



General Assembly

Substitute Bill No. 5759

February Session, 2002

AN ACT CONCERNING ACTS OF TERRORISM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2002*) (a) A person is guilty of
2 an act of terrorism when such person, with intent to intimidate or
3 coerce the civilian population or a unit of government, commits a
4 felony involving the unlawful use or threatened use of physical force
5 or violence.

6 (b) When any person has been found guilty of an act of terrorism,
7 and the court is of the opinion that such person's history and character
8 and the nature and circumstances of such person's criminal conduct
9 indicate that an increased penalty will best serve the public interest,
10 the court shall, in lieu of imposing the sentence authorized for the
11 crime under section 53a-35a of the general statutes, impose the
12 sentence of imprisonment authorized by said section for the next more
13 serious degree of felony.

14 Sec. 2. Section 53-80a of the general statutes is repealed and the
15 following is substituted in lieu thereof (*Effective October 1, 2002*):

16 (a) Any person, other than [one] a person engaged in the
17 manufacture of [firearms or explosives or incendiary devices] weapons
18 of mass destruction for lawful purposes, who fabricates, in any
19 manner, any [type of an explosive, incendiary or other device designed

20 to be dropped, hurled, or set in place to be exploded by a timing
21 device] weapon of mass destruction, shall be guilty of a class B felony.

22 (b) For the purposes of this section, "weapon of mass destruction"
23 means (1) any explosive or incendiary device, (2) a weapon designed
24 or intended to cause death or serious physical injury by the release,
25 dissemination or impact of toxic or poisonous chemicals or their
26 precursors, (3) a weapon involving a disease organism, or (4) a weapon
27 designed to release radiation or radioactivity at a level dangerous to
28 human life.

29 Sec. 3. (NEW) (*Effective October 1, 2002*) (a) A person is guilty of
30 hindering prosecution in the first degree when such person renders
31 criminal assistance to another person who has committed a class A or
32 B felony or an unclassified felony for which the maximum penalty is
33 imprisonment for more than ten years and such other person
34 committed such felony with intent to intimidate or coerce a civilian
35 population or influence the policy of a unit of government by
36 intimidation or coercion.

37 (b) Hindering prosecution in the first degree is a class C felony and
38 any person found guilty under this section shall be sentenced to a term
39 of imprisonment of which five years of the sentence imposed may not
40 be suspended or reduced by the court.

41 Sec. 4. Section 53a-166 of the general statutes is repealed and the
42 following is substituted in lieu thereof (*Effective October 1, 2002*):

43 (a) A person is guilty of hindering prosecution in the [first] second
44 degree when [he] such person renders criminal assistance to [a]
45 another person who has committed a class A or class B felony or an
46 unclassified [offense] felony for which the maximum penalty is
47 imprisonment for more than ten years.

48 (b) Hindering prosecution in the [first] second degree is a class D
49 felony.

50 Sec. 5. Section 53a-167 of the general statutes is repealed and the
51 following is substituted in lieu thereof (*Effective October 1, 2002*):

52 (a) A person is guilty of hindering prosecution in the [second] third
53 degree when [he] such person renders criminal assistance to [a]
54 another person who has committed a class C or class D felony or an
55 unclassified [offense] felony for which the maximum penalty is
56 imprisonment for ten years or less but more than one year.

57 (b) Hindering prosecution in the [second] third degree is a class A
58 misdemeanor.

59 Sec. 6. Section 53a-165 of the general statutes is repealed and the
60 following is substituted in lieu thereof (*Effective October 1, 2002*):

61 As used in sections 53a-166 and 53a-167, as amended by this act,
62 and section 3 of this act, a person "renders criminal assistance" when,
63 with intent to prevent, hinder or delay the discovery or apprehension
64 of, or the lodging of a criminal charge against, [a] another person
65 whom [he] such person knows or believes has committed a felony or is
66 being sought by law enforcement officials for the commission of a
67 felony, or with intent to assist [a] another person in profiting or
68 benefiting from the commission of a felony, [he] such person: (1)
69 Harbors or conceals such other person; or (2) warns such other person
70 of impending discovery or apprehension; or (3) provides such other
71 person with money, transportation, weapon, disguise or other means
72 of avoiding discovery or apprehension; or (4) prevents or obstructs, by
73 means of force, intimidation or deception, [anyone] any person from
74 performing an act which might aid in the discovery or apprehension of
75 such other person or in the lodging of a criminal charge against [him]
76 such other person; or (5) suppresses, by an act of concealment,
77 alteration or destruction, any physical evidence which might aid in the
78 discovery or apprehension of such other person or in the lodging of a
79 criminal charge against [him] such other person; or (6) aids such other
80 person to protect or expeditiously profit from an advantage derived
81 from such crime.

