

BILL ANALYSIS

S.B. 1518
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The incredible risk of harm posed by terrorist actors has been recognized by 34 states and the District of Columbia, which have enacted state laws directed at combating terrorism. However, the State of Texas has not. This has resulted in law enforcement and prosecutors lacking the necessary tools to pursue investigations, obtain convictions, and impose proportionate punishments against terrorist actors. S.B. 1518 provides those tools by creating a new category for terroristic offenses. The new state terrorism offenses will carry appropriate penalties against terrorists who knowingly act or provide material support to terrorist organizations. S.B. 1518 also creates a terrorist offender registry to identify those who have proven to be threats to public and national safety. Following completion of their prison sentence for the commission of a reportable offense, S.B. 1518 requires convicted terrorists to register with Texas law enforcement for placement on the registry if they reside in or plan to move to Texas. The legislation operates similarly to state sex offender registration laws, with certain exceptions.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Public Safety (DPS), Texas Department of Criminal Justice, and Texas Juvenile Justice Department in SECTION 1 and to DPS in SECTION 3 of this bill.

ANALYSIS

S.B. 1518 establishes the terrorist offender registration program, sets out provisions relating to the program's implementation and administration, and creates criminal offenses related to terrorism.

Terrorist Offender Registration Program

General Provisions

S.B. 1518 amends the Code of Criminal Procedure establishes that, for purposes of the terrorist offender registration program, the Department of Public Safety (DPS) is responsible for determining whether an offense under the laws of another state or a foreign country, federal law, or the Uniform Code of Military Justice contains elements that are substantially similar to the elements of:

- a terroristic offense created by the bill; or
- any of the following offenses under federal law:

- an applicable offense of terrorism;
- the offense of bombing of a place of public use, a government facility, a public transportation system, or an infrastructure facility;
- an offense relating to missile systems designed to destroy aircraft;
- an offense relating to radiological dispersal devices; or
- acts of nuclear terrorism.

The bill requires DPS to annually provide or make available to each prosecuting attorney's office in Texas:

- the criteria used in making such a determination regarding substantially similar elements of the offense under other laws and the Uniform Code of Military Justice; and
- any existing record or compilation of offenses under other laws and the Uniform Code of Military Justice that DPS has already determined to contain elements that are substantially similar to the elements of offenses under state law.

S.B. 1518 requires DPS, for each person subject to registration under the program, to determine which local law enforcement authority serves as the person's registration authority based on the municipality or county in which the person resides, unless the person resides, works, or attends school in a county with a centralized registration authority, in which case the centralized registration authority serves as the person's registration authority, regardless of whether the person resides, works, or attends school in any municipality located in that county. The bill requires DPS to notify each person subject to registration of the person's primary registration authority in a timely manner.

S.B. 1518 authorizes a county commissioners court to designate the office of the sheriff or the office of a chief of police to serve as a centralized registration authority. The bill limits the requirement for a person subject to registration under the program to perform the applicable registration, verification, and change of address requirements to the centralized registration authority for the county, regardless of whether the person resides in any municipality located in that county. If the person resides in a municipality, and the local law enforcement authority does not serve as the person's centralized registration authority, the centralized registration authority, not later than the third day after the date the person registers or verifies registration or changes address with that authority, must provide to the local law enforcement authority notice of the person's registration, verification of registration, or change of address, as applicable, with the centralized registration authority. The bill expressly does not affect a person's duty to register with a secondary terrorist offender registry under the bill's provisions.

S.B. 1518 requires DPS to maintain a computerized central database containing the information required for registration and to maintain in the database any photograph of a person that is required to register, including through the process for obtaining or renewing a personal identification certificate or driver's license for registered sex offenders, and to update the photographs in the database annually or as photographs otherwise become available. The bill makes information in the database confidential and exempt from disclosure under state public information law, unless information is required to be released or provided under the bill.

S.B. 1518 requires DPS to provide a licensing authority with notice of any person required to register under the program who holds or seeks a license that is issued by the authority. The bill also requires DPS, on the written request of a licensing authority that identifies an individual and states that the individual is an applicant for or a holder of a license issued by the authority, to release any information required for registration under the program to the authority.

