

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **House Bill 2916**

By Delegates Ridenour, Longanacre, Steele, Butler,  
Hillenbrand, Honaker, Sheedy, Cooper, Mazzocchi,  
and Warner

[Introduced January 23, 2023; Referred to the  
Committee on Veterans' Affairs and Homeland  
Security then the Judiciary]

1 A BILL to amend and reenact §61-6-24 of the Code of West Virginia, 1931, as amended, relating to  
 2 modifying the definitions of terrorism, terrorist acts, terrorist use of weapons of mass  
 3 destruction, terrorist violent mass action, terroristic vandalism, terrorist "swatting," and  
 4 material support to terrorism; to prohibit barring persons from exercising freedom of  
 5 movement; eliminating liability for escape by victims from terrorism; prohibiting entry of  
 6 terrorists into the state of West Virginia; and to direct the general identification of terrorist  
 7 groups.

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

**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~~ The Anti-Terrorism Act.**

1 (a) The Legislature finds that terrorism poses an increased threat to good governance and  
 2 the ability of groups to exist without fear. Terrorism must be eradicated to the greatest extent  
 3 possible, and terrorists must be prevented from operating in West Virginia.

4 (a) (b) As used in this section:

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

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

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

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

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

15 (2) "Hoax substance or device" means any substance or device that is shaped, sized,

16 colored, marked, imprinted, numbered, labeled, packaged, distributed, priced or delivered so as to  
17 cause a reasonable person to believe that the substance or device is of a nature which is capable  
18 of causing serious bodily injury or damage to property or the environment.

19 ~~(3) "Terrorist act" means an act that is:~~

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

21 ~~(B) Intended to:~~

22 ~~(i) Intimidate or coerce the civilian population;~~

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

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

25 ~~(iv) Retaliate against a branch or level of government for a policy or conduct of the~~  
26 ~~government~~

27 (3) "Terrorism" means the unlawful use or threatened use of physical force, violence, or  
28 acts dangerous to life in order to inculcate fear and appear intended to coerce, intimidate, retaliate  
29 against or attack groups, governments, or societies to influence or affect the policies of those  
30 entities by perpetrators in the pursuit of goals that are generally political, religious, or ideological.

31 (4) "Terrorist act" means an act of terrorism, including active participation in a violent mass  
32 action.

33 (5) "Terrorist violent mass action" means a violent mass action event, including violent  
34 protests, riots and mobs, conducted to inculcate fear and appear intended to coerce, intimidate or  
35 attack groups, governments, or societies.

36 (6) "Terrorist group" means any entity that uses terrorism to advance its agenda.

37 (7) "Terrorist" means any person who uses terrorism to advance a cause.

38 (8) "Critical infrastructure" means publicly or privately owned facilities, systems, functions,  
39 or assets, whether physical or virtual, providing or distributing services for the benefit of the public,  
40 including, but not limited to, energy, fuel, water, agriculture, health care, finance, or  
41 communication.

42 (9) "Weapon of mass destruction" means chemical warfare agents, weaponized biological  
43 or biologic warfare agents, nuclear weapons, radiological weapons and agents, illegal drugs, such  
44 as fentanyl, that can result in death, or the intentional release of industrial agents as a weapon.

45 (10) "Terroristic vandalism" are acts resulting in permanent destruction of property as a  
46 means to coerce, intimidate or attack targeted groups, governments, or societies.

47 (11) "Terrorist swatting" means unlawfully deliberately and maliciously reporting or  
48 contriving a false crime or emergency to law enforcement to evoke an aggressive response by a  
49 law enforcement agency to a targeted location to harass and intimidate a person, persons or  
50 entity. Swatting is a terrorist act if the action meets the definition of terrorism above.

51 (12) "Material support to terrorism" means provision of material support or resources; or  
52 concealment or disguise of the nature, location, source, or ownership of material support or  
53 resources; knowing or intending that they are to be used in preparation for or in carrying out  
54 terrorism.