82 Sec. 7. (NEW) (*Effective October 1, 2002*) (a) A person is guilty of
83 damage to public transportation property for terrorist purposes when
84 such person, with intent to cause damage to bus, railroad or other
85 public transportation property or to cause an interruption or
86 impairment of transportation service rendered to the public, and with
87 intent to intimidate or coerce the civilian population or influence the
88 policy of a unit of government by intimidation or coercion, damages
89 such property or tampers with such property and thereby causes such
90 property to be placed in danger of damage.

91 (b) Damage to public transportation property for terrorist purposes
92 is a class C felony.

93 Sec. 8. (NEW) (*Effective October 1, 2002*) (a) A person is guilty of
94 contaminating a public water supply for terrorist purposes when such
95 person, with intent to intimidate or coerce the civilian population or
96 influence the policy of a unit of government by intimidation or
97 coercion, introduces a chemical, biological or radioactive agent into
98 any storage reservoir or distribution reservoir, as those terms are
99 defined in section 25-43 of the general statutes, or any lake or pond, or
100 any stream tributary thereto, that is used for supplying the inhabitants
101 of a town, city or borough with water.

102 (b) Contaminating a public water supply for terrorist purposes is a
103 class C felony and any person found guilty under this section shall be
104 sentenced to a term of imprisonment of which five years of the
105 sentence imposed may not be suspended or reduced by the court.

106 Sec. 9. (NEW) (*Effective October 1, 2002*) (a) A person is guilty of
107 computer crime in furtherance of terrorist purposes when such person,
108 with intent to intimidate or coerce the civilian population or influence
109 the policy of a unit of government by intimidation or coercion,
110 commits computer crime, as defined in section 53a-251 of the general
111 statutes, or commits a violation of any provision of section 53-451 of
112 the general statutes.

113 (b) Computer crime in furtherance of terrorist purposes is a class B

114 felony and, if such offense is directed against any public agency, as
115 defined in section 1-200 of the general statutes, as amended, that is
116 charged with the protection of public safety, five years of the sentence
117 imposed may not be suspended or reduced by the court.

118 Sec. 10. (NEW) (*Effective October 1, 2002*) (a) A person is guilty of
119 deceptive representation when such person, with intent to intimidate
120 or coerce the civilian population or influence the policy of a unit of
121 government by intimidation or coercion and with respect to any
122 criminal matter within the jurisdiction of an agency or official of the
123 state or any political subdivision of the state, knowingly and wilfully
124 (1) falsifies, conceals or covers up a material fact by any trick, scheme
125 or device, (2) makes any materially false, fictitious or fraudulent
126 statement or representation, or (3) makes or uses any false writing or
127 document knowing the same to contain any materially false, fictitious
128 or fraudulent statement or entry, and such act impairs a function of
129 such agency or official.

130 (b) Deceptive representation is a class C felony.

131 (c) If a person is found guilty of deceptive representation that
132 resulted in injury to another person or damage to property, the court,
133 in addition to any fine or term of imprisonment imposed, shall order
134 such person to make financial restitution if it determines that financial
135 restitution is appropriate. Such restitution may include payment of the
136 costs of any investigation and cleanup.

137 Sec. 11. (NEW) (*Effective October 1, 2002*) The Commissioner of
138 Motor Vehicles may, within available appropriations, require that, as a
139 condition of the issuance of a motor vehicle operator's license or
140 learner's permit pursuant to section 14-36 of the general statutes, a
141 motorcycle operator's license or learner's permit pursuant to section
142 14-40a of the general statutes, a commercial driver's license or other
143 operator's license bearing an endorsement pursuant to section 14-44 of
144 the general statutes, as amended, and a commercial driver's instruction
145 permit pursuant to subsection (f) of section 14-44e of the general

146 statutes, a new applicant for such license or permit be fingerprinted.

147 Sec. 12. Section 54-47b of the general statutes is repealed and the
148 following is substituted in lieu thereof (*Effective October 1, 2002*):

149 For the purposes of sections 54-47a to 54-47h, inclusive, as amended:

150 (1) "Applicant" means any judge of the Superior Court, Appellate
151 Court or Supreme Court, the Chief State's Attorney or a state's attorney
152 who makes an application to a panel of judges for an investigation into
153 the commission of a crime or crimes.