S.B. 1518 requires DPS, not later than the third day after the date on which the applicable information becomes available through the person's registration or verification of registration or under the bill's 90-day reporting requirement, to send notice of any person required to register who is or will be employed by, carrying on a vocation at, or a student at an institution of higher education in Texas to:

- for an institution in Texas:

- the authority for campus security; or
- if an authority for campus security does not exist, the local law enforcement authority of the municipality in which the institution is located or, if the institution is not located in a municipality, the county in which the institution is located; or
- for an institution in another state, any existing authority for campus security.

The bill requires DPS, on the written request of such an institution of higher education that identifies an individual and states that the individual has applied to work or study at the institution, to release any information required for registration to the institution.

S.B. 1518 requires DPS, for law enforcement purposes, to release all relevant information required for registration to a peace officer, a criminal justice official, an employee of a local law enforcement authority, or the Office of the Attorney General (OAG) on the request of the applicable person or entity.

S.B. 1518 defines "license" as a license, certificate, registration, permit, or other authorization that is issued by a licensing authority and a person must obtain to practice or engage in a particular business, occupation, or profession. The bill defines "licensing authority" as a department, commission, board, office, or other state agency or a political subdivision of the state that issues a license.

S.B. 1518 requires DPS to establish a procedure by which a peace officer, criminal justice official, or employee of a law enforcement agency who provides DPS with a driver's license number, personal identification certificate number, or license plate number is automatically provided information as to whether the person is required to register under the program or whether the license plate number is entered in the computerized central database. The bill requires DPS to establish an alert flag on the criminal history record information of each person who is required to register under the program that would be visible and accessible to a peace officer, criminal justice official, or employee of a law enforcement agency while in the performance of the officer's, official's, or employee's official duties.

S.B. 1518 grants the following persons immunity from liability for good faith conduct under the bill's provisions regarding the program:

- a criminal justice official;
- an employee or officer of: DPS, the Texas Department of Criminal Justice (TDCJ), the Texas Juvenile Justice Department (TJJD), the Board of Pardons and Paroles, or a local law enforcement authority or law enforcement agency;
- an employee or officer of a community supervision and corrections department or a juvenile probation department; and
- a member of the judiciary.

S.B. 1518 authorizes DPS, TDCJ, and TJJD to adopt any rule necessary to implement the terrorist offender registration program.

S.B. 1518 applies only to a reportable conviction or adjudication occurring on or after January 1, 2024. The bill establishes that the duties imposed on a person required to register under the program on the basis of a reportable conviction or adjudication, and the corresponding duties and powers of other entities in relation to the person required to register on the basis of that conviction or adjudication, are not affected by an appeal of the conviction or adjudication. However, if a conviction or adjudication that is the basis of a duty to register is set aside on appeal by a court or if the person required to register receives a pardon, the bill terminates the duties imposed on the person under the bill's provisions and the corresponding duties and powers of other entities in relation to the person.

S.B. 1518 defines the following terms for purposes of its provisions regarding the program:

- "authority for campus security" as the authority with primary law enforcement jurisdiction over property under the control of a public or private institution of higher education;
- "centralized registration authority" as a mandatory countywide registration location designated as provided by the bill;
- "criminal justice official" as a chief of police of a municipality, sheriff, constable, county attorney with criminal jurisdiction, district attorney, or criminal district attorney;
- "extrajurisdictional registrant" as a person who is required to register as a terrorist under the laws of another state with which DPS has entered into a reciprocal registration agreement;
- "local law enforcement authority" as the office of the chief of police of a municipality, the office of the sheriff of a county in this state, or a centralized registration authority;
- "officer" as a juvenile probation officer, community supervision and corrections department officer, or parole officer;
- "penal institution" as a TDCJ confinement facility, a TJJD confinement facility, a county jail, or a juvenile secure pre-adjudication or post-adjudication facility operated by or under a local juvenile probation department;
- "released" as discharged, paroled, placed in a nonsecure community program for juvenile offenders, or placed on juvenile probation, community supervision, or mandatory supervision;
- "reportable conviction or adjudication" as a conviction or adjudication, including an adjudication of delinquent conduct or deferred adjudication, that, regardless of the pendency of an appeal, is a conviction for or an adjudication for committing:
 - a terroristic offense created under the bill's provisions;
 - an applicable federal offense, as specified by the bill; and
 - an offense against the Uniform Code of Military Justice, against a state or U.S. territory, or against a foreign country, where the offense contains elements that are substantially similar to the elements of an offense described in this definition; and
- "terrorist offender" as a person who has a reportable conviction or adjudication.

