

REFERENCE TITLE: **terrorist threats; false reports; terrorism**

State of Arizona
Senate
Fifty-third Legislature
First Regular Session
2017

SB 1350

Introduced by
Senators Petersen: Borrelli, Burges; Representatives Farnsworth E,
Grantham

AN ACT

AMENDING SECTIONS 13-107, 13-902, 13-2301 AND 13-2308.01, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 23, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 13-2308.02 AND 13-2308.03; REPEALING SECTION 13-2925, ARIZONA REVISED STATUTES; RELATING TO TERRORISM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-107, Arizona Revised Statutes, is amended to
3 read:

4 13-107. Time limitations

5 A. A prosecution for any homicide, any conspiracy to commit
6 homicide that results in the death of a person, any offense that is listed
7 in chapter 14 or 35.1 of this title and that is a class 2 felony, any
8 violent sexual assault pursuant to section 13-1423, any violation of
9 section 13-2308.01 OR 13-2308.03, any misuse of public monies or a felony
10 involving falsification of public records or any attempt to commit an
11 offense listed in this subsection may be commenced at any time.

12 B. Except as otherwise provided in this section and section 28-672,
13 prosecutions for other offenses must be commenced within the following
14 periods after actual discovery by the state or the political subdivision
15 having jurisdiction of the offense or discovery by the state or the
16 political subdivision that should have occurred with the exercise of
17 reasonable diligence, whichever first occurs:

- 18 1. For a class 2 through a class 6 felony, seven years.
- 19 2. For a misdemeanor, one year.
- 20 3. For a petty offense, six months.

21 C. For the purposes of subsection B of this section, a prosecution
22 is commenced when an indictment, information or complaint is filed.

23 D. The period of limitation does not run during any time when the
24 accused is absent from the state or has no reasonably ascertainable place
25 of abode within the state.

26 E. The period of limitation does not run for a serious offense as
27 defined in section 13-706 during any time when the identity of the person
28 who commits the offense or offenses is unknown.

29 F. The time limitation within which a prosecution of a class 6
30 felony shall commence shall be determined pursuant to subsection B,
31 paragraph 1 of this section, irrespective of whether a court enters a
32 judgment of conviction for or a prosecuting attorney designates the
33 offense as a misdemeanor.

34 G. If a complaint, indictment or information filed before the
35 period of limitation has expired is dismissed for any reason, a new
36 prosecution may be commenced within six months after the dismissal becomes
37 final even if the period of limitation has expired at the time of the
38 dismissal or will expire within six months of the dismissal.

39 Sec. 2. Section 13-902, Arizona Revised Statutes, is amended to
40 read:

41 13-902. Periods of probation; monitoring; fees

42 A. Unless terminated sooner, probation may continue for the
43 following periods:

- 44 1. For a class 2 felony, seven years.
- 45 2. For a class 3 felony, five years.

1 3. For a class 4 felony, four years.
2 4. For a class 5 or 6 felony, three years.
3 5. For a class 1 misdemeanor, three years.
4 6. For a class 2 misdemeanor, two years.
5 7. For a class 3 misdemeanor, one year.
6 B. Notwithstanding subsection A of this section, unless terminated
7 sooner, probation may continue for the following periods:
8 1. For a violation of section 28-1381 or 28-1382, five years.
9 2. For a violation of section 28-1383, ten years.
10 C. ~~When~~ IF the court has required, as a condition of probation,
11 that the defendant make restitution for any economic loss related to the
12 defendant's offense and that condition has not been satisfied, the court
13 at any time before the termination or expiration of probation may extend
14 the period within the following limits:
15 1. For a felony, not more than five years.
16 2. For a misdemeanor, not more than two years.
17 D. Notwithstanding any other provision of law, justice courts and
18 municipal courts may impose the probation periods specified in subsection
19 A, paragraphs 5, 6 and 7 and subsection B, paragraph 1 of this section.
20 E. After conviction of a felony offense or an attempt to commit any
21 offense that is included in chapter 14 or 35.1 of this title or section
22 13-2308.01, 13-2308.03, 13-2923 or 13-3623, if probation is available,
23 probation may continue for a term of not less than the term that is
24 specified in subsection A of this section up to and including life and
25 that the court believes is appropriate for the ends of justice.
26 F. After conviction of a violation of section 13-3824, subsection
27 A, if a term of probation is imposed and the offense for which the person
28 was required to register was a felony, probation may continue for a term
29 of not less than the term that is specified in subsection A of this
30 section up to and including life and that the court believes is
31 appropriate for the ends of justice.
32 G. If a person is convicted on or after November 1, 2006 of a
33 dangerous crime against children as defined in section 13-705, a term of
34 probation is imposed, the person is required to register pursuant to
35 section 13-3821 and the person is classified as a level three offender
36 pursuant to section 13-3825, the court shall require global position
37 system or electronic monitoring for the duration of the term of probation.
38 The court may impose a fee on the probationer to offset the cost of the
39 monitoring device required by this subsection. The fee shall be deposited
40 in the adult probation services fund pursuant to section 12-267,
41 subsection A, paragraph 3. This subsection does not preclude global
42 position system or electronic monitoring of any other person who is
43 serving a term of probation.