55 (13) A "material support or resources" means any property, tangible or intangible, or  
56 service, including:

57 (A) Solicitation for a terrorist act;

58 (B) Currency or monetary instruments or financial securities;

59 (C) Financial services,

60 (D) Lodging,

61 (E) Training,

62 (F) Expert advice or assistance, including direction, supervision, planning or support to  
63 planning terrorism;

64 (G) Providing means of escape for terrorist entities, including harboring, concealment,  
65 safehouses, or false documentation or identification;

66 (H) Communications equipment;

67 (I) Facilities;

68 (J) Weapons or items that may be used as weapons to inflict lethal or serious bodily  
69 injuries, or lethal substances, or explosives;

70 (K) Personnel (1 or more persons who may be or include oneself); and

71 (L) Transportation;

72 (M) "Training" means instruction or teaching designed to impart a specific skill, as opposed  
73 to general knowledge; and

74 (N) "Expert advice or assistance" means advice or assistance derived from scientific,  
75 technical or other specialized knowledge.

76 (b) Any person who knowingly and willfully threatens to commit a terrorist act, with or  
77 without the intent to commit the act, is guilty of a felony and, upon conviction thereof, shall be fined  
78 not less than ~~\$5,000~~ \$100,000 nor more than ~~\$25,000~~ \$2,500,000 or confined in a state  
79 correctional facility for not less than ~~one year~~ three years nor more than ~~three years~~ 10 years, or  
80 both.

81 (c) Any person who knowingly and willfully conveys false information knowing the  
82 information to be false concerning an attempt or alleged attempt being made or to be made of a  
83 terrorist act is guilty of a felony and, upon conviction thereof, shall be fined not less than ~~\$5,000~~  
84 \$100,000 nor more than ~~\$25,000~~ \$2,500,000 or confined in a state correctional facility for not less  
85 than ~~one year~~ three years nor more than ~~three years~~ 10 years, or both.

86 (d) Any person who uses a hoax substance or device with the specific intent to commit a  
87 terrorist act is guilty of a felony and, upon conviction thereof, shall be fined not less than ~~\$10,000~~  
88 \$100,000 nor more than ~~\$50,000~~ \$2,500,000 or confined in a state correctional facility for not less  
89 than ~~one year~~ three years nor more than ~~five~~ 10 years, or both.

90 (e) The court shall order any person convicted of an offense under this section to pay the  
91 victim restitution in an amount not to exceed three times the total amount of any economic harm  
92 suffered.

93 (f) The court shall order any person convicted of an offense under this section to reimburse

94 the state or any subdivision of the state for any expenses incurred by the state or the subdivision  
95 incident to its response to a violation of this section.

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

98 (h) Any person who knowingly and willfully commits a terrorist act or is a member of a  
99 terrorist group is guilty of a felony and, upon conviction thereof, shall be confined in a state  
100 correctional facility for three years for each instance of terrorism or membership in a terrorist  
101 group, 10 additional years for each instance resulting in any injury or property damage, 20  
102 additional years for each instance resulting in any injury to a law enforcement officer.

103 (i) Any person who actively participates in violent actions as part of a terrorist act in which  
104 another person is killed as a result of the terrorist act will be charged with at least voluntary  
105 manslaughter and terrorism. If the person killed died as a direct result of a perpetrator's actions,  
106 that perpetrator will be charged with at least first degree murder and terrorism.

107 (j) Any person or group that participates in a terrorist violent mass action is engaged in  
108 terrorism and will be identified as a terrorist/terrorist group and will be punished in accordance with  
109 the above.

110 (k) Any person or group that conducts a deliberate attack on critical infrastructure is  
111 engaged in terrorism and will be identified as a terrorist/terrorist group and will be punished in  
112 accordance with the above.

113 (l) Any person or group that uses a weapon of mass destruction in an attack or distributes a  
114 weapon of mass destruction that results in an injury or death is engaged in terrorism and will be  
115 identified as a terrorist/terrorist group and will be punished in accordance with the above.

116 (m) Any person or group that uses terroristic vandalism is engaged in terrorism and will be  
117 identified as a terrorist/terrorist group and will be punished in accordance with the above.

118 (n) Any person or group that uses terrorist swatting is engaged in terrorism and will be  
119 identified as a terrorist/terrorist group and will be punished in accordance with the above.