Registration and Verification Requirements

General Registration

S.B. 1518 requires a person who is required to register under the program as a condition of parole, release to mandatory supervision, or community supervision to register or, if the person is a person for whom registration is completed, to verify registration, as provided by the bill, with the local law enforcement authority in any municipality where the person resides or intends to reside for more than seven days. If the person does not reside or intend to reside in a municipality, the person must register or verify registration in any county where the person resides or intends to reside for more than seven days. The bill requires the person to satisfy these requirements not later than:

- the seventh day after the person's arrival in the municipality or county; or
- the first date the local law enforcement authority of the municipality or county by policy allows the person to register or verify registration, as applicable.

S.B. 1518 requires DPS to provide TDCJ, TJJD, and each local law enforcement authority, authority for campus security, county jail, and court with a form for registering persons under the program. The registration form must contain a description of any registration duties required of the person under the program and other additional contents, including certain identifying and contact information, certain conviction history and license information, employment and educational information, vehicle registration information, and any other information required by DPS. The bill prohibits the person from refusing or otherwise failing to provide any information required for the accurate completion of the form.

S.B. 1518 requires the local law enforcement authority, not later than the third day after a person registers, to send a copy of the form to DPS and, if the person resides on the campus of a public or private institution of higher education, to any authority for campus security for that institution.

S.B. 1518 requires a person for whom registration is completed under the program, not later than the seventh day after the date on which the person is released, to report to the applicable local law enforcement authority to verify the information in the form. The bill requires the authority to require the person to produce proof of the person's identity and residence before the authority gives the registration form to the person for verification. If the information in the registration form is complete and accurate, the person must verify registration by signing the form, and if the information is not complete or accurate, the person must make any necessary additions or corrections before signing the form. The person must ensure that the form is complete and accurate with respect to each piece of information required by the form.

S.B. 1518 requires a person subject to registration under the program, if the person does not move to an intended residence by the end of the seventh day after the date on which they are released or the date on which they leave a previous residence, to do the following:

- report to their supervising officer not later than that date and provide the officer with the address of the person's temporary residence; and
- continue to report to the officer weekly during the time in which the person has not moved to the intended residence and provide the officer with the address of the person's temporary residence.

S.B. 1518 requires a person who has a reportable conviction or adjudication as provided by the bill who resides in Texas and who is employed by, carries on a vocation at, or is a student at an institution of higher education in another state, if the other state has a registration requirement for a terrorist offender, to register with the law enforcement authority that is identified by DPS as the authority designated by that state to receive registration information not later than the 10th day after the date on which the person begins to work or attend school in the other state. If an authority for campus security exists at the institution at which such a person is placed, the person must also register with that authority not later than the 10th day after the date on which the person begins to work or attend school.

S.B. 1518 requires a person subject to registration under the program who is released from a penal institution without being released to parole or placed on any other form of supervision and does not move to the address indicated on the form as their intended residence or does not indicate an address on the form, not later than the seventh day after the date on which the person is released to do the following:

- report in person to the local law enforcement authority for the municipality or county, as applicable, in which the person is residing and provide that authority with the address at which the person is residing or, if the person's residence does not have a physical address, a detailed description of the geographical location of the person's residence; and
- until the person indicates the person's current address on the form or otherwise complies with the change of address requirements as appropriate, continue to report in that manner to that authority not less than once in each succeeding 30-day period and provide that authority with the address at which the person is residing or, if applicable, a detailed description of the location.

