

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1164
Judiciary

(Delegate Rosenberg, *et al.*)

Criminal Law - Domestic Terrorism

This bill (1) establishes the offense of domestic terrorism under State law; (2) establishes penalties for domestic terrorism violations; and (3) requires the Governor's Office of Homeland Security to report to the General Assembly on the State's efforts and plans to prevent, detect, and address domestic terrorism, as specified, by January 1, 2021.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions. The Governor's Office of Homeland Security can meet the bill's reporting requirements with existing budgeted resources.

Local Effect: Potential minimal increase in local government revenues and expenditures due to the bill's penalty provisions.

Small Business Effect: None.

Analysis

Bill Summary: Under the bill's prohibition on domestic terrorism, a person may not commit a crime with the intent to cause serious physical injury to or the death of another and (1) intimidate or coerce a civilian population; (2) influence the policy of a government by intimidation or coercion; or (3) affect the conduct of a government by mass destruction, assassination, or kidnapping. A person may not commit a violation specified above that involves a separate crime that is a felony or that results in the death of another.

The bill establishes the following maximum penalties for violations:

- general violation – misdemeanor, 5 years and/or a \$5,000 fine;
- violation that involves the commission of a separate felony – felony, 10 years imprisonment and/or a \$10,000 fine; and
- violation that results in the death of another – felony, 20 years and/or a \$20,000 fine.

Current Law: Under federal law, domestic terrorism is an activity that (1) occurs primarily within the territorial jurisdiction of the United States (2) involves acts dangerous to human life that are a violation of the criminal laws of the United States or of any state; and (3) appears to be intended to intimidate or coerce a civilian population, influence the policy of a government by intimidation or coercion, or affect the conduct of a government by mass destruction, assassination, or kidnapping.

Background: The Federal Bureau of Investigation (FBI) categorizes terrorism investigations into two main programs: international terrorism and domestic terrorism. International terrorism includes cases in which individuals are members of designated foreign terrorist organizations (FTO), state sponsors of terrorism, and homegrown violent extremists (HVE). The FBI identifies HVEs as individuals inside the United States who frequently are inspired by what they refer to as global jihad, who have been radicalized primarily in the United States and who are not receiving individualized direction from FTOs.

Domestic terrorists are individuals who commit violent criminal acts in furtherance of ideological goals stemming from domestic influences, such as racial bias and anti-government sentiment. The FBI classifies domestic terrorism threats into four main categories: (1) racially motivated violent extremism; (2) anti-government or anti-authority extremism; (3) animal rights or environmental extremism; and (4) abortion extremism.

Although there is some domestic terrorism activity that may fall outside of these four categories, the vast majority of FBI investigations can be characterized as one of the above. According to the FBI, individuals adhering to racially motivated violent extremism ideology have been responsible for the most lethal incidents.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Baltimore City; Montgomery and Prince George's counties; Governor's Office; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Public Safety and Correctional Services; Federal Bureau of Investigation; Department of Legislative Services

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