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Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

**SFA**



**BILL ANALYSIS**

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

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Senate Bill 930 (Substitute S-2 as reported by the Committee of the Whole)  
Sponsor: Senator Dan L. DeGrow  
Committee: Judiciary

**CONTENT**

The bill would create the "Michigan Anti-Terrorism Act" as Chapter 83-A of the Michigan Penal Code. The bill would prescribe criminal penalties for violations involving an "act of terrorism", which would mean an act that would be a "violent felony" under Michigan law, whether or not committed in Michigan, that was "dangerous to human life" and intended to intimidate or coerce a civilian population or influence or affect the conduct of a government or a unit of government through intimidation or coercion. "Violent felony" would mean a felony in which an element was the use, attempted use, or threatened use of physical force against a person or the use, attempted use, or threatened use of a harmful biological substance or device, a harmful chemical substance or device, a harmful radioactive substance or device, or an explosive or incendiary device. "Dangerous to human life" would mean that which caused a substantial likelihood of death or serious injury.

Knowingly committing an act of terrorism would be a felony punishable by imprisonment for life or any term of years and/or a maximum fine of \$100,000. If death were caused, the bill would require a penalty of imprisonment for life without eligibility for parole. Hindering prosecution of terrorism by knowingly committing an act that rendered criminal assistance to a person who had committed an act of terrorism would be a felony punishable by imprisonment for life or any term of years and/or a maximum fine of \$100,000.

The following offenses would be punishable by up to 20 years' imprisonment and/or a maximum fine of \$20,000:

- Raising, soliciting, or collecting material support or resources intending that the support or resources be used, in whole or in part, to plan, prepare, carry out, or avoid apprehension for committing an act of terrorism, knowing that the support or resources would be used by a terrorist or terrorist organization.
- Providing material support or resources to a person, knowing that the person would use the support or resources, in whole or in part, to plan, prepare, carry out, facilitate, or avoid apprehension for committing an act of terrorism.
- Threatening to commit an act of terrorism or making a false report of an act of terrorism. (It would not be a defense to a prosecution for threatening or falsely reporting an act of terrorism that the defendant did not have the intent or capability of committing the act of terrorism.)

The bill would not prohibit a person from being charged with, convicted of, or sentenced for any other violation of law arising out of the same criminal transaction as the violation of the bill. A prosecuting agency could not prosecute any person or seize any property "for conduct presumptively protected" by the First Amendment to the U.S. Constitution, in a manner that violated any constitutional provisions.

## **FISCAL IMPACT**

Senate Bills 930 (S-2), and Senate Bills 939 (S-2), 942 (S-1), and 995 (S-1) (which would establish criminal penalties for targeting a public structure or using the Internet or telecommunications to disrupt government) would have an indeterminate impact on State and local government. According to the FBI *Terrorism in the US 1999 Report*, from 1990 to 1999 there was only one incident of either domestic or international terrorism in the State of Michigan. There are no data to indicate how many offenders could be convicted of the other new offenses. Table 1 shows the corresponding sentencing guideline minimum range for each of the offenses. Assuming that one offender was convicted of each new offense, went to prison, and received the longest minimum sentence, it would cost the State \$5.1 million, given that the annual average cost of incarceration is \$25,000 per person.

Table 1

<b>Sentencing Guideline Minimums (in Months)</b>		
<b>Offense</b>	<b>Low Range</b>	<b>High Range</b>
Threat or false report of terrorism	0-18	117-160
Using Internet or telecommunication device to commit terrorism	0-18	117-160
Soliciting material support for terrorism or terrorist acts	0-18	117-160
Surveillance of public structure with intent to commit terrorism	0-18	117-160
Terrorism without causing death	21-35	270-450 or life
Hindering Prosecution of terrorism without causing death	21-35	270-450 or life
Terrorism causing death		Life without parole
Hindering Prosecution of terrorism causing death		Life without parole

Date Completed: 2-5-02

Fiscal Analyst: B. Wicksall

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.