Extrajurisdictional Registrants

S.B. 1518 requires an extrajurisdictional registrant to comply with the annual verification requirements applicable to persons required to register who are residents. The duty to register for an extrajurisdictional registrant expires on the date the person's duty to register would expire under the laws of the other state or foreign country had the person remained in that state or foreign country, under federal law, or under the Uniform Code of Military Justice, as applicable.

Prerelease Notification

S.B. 1518 requires an official of a penal institution from which a person who will be subject to registration under the program is due to be released to do the following:

- inform the person of the following:
 - not later than the seventh day after the date on which the person is released or after the date on which the person moves from a previous residence to a new residence in Texas, or not later than the first date the applicable local law enforcement authority by policy allows the person to register or verify registration, the person must register or verify registration with the local law enforcement authority in the municipality or county in which the person intends to reside;
 - not later than the seventh day after the date on which the person is released or the date on which the person moves from a previous residence to a new residence in Texas, the person must, if the person has not moved to an intended residence, report to the applicable entity or entities as required by the bill;
 - not later than the seventh day before the date on which the person moves to a new residence in Texas or another state, the person must report in person to the local law enforcement authority designated as the person's registration authority and to the person's supervising officer;
 - not later than the 10th day after the date on which the person arrives in another state in which the person intends to reside, the person must register with the law enforcement agency that is identified by DPS as the agency designated to receive registration information, if the other state has a registration requirement;
 - not later than the 30th day after the date on which the person is released, the person must apply to DPS in person for the issuance of an original or renewal driver's license or personal identification certificate and a failure to apply to DPS as required results in the automatic revocation of any driver's license or personal identification certificate issued by DPS; and
 - the person must notify appropriate entities of any change in personal status as described by the bill;
- require the person to sign a written statement confirming that the person was informed of such duties or, if the person refuses to sign the statement, certify that the person was so informed;
- obtain the address or, if applicable, a detailed description of the geographical location where the person expects to reside on the person's release and other registration information, including a photograph and complete set of fingerprints; and
- complete the registration form for the person.

On the seventh day before the date on which a person who will be subject to registration is due to be released from a penal institution, or on receipt of notice by a penal institution that such a person is due to be released in less than seven days, an official of the institution must send the person's completed registration form to DPS and to the following entities:

- the applicable local law enforcement authority in the municipality or county in which the person expects to reside in Texas, if the person expects to reside in Texas; or
- the law enforcement agency that is identified by DPS as the agency designated by another state to receive registration information, if the person expects to reside in that other state and that other state has a registration requirement for terrorist offenders.

S.B. 1518 requires that if a person who is subject to registration receives an order deferring adjudication, placing the person on community supervision or juvenile probation, or imposing only a fine, the court pronouncing the order or sentence ensure that the prerelease notification and registration requirements are conducted on the day of entering the order or sentencing. If a community supervision and corrections department representative is available in court at the time a court pronounces a sentence of deferred adjudication or community supervision, the representative must immediately conduct the notification and registration requirements. In any

other case in which the court pronounces such a sentence the court must designate another appropriate individual to conduct the notification and requirements. If a person who will be subject to registration is placed under the supervision of the parole division of TDCJ or a community supervision and corrections department, the division or department, as applicable, must conduct the notification and requirements on the date the person is placed under supervision. Before a person who will be subject to registration is due to be released from a penal institution in Texas, an official of the institution must inform the person of the following:

- if the person intends to reside in another state and to work or attend school in Texas, the person must, not later than the seventh day after the date on which the person begins to work or attend school or the first date the applicable local law enforcement authority allows the person to register or verify registration, register or verify registration with the local law enforcement authority in the municipality or county in which the person intends to work or attend school; and
- if the person intends to reside in Texas and to work or attend school in another state and if the other state has a registration requirement for terrorist offenders, the person must, not later than the 10th day after the date on which the person begins to work or attend school in the other state, register with the law enforcement authority that is identified by DPS as the authority designated by that state to receive registration information.