120 (o) Any person or group that provides material support to terrorism is engaged in terrorism  
121 and will be identified as a terrorist/terrorist group and will be punished in accordance with the  
122 above.

123 (p) Actions by persons or groups taken for political reasons to bar other persons from  
124 exercising their freedom of movement, via foot or any other conveyance, are unlawful restraint,  
125 kidnapping and terrorism. Persons perpetrating these actions will be charged in each instance  
126 with all three crimes for each person unlawfully restrained and will be punished in accordance with  
127 the above.

128 (q) Persons who attempt to escape from unlawful restraint, kidnapping and/or terrorism are  
129 not liable or culpable for actions that may injure perpetrators or supporters of perpetrators of that  
130 unlawful restraint, kidnapping and/or terrorism.

131 (r) Any person or group who prevents or obstructs by means of force, deception,  
132 concealment or intimidation anyone from performing an act that might aid in the discovery,  
133 apprehension, prosecution or conviction of any person or that might aid in the prevention of a  
134 terrorist act is providing material support to terrorism and will be punished in accordance with the  
135 above.

136 (s) Any person or group who suppress by any act of concealment, alteration or destruction  
137 any physical evidence that might aid in the discovery, apprehension, prosecution or conviction of  
138 any person or that might aid in the prevention of a terrorist act is providing material support to  
139 terrorism and will be punished in accordance with the above.

140 (t) Any person or group who intentionally disseminates or spreads any type of contagious,  
141 communicable, or infectious disease among crops, poultry, livestock, or other animals is engaged  
142 in terrorism and will be identified as a terrorist/terrorist group and will be punished in accordance  
143 with the above.

144 (u) Any person or group who conducts a terrorist act against a West Virginia citizen will be  
145 charged with terrorism under this statute, provided the state in which the terrorist act occurred or

146 the federal government does not try the person for terrorism.

147 (v) Any person who has conducted a terrorist act is a terrorist. Terrorists may not enter  
148 West Virginia, irrespective of the location where the terrorist act occurred, and whether that  
149 terrorist act has been prosecuted and the person has been sentenced. Any terrorist who enters  
150 West Virginia is engaged in terrorism and will be punished in accordance with the above.

151 (w) The court shall order any person convicted of an offense under this section to pay all  
152 victims restitution in an amount not to exceed three times the total amount of any economic harm  
153 suffered.

154 (x) The court shall order any person convicted of an offense under this section to reimburse  
155 the state or any subdivision of the state for any expenses incurred by the state or the subdivision  
156 incident to its response to a violation of this article.

157 (y) The charge of terrorism will be in addition to any other charges resulting from the  
158 terrorist act. Sentences for terrorism will not run concurrently with any other state or federal  
159 sentence for another charge. Any sentence will be served after other sentences have been  
160 served. A charge will be rendered for each terrorist act. Multiple terrorist acts can be prosecuted  
161 for a single incident.

162 (z) Sentences for terrorism are mandatory, and are not subject to suspension, alternative  
163 sentencing, or probation.

164 (aa) The Attorney General will identify terrorist entities under West Virginia Code.  
165 International terrorist groups will be identified, as well as domestic terrorist groups, specifically  
166 including the entity known as ANTIFA. Any member or associate of these groups is engaged in  
167 terrorism and will be identified as a terrorist and will be punished in accordance with the above.

168 (bb) Scope and severability:

169 (1) Nothing in this article may be construed or applied in a manner that violates or conflicts  
170 with superseding federal law.

171 (2) The sections and provisions of this article are severable. If any section or provision of



- 172 this article is held unconstitutional or invalid, such unconstitutionality or invalidity shall not affect  
173 the other sections and provisions of this article, which shall remain in full force and effect.

NOTE: The purpose of this bill is to modify the definitions of terrorism, terrorist acts, terrorist use of weapons of mass destruction, terrorist violent mass action, terroristic vandalism, terrorist "swatting," and material support to terrorism, and to prohibit barring persons from exercising freedom of movement, eliminate liability for escape by victims from terrorism, prohibit entry of terrorists into the state of West Virginia, and the direct general identification of terrorist groups.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.