

110TH CONGRESS
1ST SESSION

S. 735

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

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

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

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

3 “(i) incident to any emergency or in-
4 vestigative response to any conduct de-
5 scribed in subparagraph (B)(i); and

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

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

11 “(i) engages in any conduct that has
12 the effect of conveying false or misleading
13 information under circumstances where
14 such information may reasonably be be-
15 lieved and where such information indi-
16 cates that an activity has taken, is taking,
17 or will take place that would constitute an
18 offense listed under subsection (a)(1);

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

23 “(iii) after receiving such notice, fails
24 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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