

By: Representative Simpson

To: Judiciary B

## HOUSE BILL NO. 390

1 AN ACT TO CREATE THE ANTI-TERRORISM ACT OF 2002; TO CREATE  
2 THE CRIMINAL OFFENSES OF SOLICITING OR PROVIDING SUPPORT FOR AN  
3 ACT OF TERRORISM, MAKING A TERRORISTIC THREAT, TERRORISM AND  
4 HINDERING PROSECUTION OF TERRORISM; TO MAKE LEGISLATIVE FINDINGS;  
5 TO DEFINE CERTAIN TERMS; TO PROVIDE PENALTIES FOR VIOLATIONS OF  
6 THIS ACT; TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO  
7 PROVIDE THAT PERSONS CONVICTED FOR VIOLATIONS OF THIS ACT SHALL  
8 NOT BE ELIGIBLE FOR PAROLE; AND FOR RELATED PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 **SECTION 1.** This act shall be known and may be cited as the  
11 Anti-Terrorism Act of 2002.

12 **SECTION 2.** The devastating consequences of the recent  
13 barbaric attack on the World Trade Center and the Pentagon  
14 underscore the compelling need for legislation that is  
15 specifically designed to combat the evils of terrorism. Indeed,  
16 the bombings of American embassies in Kenya and Tanzania in 1998,  
17 the federal building in Oklahoma City in 1995, Pan Am Flight  
18 number 103 in Lockerbie in 1988, the 1997 shooting atop the Empire  
19 State Building, the 1994 murder of Ari Halberstam on the Brooklyn  
20 Bridge and the 1993 bombing of the World Trade Center, will  
21 forever serve to remind us that terrorism is a serious and deadly  
22 problem that disrupts public order and threatens individual safety  
23 both at home and around the world. Terrorism is inconsistent with  
24 civilized society and cannot be tolerated.

25 Although certain federal laws seek to curb the incidence of  
26 terrorism, there are no corresponding state laws that facilitate  
27 the prosecution and punishment of terrorists in state courts.  
28 Inexplicably, there is also no criminal penalty in this state for  
29 a person who solicits or raises funds for, or provides other  
30 material support or resources to, those who commit or encourage



31 the commission of horrific and cowardly acts of terrorism. Nor do  
32 our criminal laws proscribe the making of terrorist threats or  
33 punish with appropriate severity those who hinder the prosecution  
34 of terrorists.

35 A comprehensive state law is urgently needed to complement  
36 federal laws in the fight against terrorism and to better protect  
37 all citizens against terrorist acts. Accordingly, the Legislature  
38 finds that our laws must be strengthened to ensure that  
39 terrorists, as well as those who solicit or provide financial and  
40 other support to terrorist, are prosecuted and punished in state  
41 courts with appropriate severity.

42 **SECTION 3.** The following words and phrases shall have the  
43 meanings ascribed herein, unless the context clearly indicates  
44 otherwise:

45 (a) "Act of terrorism" means an act or acts  
46 constituting a specified offense as defined in paragraph (c) of  
47 this section for which a person may be convicted in the criminal  
48 courts of this state, or an act or acts constituting an offense in  
49 any other jurisdiction within or outside the territorial  
50 boundaries of the United States which contains all of the  
51 essential elements of a specified offense, that is intended to:

- 52 (i) Intimidate or coerce a civilian population;  
53 (ii) Influence the policy of a unit of government  
54 by intimidation or coercion; or  
55 (iii) Affect the conduct of a unit of government  
56 by murder, assassination or kidnapping.

57 "Act of terrorism" also means activities that involve a  
58 violent act or acts dangerous to human life that are in violation  
59 of the criminal laws of the state and are intended to:

- 60 (i) Intimidate or coerce a civilian population;  
61 (ii) Influence the policy of a unit of government  
62 by intimidation or coercion; or



63 (iii) Affect the conduct of a unit of government  
64 by murder, assassination or kidnapping.

