

HB 2952  
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FILED

2009 APR 30 PM 4: 09

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
FIRST REGULAR SESSION, 2009



**ENROLLED**

**House Bill No. 2952**

(By Delegates Webster, Barker, Brown, Ferro, Hunt, Longstreth,  
Miley, Perry, Shook, Stagger and Ellem)



Passed April 8, 2009

In Effect Ninety Days from Passage

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(BY DELEGATES WEBSTER, BARKER, BROWN, FERRO,  
HUNT, LONGSTRETH, MILEY, PERRY, SHOOK,  
STAGGERS AND ELLEM)

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[Passed April 8, 2009; in effect ninety days from passage.]

AN ACT to amend and reenact §61-6-24 of the Code of West Virginia, 1931, as amended, relating to clarifying that a terroristic threat is a felony regardless of intent to actually commit the threatened act.

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

That §61-6-24 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

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

**§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  
7 a result of the criminal conduct;

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

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

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

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

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

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

27 (B) Intended to:

28 (i) Intimidate or coerce the civilian population;

29 (ii) Influence the policy of a branch or level of  
30 government by intimidation or coercion;

31 (iii) Affect the conduct of a branch or level of  
32 government by intimidation or coercion; or

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

35 (b) Any person who knowingly and willfully threatens  
36 to commit a terrorist act, with or without the intent to  
37 commit the act, is guilty of a felony and, upon conviction  
38 thereof, shall be fined not less than \$5,000 nor more than  
39 \$25,000 or confined in a state correctional facility for not  
40 less than one year nor more than 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 \$5,000 nor  
46 more than \$25,000 or confined in a state correctional  
47 facility for not less than one year nor more than three  
48 years, or both.

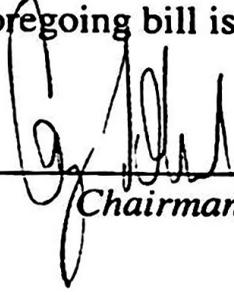
49 (d) Any person who uses a hoax substance or device  
50 with the specific intent to commit a terrorist act is guilty of  
51 a felony and, upon conviction thereof, shall be fined not  
52 less than \$10,000 nor more than \$50,000 or confined in a  
53 state correctional facility for not less than one year nor  
54 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  
65 of this section does not preclude or otherwise limit any  
66 civil proceedings arising from the same act.

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

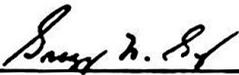
  
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Chairman Senate Committee

  
\_\_\_\_\_  
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

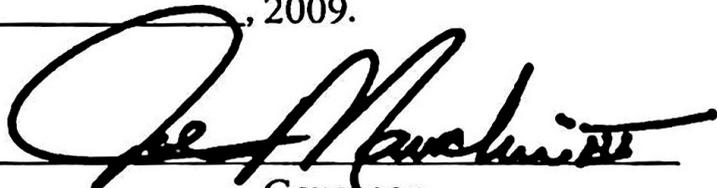
  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
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Speaker of the House of Delegates

The within is appended this the 30<sup>th</sup>  
day of April, 2009.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE  
GOVERNOR

APR 28 2009

Time 2:14 pm