

111TH CONGRESS  
1ST SESSION

# S. 2844

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

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 7, 2009

Mr. SCHUMER (for himself, Mr. KYL, Mrs. FEINSTEIN, and Mr. CORNYN) 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 2009”.

### 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 to indicate that an activity has  
16 taken, is taking, or will take place that  
17 would constitute an offense listed under  
18 subsection (a)(1);

19 “(ii) receives actual notice that an-  
20 other party is taking emergency or inves-  
21 tigative action because that party believes  
22 that the information indicates that an ac-  
23 tivity has taken, is taking, or will take  
24 place that would constitute an offense list-  
25 ed under subsection (a)(1); and

1 “(iii) after receiving such notice, fails  
 2 to promptly and reasonably inform 1 or  
 3 more parties described in clause (ii) of the  
 4 actual nature of the activity.”.

5 (b) THREATENING COMMUNICATIONS.—

6 (1) MAILED WITHIN THE UNITED STATES.—

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

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

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

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

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