1 Sec. 3. Section 13-2301, Arizona Revised Statutes, is amended to
2 read:

3 13-2301. Definitions

4 A. For the purposes of sections 13-2302, 13-2303 and 13-2304:

5 1. "Collect an extension of credit" means to induce in any way any
6 person to make repayment of that extension.

7 2. "Creditor" means any person making an extension of credit or any
8 person claiming by, under or through any person making an extension of
9 credit.

10 3. "Debtor" means any person to whom an extension of credit is made
11 or any person who guarantees the repayment of an extension of credit, or
12 in any manner undertakes to indemnify the creditor against loss resulting
13 from the failure of any person to whom an extension is made to repay the
14 extension.

15 4. "Extend credit" means to make or renew any loan or to enter into
16 any agreement, tacit or express, whereby the repayment or satisfaction of
17 any debt or claim, whether acknowledged or disputed, valid or invalid, and
18 however arising, may or shall be deferred.

19 5. "Extortionate extension of credit" means any extension of credit
20 with respect to which it is the understanding of the creditor and the
21 debtor at the time the extension is made that delay in making repayment or
22 failure to make repayment could result in the use of violence or other
23 criminal means to cause harm to the person or the reputation or property
24 of any person.

25 6. "Extortionate means" means the use, or an express or implicit
26 threat of use, of violence or other criminal means to cause harm to the
27 person or the reputation or property of any person.

28 7. "Repayment of any extension of credit" means the repayment,
29 satisfaction or discharge in whole or in part of any debt or claim,
30 acknowledged or disputed, valid or invalid, resulting from or in
31 connection with that extension of credit.

32 B. For the purposes of section 13-2305, 13-2306 or 13-2307:

33 1. "Dealer in property" means a person who buys and sells property
34 as a business.

35 2. "Stolen property" means property of another as defined in
36 section 13-1801 that has been the subject of any unlawful taking.

37 3. "Traffic" means to sell, transfer, distribute, dispense or
38 otherwise dispose of stolen property to another person, or to buy,
39 receive, possess or obtain control of stolen property, with the intent to
40 sell, transfer, distribute, dispense or otherwise dispose of the property
41 to another person.

42 C. For the purposes of this chapter:

43 1. "Animal activity" means a commercial enterprise that uses
44 animals for food, clothing or fiber production, agriculture or
45 biotechnology.

1 2. "Animal facility" means a building or premises where a
2 commercial activity in which the use of animals is essential takes place,
3 including a zoo, rodeo, circus, amusement park, hunting preserve and horse
4 and dog event.

5 3. "Animal or ecological terrorism" means any felony in violation
6 of section 13-2312, subsection B that involves at least three persons
7 acting in concert, that involves the intentional or knowing infliction of
8 property damage in an amount of more than ten thousand dollars to the
9 property that is used by a person for the operation of a lawfully
10 conducted animal activity or to a commercial enterprise that is engaged in
11 a lawfully operated animal facility or research facility and that involves
12 either:

13 (a) The use of a deadly weapon or dangerous instrument.

14 (b) The intentional or knowing infliction of serious physical
15 injury on a person engaged in a lawfully conducted animal activity or
16 participating in a lawfully conducted animal facility or research
17 facility.

18 4. "Biological agent" means any microorganism, virus, infectious
19 substance or biological product that may be engineered through
20 biotechnology or any naturally occurring or bioengineered component of any
21 microorganism, virus, infectious substance or biological product and that
22 is capable of causing any of the following:

23 (a) Death, disease or physical injury in a human, animal, plant or
24 other living organism.

25 (b) The deterioration or contamination of air, food, water,
26 equipment, supplies or material of any kind.

27 5. "Combination" means persons who collaborate in carrying on or
28 furthering the activities or purposes of a criminal syndicate even though
29 such persons may not know each other's identity, membership in the
30 combination changes from time to time or one or more members may stand in
31 a wholesaler-retailer or other arm's length relationship with others as to
32 activities or dealings between or among themselves in an illicit
33 operation.

34 6. "Communication service provider" has the same meaning prescribed
35 in section 13-3001.

36 7. "Criminal syndicate" means any combination of persons or
37 enterprises engaging, or having the purpose of engaging, on a continuing
38 basis in conduct that violates any one or more provisions of any felony
39 statute of this state.

40 8. "Explosive agent" means an explosive as defined in section
41 13-3101 and flammable fuels or fire accelerants in amounts over fifty
42 gallons but excludes:

43 (a) Fireworks as defined in section 36-1601.

44 (b) Firearms.

1 (c) A propellant actuated device or propellant actuated industrial
2 tool.

3 (d) A device that is commercially manufactured primarily for the
4 purpose of illumination.

5 (e) A rocket having a propellant charge of less than four ounces.