154 (2) "Crime or crimes" means (A) any crime or crimes involving
155 corruption in the executive, legislative or judicial branch of state
156 government or in the government of any political subdivision of the
157 state, (B) fraud by a vendor of goods or services in the medical
158 assistance program under Title XIX of the Social Security Act
159 Amendments of 1965, as amended, (C) any violation of chapter 949c,
160 (D) any violation of the election laws of the state, (E) any crime or
161 crimes involving an act of terrorism, and ~~[(E)]~~ (F) any other class A, B
162 or C felony or any unclassified felony punishable by a term of
163 imprisonment in excess of five years for which the Chief State's
164 Attorney or state's attorney demonstrates that he or she has no other
165 means of obtaining sufficient information as to whether a crime has
166 been committed or the identity of the person or persons who may have
167 committed a crime. For the purposes of this subdivision, "act of
168 terrorism" means an act or acts intended to intimidate or coerce a
169 civilian population, influence the policy of a unit of government by
170 intimidation or coercion or affect the conduct of a unit of government
171 by murder, assassination or kidnapping.

172 (3) "Investigatory grand jury" means a judge, constitutional state
173 referee or any three judges of the Superior Court, other than a judge
174 designated by the Chief Justice to serve on the panel, appointed by the
175 Chief Court Administrator to conduct an investigation into the
176 commission of a crime or crimes.

177 (4) "Panel of judges" or "panel" means a panel of three Superior
178 Court judges designated by the Chief Justice of the Supreme Court
179 from time to time to receive applications for investigations into the
180 commission of crimes in accordance with the provisions of sections 54-
181 47a to 54-47h, inclusive, as amended, one of whom may be the Chief
182 Court Administrator.

183 Sec. 13. Section 42-230 of the general statutes is repealed and the
184 following is substituted in lieu thereof (*Effective October 1, 2002*):

185 (a) No person, firm or corporation shall increase the price of any
186 item which such person, firm or corporation sells or offers for sale at
187 retail at any location in an area which is the subject of any disaster
188 emergency declaration issued by the Governor pursuant to chapter
189 517, any transportation emergency declaration issued by the Governor
190 pursuant to section 3-6b or any major disaster or emergency
191 declaration issued by the President of the United States, until the
192 period of emergency or disaster is declared by the Governor or the
193 President to be at an end. Nothing in this section shall prohibit the
194 fluctuation in the price of items sold at retail which occurs during the
195 normal course of business. Any person, firm or corporation which
196 violates any provision of this section shall be fined not more than
197 [ninety-nine dollars] one thousand dollars or imprisoned not more
198 than one year, or both, for each offense.

199 (b) Any violation of the provisions of this section shall be deemed
200 an unfair or deceptive trade practice under subsection (a) of section 42-
201 110b.

202 Sec. 14. Section 54-41b of the general statutes is repealed and the
203 following is substituted in lieu thereof (*Effective October 1, 2002*):

204 The Chief State's Attorney or the state's attorney for the judicial
205 district in which the interception is to be conducted may make
206 application to a panel of judges for an order authorizing the
207 interception of any wire communication by investigative officers
208 having responsibility for the investigation of offenses as to which the

209 application is made when such interception may provide evidence of
 210 the commission of offenses involving gambling, bribery, violations of
 211 section 53-395, violations of section 21a-277, [or] felonious crimes of
 212 violence or crimes involving acts of terrorism. For the purposes of this
 213 section, "act of terrorism" means an act or acts intended to intimidate
 214 or coerce a civilian population, influence the policy of a unit of
 215 government by intimidation or coercion or affect the conduct of a unit
 216 of government by murder, assassination or kidnapping.

217 Sec. 15. Section 54-411 of the general statutes is repealed and the
 218 following is substituted in lieu thereof (*Effective October 1, 2002*):

219 The contents of any intercepted wire communication or evidence
 220 derived therefrom shall not be received in evidence or otherwise
 221 disclosed in any trial, hearing or other proceeding in a court of this
 222 state unless each aggrieved person, not less than thirty days before
 223 such trial, hearing or proceeding, has been served with a copy of the
 224 court order, and accompanying application, under which the
 225 interception was authorized. Nothing in this section shall preclude the
 226 receipt in evidence in a court of this state of any intercepted wire
 227 communication obtained in conformity with 18 USC 2510 et seq.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>
Sec. 5	<i>October 1, 2002</i>
Sec. 6	<i>October 1, 2002</i>
Sec. 7	<i>October 1, 2002</i>
Sec. 8	<i>October 1, 2002</i>
Sec. 9	<i>October 1, 2002</i>
Sec. 10	<i>October 1, 2002</i>
Sec. 11	<i>October 1, 2002</i>
Sec. 12	<i>October 1, 2002</i>
Sec. 13	<i>October 1, 2002</i>
Sec. 14	<i>October 1, 2002</i>

Sec. 15	<i>October 1, 2002</i>
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JUD *Joint Favorable Subst.*