



SPONSOR: Rep. West;  
Reps. Brady, Buckworth, Carey,  
Caulk, B. Ennis, Ewing, Fallon,  
Gilligan, Keeley, Maier, Mulrooney,  
Oberle, Price, Reynolds, Scott,  
Spence, Stone, Thornburg, Valihura,  
Van Sant, Wagner, Williams

HOUSE OF REPRESENTATIVES

141st GENERAL ASSEMBLY

HOUSE BILL NO. 609

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO TERRORISM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

- 1           Section 1. Amend Title 11 of the Delaware Code by inserting therein a new section as follows:
- 2           "§ 622. Terrorism; class A felony.
- 3           (a)     A person is guilty of the crime of terrorism if the person commits any offense enumerated in subsection
- 4                   (b) of this section with the specific intent:
- 5                   (1)     to promote, or incite or induce others to promote, an act of terror;
- 6                   (2)     to commit an act of terror against five or more persons;
- 7                   (3)     to influence the policy or affect the conduct of government by an act of terror;
- 8                   (4)     to cause by an act of terror the impairment or interruption of public communications, public
- 9                   transportation, public utilities, or public services; or
- 10                  (5)     to cause by an act of terror the impairment of public or private buildings, common carriers, or
- 11                  intrastate shipping.
- 12           (b)     Any of the following offenses shall be considered a predicate offense for the prosecution of any person
- 13                   for the crime of terrorism pursuant to subsection (a) of this section:
- 14                   (1)     Any offense constituting a crime of violence;
- 15                   (2)     Any offense constituting a violation of Chapter 15 of this title;
- 16                   (3)     Any offense intended to result in an environmental release as defined in Title 7.

- 17 (c) Terrorism is a class A felony.
- 18 (d) A person convicted of terrorism where the act of terror resulted in the death of any person shall be
- 19 sentenced to death or life imprisonment served at Level V in the same manner as a conviction for first
- 20 degree murder. A person convicted of terrorism where no death occurred shall sentenced to life
- 21 imprisonment served at Level V with no possibility of probation or parole prior to having served a
- 22 minimum of 30 years at Level V.
- 23 (e) For the purposes of this section:
- 24 (1) 'Terror' means the menace or fear of death or serious physical injury; and
- 25 (2) 'Serious physical injury' is as defined in § 222 of this title."

#### SYNOPSIS

This Act creates and defines the crime of terrorism. Pursuant to this Act, a person may be convicted of terrorism if he or she commits any of a number of listed offenses with the specific intent to promote, or incite or induce others to promote, an act of terror; to commit an act of terror against five or more persons; to influence the policy or affect the conduct of government by an act of terror; to cause by an act of terror the impairment or interruption of public communications, public transportation, public utilities, or public services; or to cause by an act of terror the impairment of public or private buildings, common carriers, or intrastate shipping. Thus they must not only intend to commit the predicate offense, they must also intend to do it with the specific intent to commit an act of terror.

If convicted of terrorism, a person is guilty of a class A felony punishable by death or life imprisonment in the same manner as a conviction for first degree murder if a death resulted, or punishable by life imprisonment without the possibility of probation or parole prior to having served 30 years if no death occurred.