6 9. "Material support or resources" includes money or other
7 financial securities, financial services, lodging, sustenance, training,
8 safehouses, false documentation or identification, communications
9 equipment, facilities, weapons, lethal substances, explosives, personnel,
10 transportation, disguises and other physical assets but does not include
11 medical assistance, legal assistance or religious materials.

12 10. "Public establishment" means a structure, **VEHICLE OR CRAFT** that
13 is owned, leased or operated by **ANY OF THE FOLLOWING:**

14 (a) This state or a political subdivision ~~of this state or~~ **AS**
15 **DEFINED IN SECTION 38-502.**

16 (b) **A PUBLIC AGENCY AS DEFINED IN SECTION 38-502.**

17 (c) **THE FEDERAL GOVERNMENT.**

18 (d) A health care institution as defined in section 36-401.

19 11. "Research facility" means a laboratory, institution, medical
20 care facility, government facility, public or private educational
21 institution or nature preserve at which a scientific test, experiment or
22 investigation involving the use of animals is lawfully carried out,
23 conducted or attempted.

24 12. "Terrorism" means any felony, including any completed or
25 preparatory offense, that involves the use of a deadly weapon or a weapon
26 of mass destruction or the intentional or knowing infliction of serious
27 physical injury with the intent to ~~either~~ **DO ANY OF THE FOLLOWING:**

28 (a) Influence the policy or affect the conduct of this state or any
29 of the political subdivisions, agencies or instrumentalities of this
30 state.

31 (b) Cause substantial damage to or substantial interruption of
32 public communications, communication service providers, public
33 transportation, common carriers, public utilities, public establishments
34 or other public services.

35 (c) **INTIMIDATE OR COERCE A CIVILIAN POPULATION AND FURTHER THE**
36 **GOALS, DESIRES, AIMS, PUBLIC PRONOUNCEMENTS, MANIFESTOS OR POLITICAL**
37 **OBJECTIVES OF ANY TERRORIST ORGANIZATION.**

38 13. "TERRORIST ORGANIZATION" MEANS ANY OF THE FOLLOWING:

39 (a) **A DOMESTIC OR FOREIGN ORGANIZATION THAT ENGAGES OR IS ABOUT TO**
40 **ENGAGE IN THE PLANNING, PREPARATION, CARRYING OUT OR AIDING IN AN ACT OF**
41 **TERRORISM.**

42 (b) **A DOMESTIC OR FOREIGN ORGANIZATION THAT RETAINS THE CAPABILITY**
43 **AND INTENT TO ENGAGE IN AN ACT OF TERRORISM.**

44 (c) **ANY ORGANIZATION THAT IS DESIGNATED BY THE UNITED STATES**
45 **DEPARTMENT OF STATE AS A FOREIGN TERRORIST ORGANIZATION UNDER SECTION 219**

1 OF THE IMMIGRATION AND NATIONALITY ACT (8 UNITED STATES CODE SECTION
2 1189).

3 ~~13.~~ 14. "Toxin" means the toxic material of plants, animals,
4 microorganisms, viruses, fungi or infectious substances or a recombinant
5 molecule, whatever its origin or method of reproduction, including:

6 (a) Any poisonous substance or biological product that may be
7 engineered through biotechnology and that is produced by a living
8 organism.

9 (b) Any poisonous isomer or biological product, homolog or
10 derivative of such substance.

11 ~~14.~~ 15. "Vector" means a living organism or molecule, including a
12 recombinant molecule or biological product that may be engineered through
13 biotechnology, that is capable of carrying a biological agent or toxin to
14 a host.

15 ~~15.~~ 16. "Weapon of mass destruction" means:

16 (a) Any device or object that is designed or that the person
17 intends to use to cause multiple deaths or serious physical injuries
18 through the use of an explosive agent or the release, dissemination or
19 impact of a toxin, biological agent, poisonous chemical, or its precursor,
20 or any vector.

21 (b) Except as authorized and used in accordance with a license,
22 registration or exemption by the radiation regulatory agency pursuant to
23 section 30-672, any device or object that is designed or that the person
24 intends to use to release radiation or radioactivity at a level that is
25 dangerous to human life.

26 D. For the purposes of sections 13-2312, 13-2313, 13-2314 and
27 13-2315, unless the context otherwise requires:

28 1. "Control", in relation to an enterprise, means the possession of
29 sufficient means to permit substantial direction over the affairs of an
30 enterprise and, in relation to property, means to acquire or possess.

31 2. "Enterprise" means any corporation, partnership, association,
32 labor union or other legal entity or any group of persons associated in
33 fact although not a legal entity.

34 3. "Financial institution" means any business under the
35 jurisdiction of the department of financial institutions or a banking or
36 securities regulatory agency of the United States, a business coming
37 within the definition of a bank, financial agency or financial institution
38 as prescribed by 31 United States Code section 5312 or 31 Code of Federal
39 Regulations section 1010.100 or a business under the jurisdiction of the
40 securities division of the corporation commission, the state real estate
41 department or the department of insurance.

