

House Engrossed Senate Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

CHAPTER 326

SENATE BILL 1484

AN ACT

AMENDING SECTION 13-2308.01, 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 13-2308.01, Arizona Revised Statutes, is amended to
3 read:

4 13-2308.01. Terrorism; classification; definitions

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

7 1. Engage in an act of terrorism.

8 2. Organize, manage, direct, supervise or finance an act of 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, possess
13 or exercise control over a weapon of mass destruction knowing or having
14 reason to know that the device or object involved is a weapon of mass
15 destruction.

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

19 6. Provide advice, assistance or direction in the conduct, financing
20 or management of an act of terrorism knowing or having reason to know that an
21 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 that
25 is given in connection with an effort to bring another person into compliance
26 with the law.

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

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

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

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

39 (g) Concealing the identity of any person.

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

42 8. DESTROY OR DAMAGE OR ATTEMPT TO DESTROY OR DAMAGE ANY FACILITY,
43 EQUIPMENT OR MATERIAL INVOLVED IN THE SALE, MANUFACTURE, STORAGE OR
44 DISTRIBUTION OF AN INFECTIOUS BIOLOGICAL SUBSTANCE OR A RADIOLOGICAL AGENT
45 WITH THE INTENT TO INJURE ANOTHER BY THE RELEASE OF THE SUBSTANCE OR AGENT.

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

3 10. CAUSE INJURY TO ANOTHER PERSON BY MEANS OF AN INFECTIOUS BIOLOGICAL
4 SUBSTANCE OR A RADIOLOGICAL AGENT.

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

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

15 13. ADULTERATE OR MISBRAND ANY RADIOLOGICAL ISOTOPE.

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

18 15. ALTER, MUTILATE, DESTRUCT, OBLITERATE OR REMOVE ANY PART OF THE
19 LABELING OF A RADIOLOGICAL ISOTOPE.

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

23 B. THE POSSESSION OF ANY 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 IS
26 AWARE OF THE RISK THAT THE SUBSTANCE OR AGENT MAY BE USED TO COMMIT AN ACT IN
27 VIOLATION OF THIS SECTION.

28 ~~B.~~ C. 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 REGULATIONS
30 PART 30, a member or employee of the armed forces of the United States, a
31 federal or state governmental agency or any political subdivision of a state,
32 a charitable, scientific or educational institution or a private entity if
33 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 licensed
36 to manufacture, possess, sell, deliver, display, use, exercise control over
37 or make accessible to others any weapon of mass destruction, INFECTIOUS
38 BIOLOGICAL SUBSTANCE OR RADIOLOGICAL AGENT or to otherwise engage in any
39 activity described in this paragraph.

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

42 ~~C.~~ D. A violation of subsection A of this section is a class 2
43 felony, except that if the court finds that at least one of the aggravating
44 circumstances listed in section 13-701, subsection D applies, the defendant
45 shall be sentenced pursuant to section 13-709.02, subsection A.

1 E. FOR THE PURPOSES OF THIS SECTION:

2 1. "INFECTIOUS BIOLOGICAL SUBSTANCE" INCLUDES ANY BACTERIA, VIRUS,
3 FUNGUS, PROTOZOA, PRION, TOXIN OR MATERIAL FOUND IN NATURE THAT IS CAPABLE OF
4 CAUSING DEATH OR SERIOUS PHYSICAL INJURY. INFECTIOUS BIOLOGICAL SUBSTANCE
5 DOES NOT INCLUDE HUMAN IMMUNODEFICIENCY VIRUS, SYPHILIS OR HEPATITIS.

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

APPROVED BY THE GOVERNOR APRIL 28, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 29, 2011.

Passed the House April 18, 2011,

Passed the Senate March 2, 2011,

by the following vote: 59 Ayes,

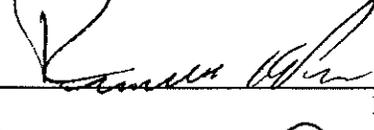
by the following vote: 30 Ayes,

0 Nays, 1 Not Voting

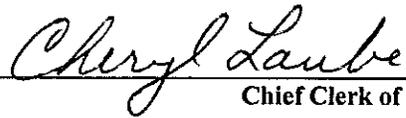
0 Nays, 0 Not Voting



Speaker of the House



President of the Senate



Cheryl Laube
Chief Clerk of the House



Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1484

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 19, 2011

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

20 day of April, 2011

at 12:00 o'clock P M.

[Signature]
Secretary to the Governor

Approved this 28th day of

April

at 5:25 o'clock P M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 29th day of April, 2011

at 8:41 o'clock a M.

[Signature]
Secretary of State

S.B. 1484