

110TH CONGRESS  
1ST SESSION

# S. 735

To amend title 18, United States Code, to improve the terrorist hoax statute.

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## IN THE SENATE OF THE UNITED STATES

MARCH 1, 2007

Mr. KENNEDY (for himself, Mr. COLEMAN, and Mr. KYL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to improve the terrorist hoax statute.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Terrorist Hoax Im-  
5       provements Act of 2007”.

6       **SEC. 2. IMPROVEMENTS TO THE TERRORIST HOAX STAT-**  
7       **UTE.**

8       (a) HOAX STATUTE.—Section 1038 of title 18,  
9       United States Code, is amended—

10       (1) in subsection (a)—

1 (A) in paragraph (1), after “title 49,” in-  
 2 sert “or any other offense listed under section  
 3 2332b(g)(5)(B) of this title,”; and

4 (B) in paragraph (2)—

5 (i) in subparagraph (A), by striking  
 6 “5 years” and inserting “10 years”; and

7 (ii) in subparagraph (B), by striking  
 8 “20 years” and inserting “25 years”; and

9 (2) by amending subsection (b) to read as fol-  
 10 lows:

11 “(b) CIVIL ACTION.—

12 “(1) IN GENERAL.—Whoever engages in any  
 13 conduct with intent to convey false or misleading in-  
 14 formation under circumstances where such informa-  
 15 tion may reasonably be believed and where such in-  
 16 formation indicates that an activity has taken, is  
 17 taking, or will take place that would constitute an  
 18 offense listed under subsection (a)(1) is liable in a  
 19 civil action to any party incurring expenses incident  
 20 to any emergency or investigative response to that  
 21 conduct, for those expenses.

22 “(2) EFFECT OF CONDUCT.—

23 “(A) IN GENERAL.—A person described in  
 24 subparagraph (B) is liable in a civil action to

any party described in subparagraph (B)(ii) for  
any expenses that are incurred by that party—

“(i) incident to any emergency or investigative response to any conduct described in subparagraph (B)(i); and

“(ii) after the person that engaged in that conduct should have informed that party of the actual nature of the activity.

“(B) APPLICABILITY.—A person described in this subparagraph is any person that—

“(i) engages in any conduct that has the effect of conveying false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place that would constitute an offense listed under subsection (a)(1);

“(ii) receives notice that another party believes that the information indicates that such an activity has taken, is taking, or will take place; and

“(iii) after receiving such notice, fails to promptly and reasonably inform any

1 party described in subparagraph (B) of the  
 2 actual nature of the activity.”.

3 (b) THREATENING COMMUNICATIONS.—

4 (1) MAILED WITHIN THE UNITED STATES.—

5 Section 876 of title 18, United States Code, is  
 6 amended by adding at the end thereof the following  
 7 new subsection:

8 “(e) For purposes of this section, the term ‘addressed  
 9 to any other person’ includes an individual (other than the  
 10 sender), a corporation or other legal person, and a govern-  
 11 ment or agency or component thereof.”.

12 (2) MAILED TO A FOREIGN COUNTRY.—Section  
 13 877 of title 18, United States Code, is amended by  
 14 adding at the end thereof the following new para-  
 15 graph:

16 “For purposes of this section, the term ‘addressed to  
 17 any person’ includes an individual, a corporation or other  
 18 legal person, and a government or agency or component  
 19 thereof.”.

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