42 4. "Racketeering" means any act, including any preparatory or
43 completed offense, that is chargeable or indictable under the laws of the
44 state or country in which the act occurred and, if the act occurred in a
45 state or country other than this state, that would be chargeable or

1 indictable under the laws of this state if the act had occurred in this
 2 state, and that would be punishable by imprisonment for more than one year
 3 under the laws of this state and, if the act occurred in a state or
 4 country other than this state, under the laws of the state or country in
 5 which the act occurred, regardless of whether the act is charged or
 6 indicted, and the act involves either:

7 (a) Terrorism, animal terrorism or ecological terrorism that
 8 results or is intended to result in a risk of serious physical injury or
 9 death.

10 (b) Any of the following acts if committed for financial gain:

11 (i) Homicide.

12 (ii) Robbery.

13 (iii) Kidnapping.

14 (iv) Forgery.

15 (v) Theft.

16 (vi) Bribery.

17 (vii) Gambling.

18 (viii) Usury.

19 (ix) Extortion.

20 (x) Extortionate extensions of credit.

21 (xi) Prohibited drugs, marijuana or other prohibited chemicals or
 22 substances.

23 (xii) Trafficking in explosives, weapons or stolen property.

24 (xiii) Participating in a criminal syndicate.

25 (xiv) Obstructing or hindering criminal investigations or
 26 prosecutions.

27 (xv) Asserting false claims including, ~~but not limited to,~~ false
 28 claims asserted through fraud or arson.

29 (xvi) Intentional or reckless false statements or publications
 30 concerning land for sale or lease or sale of subdivided lands or sale and
 31 mortgaging of unsubdivided lands.

32 (xvii) Resale of realty with intent to defraud.

33 (xviii) Intentional or reckless fraud in the purchase or sale of
 34 securities.

35 (xix) Intentional or reckless sale of unregistered securities or
 36 real property securities.

37 (xx) A scheme or artifice to defraud.

38 (xxi) Obscenity.

39 (xxii) Sexual exploitation of a minor.

40 (xxiii) Prostitution.

41 (xxiv) Restraint of trade or commerce in violation of section
 42 34-252.

43 (xxv) Terrorism.

44 (xxvi) Money laundering.

1 (xxvii) Obscene or indecent telephone communications to minors for
2 commercial purposes.

3 (xxviii) Counterfeiting marks as proscribed in section 44-1453.

4 (xxix) Animal terrorism or ecological terrorism.

5 (xxx) Smuggling of human beings.

6 (xxxi) Child prostitution.

7 (xxxii) Sex trafficking.

8 (xxxiii) Trafficking of persons for forced labor or services.

9 (xxxiv) Manufacturing, selling or distributing misbranded drugs in
10 violation of section 13-3406, subsection A, paragraph 9.

11 5. "Records" means any book, paper, writing, computer program,
12 data, image or information that is collected, recorded, preserved or
13 maintained in any form of storage medium.

14 6. "Remedy racketeering" means to enter a civil judgment pursuant
15 to this chapter or chapter 39 of this title against property or a person
16 who is subject to liability, including liability for injury to the state
17 that is caused by racketeering or by actions in concert with racketeering.

18 E. For the purposes of sections 13-2316, 13-2316.01 and 13-2316.02:

19 1. "Access" means to instruct, communicate with, store data in,
20 retrieve data from or otherwise make use of any resources of a computer,
21 computer system or network.

22 2. "Access device" means any card, token, code, account number,
23 electronic serial number, mobile or personal identification number,
24 password, encryption key, biometric identifier or other means of account
25 access, including a canceled or revoked access device, that can be used
26 alone or in conjunction with another access device to obtain money, goods,
27 services, computer or network access or any other thing of value or that
28 can be used to initiate a transfer of any thing of value.

29 3. "Computer" means an electronic device that performs logic,
30 arithmetic or memory functions by the manipulations of electronic or
31 magnetic impulses and includes all input, output, processing, storage,
32 software or communication facilities that are connected or related to such
33 a device in a system or network.

34 4. "Computer contaminant" means any set of computer instructions
35 that is designed to modify, damage, destroy, record or transmit
36 information within a computer, computer system or network without the
37 intent or permission of the owner of the information, computer system or
38 network. Computer contaminant includes a group of computer instructions,
39 such as viruses or worms, that is self-replicating or self-propagating and
40 that is designed to contaminate other computer programs or computer data,
41 to consume computer resources, to modify, destroy, record or transmit data
42 or in some other fashion to usurp the normal operation of the computer,
43 computer system or network.

1 5. "Computer program" means a series of instructions or statements,
2 in a form acceptable to a computer, that permits the functioning of a
3 computer system in a manner designed to provide appropriate products from
4 the computer system.

5 6. "Computer software" means a set of computer programs, procedures
6 and associated documentation concerned with the operation of a computer
7 system.