Change of Address or Lack of Address

S.B. 1518 requires a person required to register under the program who intends to change address, not later than the seventh day before the intended change, to report in person to the local law enforcement authority designated as the person's registration authority and the person's supervising officer and to provide the authority and the officer with the person's anticipated move date and new address. If such a person changes address, the person must, not later than the seventh day after changing the address or the first date the applicable local law enforcement authority allows the person to report, report in person to the authority in the municipality or county in which the person's new residence is located and provide the authority with proof of identity and proof of residence. Not later than the third day after receiving such a report, the person's supervising officer must forward the required information to the local law enforcement authority designated as the person's primary registration authority by DPS and, if the person intends to move to another municipality or county in Texas, to the applicable local law enforcement authority in that municipality or county.

S.B. 1518 requires a person required to register under the program who moves to another state that has a registration requirement for terrorist offenders, not later than the 10th day after the date on which the person arrives in the other state, to register with the law enforcement agency that is identified by DPS as the agency designated by that state to receive registration information. The bill requires the local law enforcement authority, not later than the third day after receipt of information from the person or the person's supervising officer, whichever is earlier, to forward the information to DPS and, if the person intends to move to another municipality or county in Texas to the applicable local law enforcement authority in that municipality or county.

S.B. 1518 establishes that if a person who reports to a local law enforcement authority as required does not move on or before the anticipated move date or does not move to the new address provided to the authority, the person must do the following:

- not later than the seventh day after the anticipated move date, and not less than weekly after that seventh day, report to the local law enforcement authority designated as the person's primary registration authority and provide an explanation to the authority regarding any changes in the anticipated move date and intended residence; and
- report to the person's supervising officer not less than weekly during any period in which the person has not moved to an intended residence.

S.B. 1518 requires DPS, if the person moves to another municipality or county in Texas, to inform the applicable local law enforcement authority in the new area of the person's residence not later than the third day after the date the person moves. If the person moves to another state, DPS must, immediately on receiving such information:

- inform the agency that is designated by the other state to receive registration information, if that state has a registration requirement for terrorist offenders; and
- send to the FBI a copy of the person's registration form, including the record of conviction and a complete set of fingerprints.

S.B. 1518 establishes that if a person required to register under the program resides for more than seven days at a location or locations to which a physical address has not been assigned by a governmental entity, the person, not less than once in each 30-day period, must confirm the person's location or locations by reporting to the local law enforcement authority in the municipality or county where the person resides, as applicable, and by providing a detailed description of the applicable location or locations.

Status Report by Supervising Officer or Local Law Enforcement Authority

S.B. 1518 requires an officer supervising a person subject to registration who receives information to the effect that the person's status has changed in any manner that affects proper supervision of the person, including a change in the person's name, physical health, job or educational status, including higher educational status, incarceration, or terms of release, to promptly notify the appropriate local law enforcement authority or authorities of that change. If the person intends to change address, the officer must also notify the applicable local law enforcement authorities. The bill requires the officer, not later than the seventh day after the date the officer receives the relevant information, to notify the applicable authority of any change in the person's job or educational status in which the person becomes employed, begins to carry on a vocation, or becomes a student at a particular institution of higher education or terminates the person's status in that capacity. The bill requires the person, not later than the seventh day after the date of the change or the first date the applicable authority by policy allows the person to report, to report to the authority designated as the person's registration authority any change in the person's name or job or educational status or if the person is hospitalized for any reason.

Law Enforcement Verification of Registration Information

S.B. 1518 requires a person subject to registration under the program who has, with respect to an offense requiring registration under the program, been convicted two or more times, received an order of deferred adjudication two or more times, or been convicted and received an order of deferred adjudication to report to the designated local law enforcement authority not less than once in each 90-day period following the date the person first registered under the program to verify the information in the registration form maintained by the authority. A person subject to registration who is not subject to such a requirement must report to the designated local law enforcement authority once each year not earlier than the 30th day before and not later than the 30th day after the anniversary of the person's date of birth to verify the information in the form.

