

FILED

2001 DEC 12 P 4: 53

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**

*Sixth Extraordinary Session, 2001*

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**ENROLLED**

*Committee Substitute for*  
SENATE BILL NO. 6002

(By Senators Tomblin, Mr. President, and *†*  
Sprouse, By Request of the Executive)

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PASSED November 30, 2001

In Effect from Passage

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## ENROLLED

COMMITTEE SUBSTITUTE

FOR

### Senate Bill No. 6002

(BY SENATORS TOMBLIN, MR. PRESIDENT, AND SPROUSE,  
BY REQUEST OF THE EXECUTIVE)

[Passed November 30, 2001; in effect from passage.]

AN ACT to amend and reenact section seventeen, article six, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section twenty-four, all relating to acts which threaten public safety; prohibiting threats of terrorist acts; prohibiting conveying false information concerning a terrorist act; prohibiting using hoax substances or devices to commit a terrorist act; providing penalties; requiring restitution and reimbursement; and providing definitions.

*Be it enacted by the Legislature of West Virginia:*

That section seventeen, article six, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be

further amended by adding thereto a new section, designated section twenty-four, all to read as follows:

**ARTICLE 6. CRIMES AGAINST THE PEACE.**

**§61-6-17. False reports concerning bombs or other explosive devices; penalties.**

1 (a) Any person who imparts or conveys or causes to be  
2 imparted or conveyed any false information, knowing or  
3 having reasonable cause to believe the information to be  
4 false, concerning the presence of any bomb or other  
5 explosive device in, at, on, near, under or against any  
6 dwelling house, structure, improvement, building, bridge,  
7 motor vehicle, vessel, boat, railroad car, airplane or other  
8 place or concerning an attempt or alleged attempt being  
9 made or to be made to so place or explode any bomb or  
10 other explosive device is guilty of a felony and, upon  
11 conviction thereof, shall be fined not less than one hun-  
12 dred dollars nor more than two thousand dollars or  
13 confined in a state correctional facility for not less than  
14 one year nor more than three years, or both.

15 (b) If any person violates any provision of this section  
16 and the violation directly causes economic harm as defined  
17 in subsection (d) of this section, in addition to any other  
18 penalty, the circuit court may order the offender to pay the  
19 victim or victims restitution, in accordance with the  
20 provisions of article eleven-a of this chapter, for economic  
21 loss caused by the violation in an amount not to exceed the  
22 economic harm suffered. Nothing in this section may be  
23 construed to limit the circuit court's authority to order  
24 restitution pursuant to other provisions of this code.

25 (c) Notwithstanding any provision of this section to the  
26 contrary, any person violating the provisions of subsection  
27 (a) of this section whose violation of the subsection results  
28 in another suffering serious bodily injury is guilty of a  
29 felony and, upon conviction thereof, shall be confined in a  
30 state correctional facility for not less than one year nor  
31 more than five years or fined not more than ten thousand

32 dollars, or both. Each injury resulting from a violation of  
33 subsection (a) of this section constitutes a separate offense.

34 (d) As used in this section, “economic harm” means all  
35 direct, incidental and consequential pecuniary harm  
36 suffered by a victim as a result of criminal conduct.  
37 Economic harm includes, but is not limited to, the follow-  
38 ing:

39 (1) All wages, salaries or other compensation lost as a  
40 result of the criminal conduct;

41 (2) The cost of all wages, salaries or other compensation  
42 paid to employees for time those employees are prevented  
43 from working as a result of the criminal conduct;

44 (3) The cost of all wages, salaries or other compensation  
45 paid to employees for time those employees spent in  
46 reacting to the results of the criminal conduct; or

47 (4) The overhead costs incurred for the time that a  
48 business is shut down as a result of the criminal conduct.

**§61-6-24. Threats of terrorist acts, conveying false information  
concerning terrorist acts and committing terrorist  
hoaxes prohibited; penalties.**

1 (a) As used in this section:

2 (1) “Economic harm” means all direct, incidental and  
3 consequential pecuniary harm suffered by a victim as a  
4 result of criminal conduct. Economic harm includes, but  
5 is not limited to, the following:

6 (A) All wages, salaries or other compensation lost as a  
7 result of the criminal conduct;

8 (B) The cost of all wages, salaries or other compensation  
9 paid to employees for time those employees are prevented  
10 from working as a result of the criminal conduct;

11 (C) The cost of all wages, salaries or other compensation  
12 paid to employees for time those employees spent in  
13 reacting to the results of the criminal conduct; or

14 (D) The overhead costs incurred for the time that a  
15 business is shut down as a result of the criminal conduct.