8 7. "Computer system" means a set of related, connected or
9 unconnected computer equipment, devices and software, including storage,
10 media and peripheral devices.

11 8. "Critical infrastructure resource" means any computer or
12 communications system or network that is involved in providing services
13 necessary to ensure or protect the public health, safety or welfare,
14 including services that are provided by any of the following:

15 (a) Medical personnel and institutions.

16 (b) Emergency services agencies.

17 (c) Public and private utilities, including water, power,
18 communications and transportation services.

19 (d) Fire departments, districts or volunteer organizations.

20 (e) Law enforcement agencies.

21 (f) Financial institutions.

22 (g) Public educational institutions.

23 (h) Government agencies.

24 9. "False or fraudulent pretense" means the unauthorized use of an
25 access device or the use of an access device to exceed authorized access.

26 10. "Financial instrument" means any check, draft, money order,
27 certificate of deposit, letter of credit, bill of exchange, credit card or
28 marketable security or any other written instrument as defined in section
29 13-2001 that is transferable for value.

30 11. "Network" includes a complex of interconnected computer or
31 communication systems of any type.

32 12. "Property" means financial instruments, information, including
33 electronically produced data, computer software and programs in either
34 machine or human readable form, and anything of value, tangible or
35 intangible.

36 13. "Proprietary or confidential computer security information"
37 means information about a particular computer, computer system or network
38 that relates to its access devices, security practices, methods and
39 systems, architecture, communications facilities, encryption methods and
40 system vulnerabilities and that is not made available to the public by its
41 owner or operator.

42 14. "Services" includes computer time, data processing, storage
43 functions and all types of communication functions.

1 Sec. 4. Section 13-2308.01, Arizona Revised Statutes, is amended to
2 read:

3 13-2308.01. Terrorism; classification

4 A. It is unlawful for a person to intentionally or knowingly do any
5 of the following:

6 1. Engage in an act of terrorism.

7 2. Organize, manage, direct, supervise or finance an act of
8 terrorism.

9 3. Solicit, incite or induce others to promote or further an act of
10 terrorism.

11 4. Without lawful authority or when exceeding lawful authority,
12 manufacture, sell, deliver, display, use, make accessible to others,
13 possess or exercise control over a weapon of mass destruction knowing or
14 having reason to know that the device or object involved is a weapon of
15 mass destruction.

16 5. Make property available to another, by transaction,
17 transportation or otherwise, knowing or having reason to know that the
18 property is intended to facilitate an act of terrorism.

19 6. Provide advice, assistance or direction in the conduct,
20 financing or management of an act of terrorism knowing or having reason to
21 know that an act of terrorism has occurred or may result by:

22 (a) Harboring or concealing any person or property.

23 (b) Warning any person of impending discovery, apprehension,
24 prosecution or conviction. This subdivision does not apply to a warning
25 that is given in connection with an effort to bring another person into
26 compliance with the law.

27 (c) Providing any person with material support or resources or any
28 other means of avoiding discovery, apprehension, prosecution or
29 conviction.

30 (d) Concealing or disguising the nature, location, source,
31 ownership or control of material support or resources.

32 (e) Preventing or obstructing by means of force, deception or
33 intimidation anyone from performing an act that might aid in the
34 discovery, apprehension, prosecution or conviction of any person or that
35 might aid in the prevention of an act of terrorism.

36 (f) Suppressing by any act of concealment, alteration or
37 destruction any physical evidence that might aid in the discovery,
38 apprehension, prosecution or conviction of any person or that might aid in
39 the prevention of an act of terrorism.

40 (g) Concealing the identity of any person.

41 ~~7. Possess, with the intent to injure another person, an infectious~~
42 ~~biological substance or a radiological agent.~~

43 ~~8. Destroy or damage or attempt to destroy or damage any facility,~~
44 ~~equipment or material involved in the sale, manufacture, storage or~~
45 ~~distribution of an infectious biological substance or a radiological agent~~

~~with the intent to injure another by the release of the substance or agent.~~

~~9. Manufacture, sell, give, distribute or use an infectious biological substance or a radiological agent with the intent to injure another person.~~

~~10. Cause injury to another person by means of an infectious biological substance or a radiological agent.~~

~~11. Give or send to another person or place in a public or private place a simulated infectious biological substance or a radiological agent with the intent to terrify, intimidate, threaten or harass. The placing or sending of a simulated infectious biological substance or radiological agent without written notice attached to the substance or agent in a conspicuous place that the substance or device has been rendered inert and is possessed for a curio or relic collection, display or other similar purpose is prima facie evidence of an intent to terrify, intimidate, threaten or harass.~~

~~12. Transport any radiological isotope or agent for the purpose of committing another act in violation of this section.~~

~~13. Adulterate or misbrand any radiological isotope.~~

~~14. Manufacture, hold, sell or offer to sell any radiological isotope that is adulterated or misbranded.~~

~~15. Alter, mutilate, destruct, obliterate or remove any part of the labeling of a radiological isotope.~~