S.B. 1518 authorizes the local law enforcement authority designated by DPS as the person's registration authority to direct the person to report to the authority to verify the information in the registration form maintained by DPS for that person. The bill authorizes the authority to direct the person to report in this manner once in each 90-day period following the date the person first registered under the program, if the person is required to report not less than this frequency with respect to verification of the authority's form, or once in each year not earlier than the 30th day before and not later than the 30th day after the anniversary of the person's date of birth, if the person is required to report with this frequency with respect to verification of the authority's form. The bill prohibits such an authority from directing a person to report to the authority for verification of the registration form, if the person is in compliance with the reporting requirements for verification of the authority's form.

S.B. 1518 requires a local law enforcement authority to require the person to produce proof of the person's identity and residence before the authority gives the registration form to the person for verification. If the information in the form is complete and accurate, the person must verify registration by signing the form, and, if the information is not complete or not accurate, the person must make any necessary additions or corrections before signing the form.

S.B. 1518 authorizes the local law enforcement authority designated as a person's primary registration authority by DPS to mail at any time a nonforwardable verification form to the last reported address of the person. The bill requires the person, not later than the 21st day after receipt of the verification form, to do the following:

- indicate on the form whether the person still resides at the last reported address or the person's new address;
- complete any other information required by the form;
- sign the form; and
- return the form to the authority.

S.B. 1518 establishes that for purposes of law enforcement verification of registration information, a person receives multiple convictions or orders of deferred adjudication regardless of whether the judgments or orders are entered on different dates or the offenses for which the person was convicted or placed on deferred adjudication arose out of different criminal transactions.

Registration of Persons Regularly Visiting a Location

S.B. 1518 requires a person subject to the registration under the program who on at least three occasions during any month spends more than 48 consecutive hours in a municipality or county in Texas, other than the municipality or county in which the person is registered under the program, before the last day of that month to report that fact to the local law enforcement authority of the municipality or county in which the person is a visitor, as applicable. The person must also provide the applicable law enforcement agency with all information the person is required to provide on the general registration form, the address of any location in the municipality or county, as appropriate, at which the person was lodged during the month, and a statement as to whether the person intends to return to the municipality or county during the succeeding month.

Requirements Relating to Driver's Licenses or Personal Identification Certificates

S.B. 1518 requires a person subject to registration under the program to apply to DPS in person for the issuance of an original or renewal driver's license, personal identification certificate, or commercial driver's license or commercial learner's permit in the same manner that is required for application by a registered sex offender not later than the 30th day after the date:

- the person is released from a penal institution or by a court; or
- DPS sends written notice to the person of such application requirements.

The bill requires the person to annually renew in person the license or personal identification certificate until the person's duty to register under the program expires.

DNA Specimen

S.B. 1518 requires a person required to register under the program to comply with a request for a DNA specimen made by a law enforcement agency in the same manner that is required for the collection of DNA for registered sex offenders.

Prohibited Location of Residence

S.B. 1518 prohibits a person subject to registration under the program from residing on the campus of an institution of higher education unless the institution approves the person to reside on the campus.

Expiration of Duty to Register

Expiration of Duty to Register

S.B. 1518 establishes that a person's duty to register under the program ends when the person dies if the person has a reportable conviction or adjudication.

Failure to Comply with Registration Requirements

S.B. 1518 creates a third degree felony offense for a person who is required to register under the program and intentionally or knowingly fails to comply with any registration requirement. The bill enhances the penalty for the offense to a second degree felony if:

- the person has been previously convicted of the offense; or
- the person fraudulently used identifying information during the commission or attempted commission of the offense.

Removal of Registration Information

S.B. 1518 requires DPS, when a person is no longer required to register under the program to remove all information about the person from the terrorist offender registry. The duty to remove such information arises if DPS has received notice from a local law enforcement authority or the person's representative that the person has died and DPS verifies the information. The bill requires DPS after the removal to notify all local law enforcement authorities that have provided registration information to DPS about the removal. The bill requires a local law enforcement authority that receives notice of a removal from DPS to remove all registration information about the person from its registry.

