hide, or to fail to appear when subpoenaed.

c. Provides concealment or warns of impending apprehension to any person being sought for the subject at issue.

d. Provides a weapon, disguise, transportation, or money to any person being sought for the subject at issue.

e. Prevents or obstructs, by means of force, intimidation, or deception, another person from performing an act which might aid in the apprehension or prosecution or defense of any person.

3. "Terrorism" means an act intended to intimidate or coerce a civilian population, or to influence the policy of a unit of government by intimidation or coercion, or to affect the conduct of a unit of government, by shooting, throwing, launching, discharging, or otherwise using a dangerous weapon at, into, or in a building, vehicle, airplane, railroad engine, railroad car, or boat, occupied by another person, or within an assembly of people. The terms "intimidate", "coerce", "intimidation", and "coercion", as used in this definition, are not to be construed to prohibit picketing, public demonstrations, and similar forms of expressing ideas or views regarding legitimate matters of public interest protected by the United States and Iowa constitutions.

Sec. 3. **NEW SECTION.** 708A.1A TERRORISM.

A person who commits or attempts to commit an act of terrorism commits a class "B" felony. However, notwithstanding section 902.9, subsection 2, the maximum sentence for a person convicted under this section shall be a period of confinement of not more than fifty years.

Sec. 4. **NEW SECTION.** 708A.2 VALUE FOR PURPOSES OF MATERIAL SUPPORT AND RESOURCES.

The value of property or services is its highest value by any reasonable standard at the time

the material support or resources is given. Any reasonable standard includes but is not limited to market value within the community, actual value, or replacement value.

If credit, property, or services are obtained by two or more acts from the same person or location, or from different persons by two or more acts which occur in approximately the same location or time period so that the material support or resources are attributable to a single scheme, plan, or conspiracy, the acts may be considered as a single act of support or resources and the value may be the total value of all credit, property, and services involved.

Sec. 5. NEW SECTION. 708A.3 SOLICITING OR PROVIDING MATERIAL SUPPORT OR RESOURCES FOR TERRORISM.

1. A person who provides material support or resources to a person who commits or attempts to commit terrorism and the value of the material support or resources is in excess of one thousand dollars commits a class "B" felony.

2. A person who provides material support or resources to a person who commits or attempts to commit terrorism and the value of the material support or resources does not exceed one thousand dollars commits a class "C" felony.

Sec. 6. NEW SECTION. 708A.4 THREAT OF TERRORISM.

A person who threatens to commit terrorism or threatens to cause terrorism to be committed and who causes a reasonable expectation or fear of the imminent commission of such an act of terrorism commits a class "D" felony.

Sec. 7. NEW SECTION. 708A.5 OBSTRUCTION OF TERRORISM PROSECUTION.

1. A person who renders criminal assistance to another person who commits terrorism that results in the murder of a third person while knowing that the other person was engaged in terrorism commits a class "B" felony.

2. A person who renders criminal assistance to another person who commits terrorism while knowing that the other person was engaged in an act of terrorism commits a class "C" felony.

DIVISION II

Sec. 8. Section 708.6, Code 2001, is amended to read as follows:

708.6 TERRORISM INTIMIDATION WITH A DANGEROUS WEAPON.

A person commits a class "C" felony when the person, with the intent to injure or provoke fear or anger in another, shoots, throws, launches, or discharges a dangerous weapon at, into, or in a building, vehicle, airplane, railroad engine, railroad car, or boat, occupied by another person, or within an assembly of people, and thereby places the occupants or people in reasonable apprehension of serious injury or threatens to commit such an act under circumstances raising a reasonable expectation that the threat will be carried out.

A person commits a class "D" felony when the person shoots, throws, launches, or discharges a dangerous weapon at, into, or in a building, vehicle, airplane, railroad engine, railroad car, or boat, occupied by another person, or within an assembly of people, and thereby places the occupants or people in reasonable apprehension of serious injury or threatens to commit such an act under circumstances raising a reasonable expectation that the threat will be carried out.

Sec. 9. Section 723A.1, subsection 1, paragraph c, Code 2001, is amended to read as follows:

c. An offense constituting a violation of section 708.6 involving an act of terrorism intimidation with a dangerous weapon.

Approved April 5, 2002