~~16. Any other act with respect to a radiological isotope if the act is done when the article is possessed, transferred, transported or held for sale and results in the article being adulterated or misbranded.~~

~~B. The possession of any infectious biological substance or a radiological agent, unless satisfactorily explained, may give rise to an inference that the person who is in possession of the substance or agent is aware of the risk that the substance or agent may be used to commit an act in violation of this section.~~

~~C. This section does not apply to any person who is permitted or licensed pursuant to title 30, chapter 4 and 10 code of federal regulations part 30, a member or employee of the armed forces of the United States, a federal or state governmental agency or any political subdivision of a state, a charitable, scientific or educational institution or a private entity if both of the following apply:~~

~~1. The person is engaged in lawful activity within the scope of the person's employment and the person is otherwise duly authorized or licensed to manufacture, possess, sell, deliver, display, use, exercise control over or make accessible to others any weapon of mass destruction, infectious biological substance or radiological agent or to otherwise engage in any activity described in this paragraph.~~

~~2. The person is in compliance with all applicable federal and state laws in doing so.~~

~~D. A violation of subsection A of this section is a class 2 felony, except that if the court finds that at least one of the aggravating circumstances listed in section 13-701, subsection D applies, the court may impose a life sentence. If the court imposes a life sentence, the court may order that the defendant not be released on any basis for the remainder of the defendant's natural life. If the court does not sentence the defendant to natural life, the defendant shall not be released on any basis until the person has served twenty-five calendar years.~~

~~E. For the purposes of this section:~~

~~1. "Infectious biological substance" includes any bacteria, virus, fungus, protozoa, prion, toxin or material found in nature that is capable of causing death or serious physical injury. Infectious biological substance does not include human immunodeficiency virus, syphilis or hepatitis.~~

~~2. "Radiological agent" includes any substance that is able to release radiation at levels that are capable of causing death or serious bodily injury or at any level if used with the intent to terrify, intimidate, threaten or harass.~~

7. PROVIDE ADVICE, ASSISTANCE OR DIRECTION IN THE CONDUCT, FINANCING OR MANAGEMENT OF A TERRORIST ORGANIZATION.

B. A VIOLATION OF THIS SECTION IS A CLASS 2 FELONY.

C. A PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION MAY BE SENTENCED TO IMPRISONMENT IN THE CUSTODY OF THE STATE DEPARTMENT OF CORRECTIONS FOR LIFE OR NATURAL LIFE. A DEFENDANT WHO IS SENTENCED TO NATURAL LIFE IS NOT ELIGIBLE FOR COMMUTATION, PAROLE, WORK FURLOUGH, WORK RELEASE OR RELEASE FROM CONFINEMENT ON ANY BASIS FOR THE REMAINDER OF THE DEFENDANT'S NATURAL LIFE. A DEFENDANT WHO IS SENTENCED TO LIFE IS NOT ELIGIBLE FOR SUSPENSION OF SENTENCE, PROBATION, PARDON OR RELEASE FROM CONFINEMENT ON ANY BASIS EXCEPT AS SPECIFICALLY AUTHORIZED BY SECTION 13-716 OR SECTION 31-233, SUBSECTION A OR B UNTIL THE COMPLETION OF THE SERVICE OF TWENTY-FIVE CALENDAR YEARS OR THE SENTENCE IS COMMUTED. IF THE DEFENDANT IS NOT SENTENCED TO LIFE OR NATURAL LIFE, THE DEFENDANT SHALL BE SENTENCED TO A TERM OF IMPRISONMENT AS FOLLOWS:

<u>MINIMUM</u>	<u>PRESUMPTIVE</u>	<u>MAXIMUM</u>
10 CALENDAR YEARS	16 CALENDAR YEARS	25 CALENDAR YEARS

Sec. 5. Title 13, chapter 23, Arizona Revised Statutes, is amended by adding sections 13-2308.02 and 13-2308.03, to read:

13-2308.02. Making a terrorist threat; false reporting of terrorism; liability for expenses; classification; definitions

A. IT IS UNLAWFUL FOR A PERSON TO THREATEN TO COMMIT AN ACT OF TERRORISM AND COMMUNICATE THE THREAT TO ANY OTHER PERSON.

B. IT IS UNLAWFUL FOR A PERSON TO KNOWINGLY MAKE A FALSE REPORT OF AN ACT OF TERRORISM AND COMMUNICATE THE FALSE REPORT TO ANY OTHER PERSON.

C. IT IS NOT A DEFENSE TO A PROSECUTION UNDER THIS SECTION THAT THE PERSON DID NOT HAVE THE INTENT OR CAPABILITY OF COMMITTING THE ACT OF TERRORISM.