Applicability of Certain Government Code Provisions Regarding Sex Offenders

S.B. 1518 amends the Government Code to make statutory provisions regarding the collection of DNA records of registered sex offenders applicable to persons required to register as terrorists under the terrorist offender registration program. Furthermore, the bill requires DPS by rule to require a law enforcement agency serving as a person's primary registration authority under the program to do the following:

- take one or more specimens from a person required to register under the program for the purpose of creating a DNA record; and
- preserve the specimen and maintain a record of the collection of the specimen.

Terroristic Offenses

S.B. 1518 amends the Penal Code to create the criminal offense of terrorism for a person who:

- commits or conspires to commit any of the following offenses:
 - criminal homicide;
 - unlawful restraint, kidnapping, or trafficking of persons;
 - aggravated assault or aggravated sexual assault;
 - deadly conduct, if punishable as a felony;
 - making a terroristic threat, if punishable as a felony;
 - tampering with a consumer product;
 - arson;
 - interference with railroad property, if punishable as a felony;

- aggravated robbery;
- interference with a radio frequency licensed to a government entity, if punishable as a felony; or
- certain conduct relating to hoax bombs; and
- commits or conspires to commit the offense with the intent to do any of the following:
 - intimidate or coerce the public or a substantial group of the public; or
 - influence, by intimidation or coercion, the policy, conduct, or activities of the state, a political subdivision of the state, or the United States.

The bill makes the offense punishable by one penalty category higher than the most serious offense that was committed or conspired to be committed, except as follows:

- if the most serious offense is a Class A misdemeanor, the bill makes the offense punishable by a Class A misdemeanor with a minimum term of confinement of 180 days; and
- if the most serious offense is a first degree felony, the bill makes the offense punishable by a first degree felony with a minimum term of confinement of 15 years.

S.B. 1518 creates the offense of aiding in commission of terrorism for a person who intentionally raises, solicits, collects, or provides material support or resources with intent or knowledge that the material support or resources will be used, wholly or partly, to solicit, direct, supervise, plan, prepare, promote, carry out, assist, or aid in committing the offense of terrorism. The bill makes the offense punishable by the same degree of penalty as the offense of terrorism that the person aided.

S.B. 1518 creates the offense of hindering prosecution of terrorism for a person who, with intent to hinder the arrest, prosecution, conviction, or punishment of another for terrorism or for aiding in the commission of terrorism, does any of the following:

- harbors or conceals the other;
- provides or aids in providing the other with any means of avoiding arrest or effecting escape;
- warns the other of impending discovery or apprehension; or
- tampers with any physical evidence that might aid in the discovery or apprehension of the other.

The bill makes the offense punishable by the same degree of penalty as the offense of terrorism or aiding in the commission of terrorism for which the person committed the act.

S.B. 1518 authorizes the OAG, if requested to do so by the state's attorney, to assist the state's attorney in the investigation or prosecution of a terroristic offense as created by the bill. The bill requires the OAG to designate one individual in the division of the OAG that assists in the prosecution of criminal cases to coordinate responses to requests to assist in prosecution of an applicable offense.

S.B. 1518 excludes terrorism from the offenses for which criminal conspiracy with respect to the commission of the offense makes the penalty for the offense one category lower than the most serious felony that is the object of the conspiracy.

S.B. 1518 defines "material support or resources" as any of the following:

- currency or other financial securities;
- financial services or instruments of value;
- lodging, safehouses, or facilities;
- training;
- false documentation or identification;
- communications equipment, computer equipment, or software;
- a deadly weapon;
- lethal substances;

- an explosive weapon or components of an explosive weapon, a chemical dispensing device, or a hoax bomb;
- personnel;
- transportation; and
- other tangible assets, other than medical care provided by a licensed health care provider or religious materials.

The bill defines "training" as teaching or demonstrating directly to another person, either in person or through a writing or by use of a computer or computer network, the use, application, or making of:

- a weapon whose possession, manufacture, transport, repair, or sale constitutes an offense under state law;
- a deadly weapon;
- a component of an explosive weapon; or
- an incendiary device capable of causing injury or death to persons.

EFFECTIVE DATE

September 1, 2023.