65 (b) "Material support or resources" means currency or  
66 other financial securities, financial services, lodging, training,  
67 safehouses, false documentation or identification, communications  
68 equipment, facilities, weapons, lethal substances, explosives,  
69 personnel, transportation and other physical assets, except  
70 medicine or religious materials.

71 (c) "Specified offense" for purposes of this act means  
72 a felony offense, a violent felony offense, murder and  
73 manslaughter, and includes an attempt or conspiracy to commit any  
74 such offense.

75 (d) "Renders criminal assistance" means any person who,  
76 with intent to prevent, hinder or delay the discovery or  
77 apprehension of, or the lodging of a criminal charge against, a  
78 person who he knows or believes has committed a crime or is being  
79 sought by law enforcement officials for the commission of a crime,  
80 or with intent to assist a person in profiting or benefiting from  
81 the commission of a crime, he:

82 (i) Harbors or conceals such person; or

83 (ii) Warns such person of impending discovery or  
84 apprehension; or

85 (iii) Provides such person with money,  
86 transportation, weapon, disguise or other means of avoiding  
87 discovery or apprehension; or

88 (iv) Prevents or obstructs, by means of force,  
89 intimidation or deception, anyone from performing an act which  
90 might aid in the discovery or apprehension of such person or in  
91 the lodging of a criminal charge against him; or

92 (v) Suppresses, by any act of concealment,  
93 alteration or destruction, any physical evidence which might aid  
94 in the discovery or apprehension of such person or in the lodging  
95 of a criminal charge against him; or



96 (vi) Aids such person to protect or expeditiously  
97 profit from an advantage derived from such crime.

98 **SECTION 4.** A person commits soliciting or providing support  
99 for an act of terrorism in the second degree when, with intent  
100 that material support or resources will be used, in whole or in  
101 part, to plan, prepare, carry out or aid in either an act of  
102 terrorism or the concealment of, or an escape from, an act of  
103 terrorism, he or she raises, solicits, collects or provides  
104 material support or resources.

105 Soliciting or providing support for an act of terrorism in  
106 the second degree is a felony punishable by not more than seven  
107 (7) years imprisonment in the State Penitentiary.

108 **SECTION 5.** A person commits soliciting or providing support  
109 for an act of terrorism in the first degree when he or she commits  
110 the crime of soliciting or providing support for an act of  
111 terrorism in the second degree and the total value of material  
112 support or resources exceeds One Thousand Dollars (\$1,000.00).

113 Soliciting or providing support for an act of terrorism in  
114 the first degree is a felony punishable by not more than fifteen  
115 (15) years imprisonment in the State Penitentiary.

116 **SECTION 6.** (1) A person is guilty of making a terroristic  
117 threat when with intent to intimidate or coerce a civilian  
118 population, influence the policy of a unit of government by  
119 intimidation or coercion, or affect the conduct of a unit of  
120 government by intimidation or coercion, or affect the conduct of a  
121 unit of government by murder, assassination or kidnapping, he or  
122 she threatens to commit or cause to be committed a specified  
123 offense and thereby causes a reasonable expectation or fear of the  
124 imminent commission of such offense.

125 (2) It shall be no defense to a prosecution pursuant to this  
126 section that the defendant did not have the intent or capability  
127 of committing the specified offense or that the threat was not  
128 made to a person who was a subject thereof.



129 Making a terroristic threat is a felony punishable by not  
130 more than ten (10) years imprisonment in the State Penitentiary.

131 **SECTION 7.** (1) A person is guilty of a crime of terrorism  
132 when, with intent to intimidate or coerce a civilian population,  
133 influence the policy of a unit of government by intimidation or  
134 coercion, or affect the conduct of a unit a government by murder,  
135 assassination or kidnapping, he or she commits a specified  
136 offense.