D. A PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION IS LIABLE FOR THE EXPENSES THAT ARE INCURRED INCIDENT TO THE RESPONSE TO OR THE INVESTIGATION OF THE COMMISSION OF THE TERRORIST THREAT OR THE FALSE REPORT OF TERRORISM. IF THE PERSON IS A JUVENILE WHO IS ADJUDICATED DELINQUENT FOR A VIOLATION OF THIS SECTION, THE COURT MAY ORDER THE JUVENILE TO PAY THE EXPENSES INCURRED UNDER THIS SUBSECTION AS RESTITUTION. THE EXPENSES ARE A DEBT OF THE PERSON. THE PUBLIC AGENCY, FOR-PROFIT ENTITY OR NOT-FOR-PROFIT ENTITY THAT INCURRED THE EXPENSES MAY COLLECT THE DEBT PROPORTIONALLY. THE LIABILITY THAT IS IMPOSED UNDER THIS SUBSECTION IS IN ADDITION TO ANY OTHER LIABILITY THAT MAY BE IMPOSED.

E. A VIOLATION OF THIS SECTION IS A CLASS 3 FELONY.

F. FOR THE PURPOSES OF THIS SECTION:

1. "EXPENSES":

(a) MEANS ANY REASONABLE COSTS THAT ARE DIRECTLY INCURRED BY A PUBLIC AGENCY, FOR-PROFIT ENTITY OR NOT-FOR-PROFIT ENTITY THAT MAKES AN APPROPRIATE RESPONSE TO AN INCIDENT OR AN INVESTIGATION OF THE COMMISSION OF THE TERRORIST THREAT OR A FALSE REPORT OF TERRORISM.

(b) INCLUDES THE COSTS OF PROVIDING POLICE, FIREFIGHTING, RESCUE AND EMERGENCY MEDICAL SERVICES AT THE SCENE OF AN INCIDENT AND THE SALARIES OF THE PERSONS WHO RESPOND TO THE INCIDENT.

(c) DOES NOT INCLUDE ANY CHARGES THAT ARE ASSESSED BY AN AMBULANCE SERVICE THAT IS REGULATED PURSUANT TO TITLE 36, CHAPTER 21.1, ARTICLE 2.

2. "PUBLIC AGENCY" HAS THE SAME MEANING PRESCRIBED IN SECTION 38-502 AND INCLUDES THE FEDERAL GOVERNMENT, ANY ARIZONA FEDERALLY RECOGNIZED NATIVE AMERICAN TRIBE OR ANY OTHER PUBLIC AUTHORITY THAT IS LOCATED IN WHOLE OR IN PART IN THIS STATE.

13-2308.03. Unlawful use of infectious biological substance or radiological agent; classification; definitions

A. IT IS UNLAWFUL FOR A PERSON TO INTENTIONALLY CAUSE INJURY TO ANOTHER PERSON BY MEANS OF AN INFECTIOUS BIOLOGICAL SUBSTANCE OR A RADIOLOGICAL AGENT.

B. IT IS UNLAWFUL FOR A PERSON TO INTENTIONALLY OR KNOWINGLY DO ANY OF THE FOLLOWING:

1. POSSESS, WITH THE INTENT TO INJURE ANOTHER PERSON, AN INFECTIOUS BIOLOGICAL SUBSTANCE OR A RADIOLOGICAL AGENT.

2. MANUFACTURE, SELL, GIVE, DISTRIBUTE OR USE AN INFECTIOUS BIOLOGICAL SUBSTANCE OR A RADIOLOGICAL AGENT WITH THE INTENT TO INJURE ANOTHER PERSON.

3. DESTROY OR DAMAGE OR ATTEMPT TO DESTROY OR DAMAGE ANY FACILITY, EQUIPMENT OR MATERIAL INVOLVED IN THE SALE, MANUFACTURE, STORAGE OR DISTRIBUTION OF AN INFECTIOUS BIOLOGICAL SUBSTANCE OR A RADIOLOGICAL AGENT

1 WITH THE INTENT TO INJURE ANOTHER BY THE RELEASE OF THE SUBSTANCE OR
2 AGENT.

3 4. GIVE OR SEND TO ANOTHER PERSON OR PLACE IN A PUBLIC OR PRIVATE
4 PLACE A SIMULATED INFECTIOUS BIOLOGICAL SUBSTANCE OR A RADIOLOGICAL AGENT
5 WITH THE INTENT TO TERRIFY, INTIMIDATE, THREATEN OR HARASS. THE PLACING
6 OR SENDING OF A SIMULATED INFECTIOUS BIOLOGICAL SUBSTANCE OR RADIOLOGICAL
7 AGENT WITHOUT WRITTEN NOTICE ATTACHED TO THE SUBSTANCE OR AGENT IN A
8 CONSPICUOUS PLACE THAT THE SUBSTANCE OR AGENT HAS BEEN RENDERED INERT AND
9 IS POSSESSED FOR A CURIO OR RELIC COLLECTION, DISPLAY OR OTHER SIMILAR
10 PURPOSE IS PRIMA FACIE EVIDENCE OF AN INTENT TO TERRIFY, INTIMIDATE,
11 THREATEN OR HARASS.