16 (2) "Hoax substance or device" means any substance or  
17 device that is shaped, sized, colored, marked, imprinted,  
18 numbered, labeled, packaged, distributed, priced or  
19 delivered so as to cause a reasonable person to believe that  
20 the substance or device is of a nature which is capable of  
21 causing serious bodily injury or damage to property or the  
22 environment.

23 (3) "Terrorist act" means an act that is:

24 (A) Likely to result in serious bodily injury or damage to  
25 property or the environment; and

26 (B) Intended to:

27 (i) Intimidate or coerce the civilian population;

28 (ii) Influence the policy of a branch or level of govern-  
29 ment by intimidation or coercion;

30 (iii) Affect the conduct of a branch or level of govern-  
31 ment by intimidation or coercion; or

32 (iv) Retaliate against a branch or level of government for  
33 a policy or conduct of the government.

34 (b) Any person who knowingly and willfully threatens to  
35 commit a terrorist act, without the intent to commit the  
36 act, is guilty of a felony and, upon conviction thereof, shall  
37 be fined not less than five thousand dollars nor more than  
38 twenty-five thousand dollars or confined in a state correc-  
39 tional facility for not less than one year nor more than  
40 three years, or both.

41 (c) Any person who knowingly and willfully conveys  
42 false information knowing the information to be false

43 concerning an attempt or alleged attempt being made or to  
44 be made of a terrorist act is guilty of a felony and, upon  
45 conviction thereof, shall be fined not less than five thou-  
46 sand dollars nor more than twenty-five thousand dollars  
47 or confined in a state correctional facility for not less than  
48 one year nor more than three years, or both.

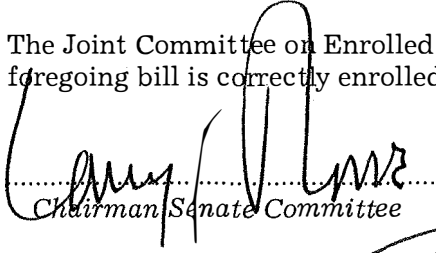
49 (d) Any person who uses a hoax substance or device with  
50 the specific intent to commit a terrorist act is guilty of a  
51 felony and, upon conviction thereof, shall be fined not less  
52 than ten thousand dollars nor more than fifty thousand  
53 dollars or confined in a state correctional facility for not  
54 less than one year nor more than five years, or both.

55 (e) The court shall order any person convicted of an  
56 offense under this section to pay the victim restitution in  
57 an amount not to exceed the total amount of any economic  
58 harm suffered.

59 (f) The court shall order any person convicted of an  
60 offense under this section to reimburse the state or any  
61 subdivision of the state for any expenses incurred by the  
62 state or the subdivision incident to its response to a  
63 violation of this section.

64 (g) The conviction of any person under the provisions of  
65 this section does not preclude or otherwise limit any civil  
66 proceedings arising from the same act.

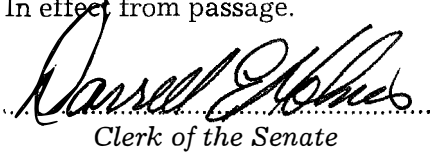
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

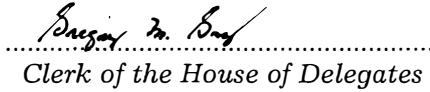
  
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Chairman Senate Committee

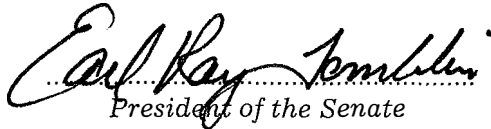
  
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Chairman House Committee


Originated in the Senate.

In effect from passage.

  
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Clerk of the Senate

  
.....  
Clerk of the House of Delegates

  
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President of the Senate

  
.....  
Speaker House of Delegates

The within..... *is approved* ..... this the..... *12th* .....  
Day of ..... *December* ....., 2001.

  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 12/6/01

Time 4:40 pm