137 (2) When a person is convicted of a crime of terrorism  
138 pursuant to this section, the crime of terrorism shall be deemed a  
139 violent felony offense and if loss of life does not occur such  
140 person shall be punished by imprisonment in the State Penitentiary  
141 for not more than twenty-five (25) years.

142 (3) Notwithstanding any other provision of law, when a  
143 person is convicted of a crime of terrorism pursuant to this  
144 section, and the specified offense results in the loss of life,  
145 the sentence upon conviction of such offense shall be life  
146 imprisonment without parole; provided, however, that nothing  
147 herein shall preclude or prevent a sentence of death when the  
148 specified offense is capital murder.

149 **SECTION 8.** A person is guilty of hindering prosecution of  
150 terrorism in the second degree when he or she renders criminal  
151 assistance to a person who has committed an act of terrorism,  
152 knowing or believing that such person engaged in conduct  
153 constituting an act of terrorism.

154 Hindering prosecution of terrorism in the second degree is a  
155 felony punishable by not more than fifteen (15) years imprisonment  
156 in the State Penitentiary.

157 **SECTION 9.** A person is guilty of hindering prosecution of  
158 terrorism in the first degree when he or she renders criminal  
159 assistance to a person who has committed an act of terrorism that  
160 resulted in the death of a person other than one of the



161 participants, knowing or believing that such person engaged in  
162 conduct constituting an act of terrorism.

163 Hindering prosecution of terrorism in the first degree is a  
164 felony punishable by not more than twenty-five (25) years  
165 imprisonment in the State Penitentiary.

166 **SECTION 10.** Section 47-7-3, Mississippi Code of 1972, is  
167 amended as follows:

168 47-7-3. (1) Every prisoner who has been convicted of any  
169 offense against the State of Mississippi, and is confined in the  
170 execution of a judgment of such conviction in the Mississippi  
171 State Penitentiary for a definite term or terms of one (1) year or  
172 over, or for the term of his or her natural life, whose record of  
173 conduct shows that such prisoner has observed the rules of the  
174 penitentiary, and who has served not less than one-fourth (1/4) of  
175 the total of such term or terms for which such prisoner was  
176 sentenced, or, if sentenced to serve a term or terms of thirty  
177 (30) years or more, or, if sentenced for the term of the natural  
178 life of such prisoner, has served not less than ten (10) years of  
179 such life sentence, may be released on parole as hereinafter  
180 provided, except that:

181 (a) No prisoner convicted as a confirmed and habitual  
182 criminal under the provisions of Sections 99-19-81 through  
183 99-19-87 shall be eligible for parole;

184 (b) Any person who shall have been convicted of a sex  
185 crime shall not be released on parole except for a person under  
186 the age of nineteen (19) who has been convicted under Section  
187 97-3-67;

188 (c) No one shall be eligible for parole until he shall  
189 have served one (1) year of his sentence, unless such person has  
190 accrued any meritorious earned time allowances, in which case he  
191 shall be eligible for parole if he has served (i) nine (9) months  
192 of his sentence or sentences, when his sentence or sentences is  
193 two (2) years or less; (ii) ten (10) months of his sentence or



194 sentences when his sentence or sentences is more than two (2)  
195 years but no more than five (5) years; and (iii) one (1) year of  
196 his sentence or sentences when his sentence or sentences is more  
197 than five (5) years;

198           (d) (i) No person shall be eligible for parole who  
199 shall, on or after January 1, 1977, be convicted of robbery or  
200 attempted robbery through the display of a firearm until he shall  
201 have served ten (10) years if sentenced to a term or terms of more  
202 than ten (10) years or if sentenced for the term of the natural  
203 life of such person. If such person is sentenced to a term or  
204 terms of ten (10) years or less, then such person shall not be  
205 eligible for parole. The provisions of this paragraph (d) shall  
206 also apply to any person who shall commit robbery or attempted  
207 robbery on or after July 1, 1982, through the display of a deadly  
208 weapon. This subparagraph (d)(i) shall not apply to persons  
209 convicted after September 30, 1994;