12 5. TRANSPORT ANY RADIOLOGICAL ISOTOPE OR AGENT FOR THE PURPOSE OF
13 COMMITTING ANOTHER ACT IN VIOLATION OF THIS SECTION.

14 6. ADULTERATE OR MISBRAND ANY RADIOLOGICAL ISOTOPE.

15 7. MANUFACTURE, HOLD, SELL OR OFFER TO SELL ANY RADIOLOGICAL
16 ISOTOPE THAT IS ADULTERATED OR MISBRANDED.

17 8. ALTER, MUTILATE, DESTROY, OBLITERATE OR REMOVE ANY PART OF THE
18 LABELING OF A RADIOLOGICAL ISOTOPE.

19 9. ENGAGE IN ANY OTHER ACT WITH RESPECT TO A RADIOLOGICAL ISOTOPE
20 IF THE ACT IS DONE WHEN THE ARTICLE IS POSSESSED, TRANSFERRED, TRANSPORTED
21 OR HELD FOR SALE AND RESULTS IN THE ARTICLE BEING ADULTERATED OR
22 MISBRANDED.

23 C. THE POSSESSION OF AN INFECTIOUS BIOLOGICAL SUBSTANCE OR A
24 RADIOLOGICAL AGENT, UNLESS SATISFACTORILY EXPLAINED, MAY GIVE RISE TO AN
25 INFERENCE THAT THE PERSON WHO IS IN POSSESSION OF THE SUBSTANCE OR AGENT
26 IS AWARE OF THE RISK THAT THE SUBSTANCE OR AGENT MAY BE USED TO COMMIT AN
27 ACT IN VIOLATION OF THIS SECTION.

28 D. THIS SECTION DOES NOT APPLY TO ANY PERSON WHO IS PERMITTED OR
29 LICENSED PURSUANT TO TITLE 30, CHAPTER 4 AND 10 CODE OF FEDERAL
30 REGULATIONS PART 30, A MEMBER OR EMPLOYEE OF THE ARMED FORCES OF THE
31 UNITED STATES, A FEDERAL OR STATE GOVERNMENTAL AGENCY OR ANY POLITICAL
32 SUBDIVISION OF A STATE, A CHARITABLE, SCIENTIFIC OR EDUCATIONAL
33 INSTITUTION OR A PRIVATE ENTITY IF BOTH OF THE FOLLOWING APPLY:

34 1. THE PERSON IS ENGAGED IN LAWFUL ACTIVITY WITHIN THE SCOPE OF THE
35 PERSON'S EMPLOYMENT AND THE PERSON IS OTHERWISE DULY AUTHORIZED OR
36 LICENSED TO MANUFACTURE, POSSESS, SELL, DELIVER, DISPLAY, USE, EXERCISE
37 CONTROL OVER OR MAKE ACCESSIBLE TO OTHERS ANY WEAPON OF MASS DESTRUCTION,
38 INFECTIOUS BIOLOGICAL SUBSTANCE OR RADIOLOGICAL AGENT OR TO OTHERWISE
39 ENGAGE IN ANY ACTIVITY DESCRIBED IN THIS PARAGRAPH.

40 2. THE PERSON IS IN COMPLIANCE WITH ALL APPLICABLE FEDERAL AND
41 STATE LAWS IN DOING SO.

42 E. A VIOLATION OF THIS SECTION IS A CLASS 2 FELONY. A PERSON WHO
43 IS CONVICTED OF A VIOLATION OF SUBSECTION A OR SUBSECTION B, PARAGRAPH 1
44 OR 2 OF THIS SECTION IS NOT ELIGIBLE FOR SUSPENSION OF SENTENCE,
45 PROBATION, PARDON OR RELEASE FROM CONFINEMENT ON ANY BASIS UNTIL THE

1 PERSON HAS SERVED THE SENTENCE IMPOSED BY THE COURT OR THE SENTENCE IS
2 COMMUTED.

3 F. FOR THE PURPOSES OF THIS SECTION:

4 1. "INFECTIOUS BIOLOGICAL SUBSTANCE":

5 (a) INCLUDES ANY BACTERIA, VIRUS, FUNGUS, PROTOZOA, PRION, TOXIN OR
6 MATERIAL FOUND IN NATURE THAT IS CAPABLE OF CAUSING DEATH OR SERIOUS
7 PHYSICAL INJURY.

8 (b) DOES NOT INCLUDE HUMAN IMMUNODEFICIENCY VIRUS, SYPHILIS OR
9 HEPATITIS.

10 2. "RADIOLOGICAL AGENT" INCLUDES ANY SUBSTANCE THAT IS ABLE TO
11 RELEASE RADIATION AT LEVELS THAT ARE CAPABLE OF CAUSING DEATH OR SERIOUS
12 BODILY INJURY OR AT ANY LEVEL IF USED WITH THE INTENT TO TERRIFY,
13 INTIMIDATE, THREATEN OR HARASS.

14 Sec. 6. Repeal

15 Section 13-2925, Arizona Revised Statutes, is repealed.