

108TH CONGRESS
2D SESSION

S. 2204

To provide criminal penalties for false information and hoaxes relating to terrorism.

IN THE SENATE OF THE UNITED STATES

MARCH 11, 2004

Mr. HATCH (for himself, Mr. SCHUMER, Mr. CORNYN, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide criminal penalties for false information and hoaxes relating to terrorism.

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 “Stop Terrorist and
5 Military Hoaxes Act of 2004”.

6 **SEC. 2. HOAXES AND RECOVERY COSTS.**

7 (a) PROHIBITION ON HOAXES.—Chapter 47 of title
8 18, United States Code, is amended by inserting after sec-
9 tion 1036 the following:

1 **“§ 1037. False information and hoaxes**

2 “(a) CRIMINAL VIOLATION.—

3 “(1) IN GENERAL.—Whoever knowingly en-
4 gages in any conduct with intent to convey false or
5 misleading information under circumstances where
6 such information may reasonably be believed and
7 where such information indicates that an activity
8 has taken, is taking, or will take place that would
9 constitute a violation of chapter 2, 10, 11B, 39, 40,
10 44, 111, or 113B of this title, section 236 of the
11 Atomic Energy Act of 1954 (42 U.S.C. 2284), or
12 section 46502, the second sentence of section 46504,
13 section 46505 (b)(3) or (c), section 46506 if homi-
14 cide or attempted homicide is involved, or section
15 60123(b) of title 49 shall—

16 “(A) be fined under this title or impris-
17 oned not more than 5 years, or both;

18 “(B) if serious bodily injury (as defined in
19 section 1365 of this title, including any conduct
20 that, if the conduct occurred in the special mar-
21 itime and territorial jurisdiction of the United
22 States, would violate section 2241 or 2242 of
23 this title) results, be fined under this title or
24 imprisoned not more than 25 years, or both;
25 and

1 “(C) if death results, be fined under this
2 title or imprisoned for any number of years up
3 to life, or both.

4 “(2) ARMED FORCES.—Whoever, without lawful
5 authority, makes a false statement, with intent to
6 convey false or misleading information, about the
7 death, injury, capture, or disappearance of a mem-
8 ber of the Armed Forces of the United States during
9 a war or armed conflict in which the United States
10 is engaged, shall—

11 “(A) be fined under this title or impris-
12 oned not more than 5 years, or both;

13 “(B) if serious bodily injury (as defined in
14 section 1365 of this title, including any conduct
15 that, if the conduct occurred in the special mar-
16 itime and territorial jurisdiction of the United
17 States, would violate section 2241 or 2242 of
18 this title) results, be fined under this title or
19 imprisoned not more than 25 years, or both;
20 and

21 “(C) if death results, be fined under this
22 title or imprisoned for any number of years up
23 to life, or both.

24 “(b) CIVIL ACTION.—Whoever knowingly engages in
25 any conduct with intent to convey false or misleading in-

1 formation under circumstances where such information
 2 may reasonably be believed and where such information
 3 indicates that an activity has taken, is taking, or will take
 4 place that would constitute a violation of chapter 2, 10,
 5 11B, 39, 40, 44, 111, or 113B of this title, section 236
 6 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), or
 7 section 46502, the second sentence of section 46504, sec-
 8 tion 46505 (b)(3) or (c), section 46506 if homicide or at-
 9 tempted homicide is involved, or section 60123(b) of title
 10 49 is liable in a civil action to any party incurring expenses
 11 incident to any emergency or investigative response to that
 12 conduct, for those expenses.

13 “(c) REIMBURSEMENT.—

14 “(1) IN GENERAL.—The court, in imposing a
 15 sentence on a defendant who has been convicted of
 16 an offense under subsection (a), shall order the de-
 17 fendant to reimburse any party incurring expenses
 18 incident to any emergency or investigative response
 19 to that conduct, for those expenses.

20 “(2) LIABILITY.—A person ordered to make re-
 21 imbursement under this subsection shall be jointly
 22 and severally liable for such expenses with each
 23 other person, if any, who is ordered to make reim-
 24 bursement under this subsection for the same ex-
 25 penses.

1 “(3) CIVIL JUDGMENT.—An order of reim-
2 bursement under this subsection shall, for the pur-
3 poses of enforcement, be treated as a civil judgment.

“(d) ACTIVITIES OF LAW ENFORCEMENT.—This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or political subdivision of a State, or of an intelligence agency of the United States.”.

(b) CLERICAL AMENDMENT.—The table of sections as the beginning of chapter 47 of title 18, United States Code, is amended by adding after the item for section 1036 the following:

“1037. False information and hoaxes.”.

14 SEC. 3. OBSTRUCTION OF JUSTICE AND FALSE STATE-
15 MENTS IN TERRORISM CASES.

(a) ENHANCED PENALTY.—Sections 1001(a) and 1505 of title 18, United States Code, are amended by striking “be fined under this title or imprisoned not more than 5 years, or both” and inserting “be fined under this title, imprisoned not more than 5 years or, if the matter relates to international or domestic terrorism (as defined in section 2331), imprisoned not more than 10 years, or both”.

(b) SENTENCING GUIDELINES.—Not later than 30 days of the enactment of this section, the United States

1 Sentencing Commission shall amend the Sentencing
2 Guidelines to provide for an increased offense level for an
3 offense under sections 1001(a) and 1505 of title 18,
4 United States Code, if the offense involves a matter relat-
5 ing to international or domestic terrorism, as defined in
6 section 2331 of such title.

7 **SEC. 4. CLARIFICATION OF DEFINITION.**

8 Section 1958 of title 18, United States Code, is
9 amended—

- 10 (1) in subsection (a), by striking “facility in”
11 and inserting “facility of”; and
12 (2) in subsection (b)(2), by inserting “or for-
13 eign” after “interstate”.

○