210           (ii) No person shall be eligible for parole who  
211 shall, on or after October 1, 1994, be convicted of robbery,  
212 attempted robbery or carjacking as provided in Section 97-3-115 et  
213 seq., through the display of a firearm or drive-by shooting as  
214 provided in Section 97-3-109. The provisions of this subparagraph  
215 (d)(ii) shall also apply to any person who shall commit robbery,  
216 attempted robbery, carjacking or a drive-by shooting on or after  
217 October 1, 1994, through the display of a deadly weapon;

218           (e) No person shall be eligible for parole who, on or  
219 after July 1, 1994, is charged, tried, convicted and sentenced to  
220 life imprisonment without eligibility for parole under the  
221 provisions of Section 99-19-101;

222           (f) No person shall be eligible for parole who is  
223 charged, tried, convicted and sentenced to life imprisonment under  
224 the provisions of Section 99-19-101;



225 (g) No person shall be eligible for parole who is  
226 convicted or whose suspended sentence is revoked after June 30,  
227 1995, except as provided in paragraph (i);

228 (h) An offender may be eligible for medical release  
229 under Section 47-7-4;

230 (i) A first offender convicted of a nonviolent crime  
231 after January 1, 2000, may be eligible for parole if the offender  
232 meets the requirements in subsection (1) and this paragraph. In  
233 addition to other requirements, if a first offender is convicted  
234 of a drug or driving under the influence felony, the offender must  
235 complete a drug and alcohol rehabilitation program prior to parole  
236 or the offender may be required to complete a post-release drug  
237 and alcohol program as a condition of parole. For purposes of  
238 this paragraph, "nonviolent crime" means a felony other than  
239 homicide, robbery, manslaughter, sex crimes, arson, burglary of an  
240 occupied dwelling, aggravated assault, kidnapping, felonious abuse  
241 of vulnerable adults, felonies with enhanced penalties, and the  
242 sale or manufacture of a controlled substance under the Uniform  
243 Controlled Substances Law.

244 (j) No person shall be eligible for parole who is  
245 convicted of a crime which is an act of terrorism as provided in  
246 Sections 1 through 9 of House Bill No. \_\_\_\_\_, 2001 Regular Session.

247 (2) Notwithstanding any other provision of law, an inmate  
248 shall not be eligible to receive earned time, good time or any  
249 other administrative reduction of time which shall reduce the time  
250 necessary to be served for parole eligibility as provided in  
251 subsection (1) of this section; however, this subsection shall not  
252 apply to the advancement of parole eligibility dates pursuant to  
253 the Prison Overcrowding Emergency Powers Act. Moreover,  
254 meritorious earned time allowances may be used to reduce the time  
255 necessary to be served for parole eligibility as provided in  
256 paragraph (c) of subsection (1) of this section.





257           (3) The State Parole Board shall by rules and regulations  
258 establish a method of determining a tentative parole hearing date  
259 for each eligible offender taken into the custody of the  
260 Department of Corrections. The tentative parole hearing date  
261 shall be determined within ninety (90) days after the department  
262 has assumed custody of the offender. Such tentative parole  
263 hearing date shall be calculated by a formula taking into account  
264 the offender's age upon first commitment, number of prior  
265 incarcerations, prior probation or parole failures, the severity  
266 and the violence of the offense committed, employment history and  
267 other criteria which in the opinion of the board tend to validly  
268 and reliably predict the length of incarceration necessary before  
269 the offender can be successfully paroled.

270           (4) Any inmate within twenty-four (24) months of his parole  
271 eligibility date and who meets the criteria established by the  
272 classification board shall receive priority for placement in any  
273 educational development and job training programs. Any inmate  
274 refusing to participate in an educational development or job  
275 training program may be ineligible for parole.

276           **SECTION 11.** This act shall take effect and be in force from  
277 and after its passage.

