

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 815
Judiciary

(Delegate Rosenberg, *et al.*)

Crimes - Terrorist Organizations - Provision or Solicitation of Support or
Resources

This bill prohibits a person from soliciting or knowingly providing “material support or resources” for an organization that the person knows is a terrorist organization, or for an organization controlled by a terrorist organization without having received written assurance that the support or resources will not be transferred to the terrorist organization or expended on its behalf. A violator is guilty of a felony and subject to maximum penalties of a fine of \$10,000 and/or imprisonment for ten years.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures due to the bill’s incarceration penalty provision. Revenues would not be affected.

Local Effect: Potential minimal increase in revenues due to the bill’s monetary penalty provision because these cases would be heard in the circuit courts. Expenditures would not be affected.

Small Business Effect: None.

Analysis

Bill Summary: “Material support or resources” is defined to mean: (1) currency, monetary instruments, or financial securities, financial services, lodging, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, or transportation; or (2) personnel, training, or professional

advice relating to or supporting terrorist activities. Material support or resources does not include written or recorded materials intended to express political or religious views or to provide information unrelated to terrorist activity.

“Terrorist organization” is defined to mean an organization that is designated as a foreign terrorist organization in accordance with certain federal statutory provisions.

The bill also provides that an organization that solicits material support or resources from a person is required to inform that person in writing if the organization is either a terrorist organization or controlled by a terrorist organization. A violator is subject to the bill’s criminal penalty provisions.

Current Law: This bill adds additional prohibitions under the Sabotage subtitle of the new Criminal Law Article, which provides, in part, that if conduct prohibited by the subtitle is also unlawful under another law, a person may be convicted for the violation of the subtitle and the other law.

Background: This bill is in response to general and specific concerns that have arisen nationally relating to threats of terrorism since September 11, 2001. Generally, State efforts have centered on creating specific statutory crimes for terrorist acts and providing appropriate penalties for making false threats or creating fear.

The U.S. Secretary of State designates Foreign Terrorist Organizations (FTOs), in consultation with the U.S. Attorney General and the Secretary of the Treasury. These designations are undertaken pursuant to the Immigration and Nationality Act, as amended by the Antiterrorism and Effective Death Penalty Act of 1996. FTO designations are valid for two years, after which they must be redesignated or they automatically expire. Redesignation after two years is a positive act and represents a determination by the Secretary of State that the organization has continued to engage in terrorist activity and still meets the criteria specified in law.

The legal criteria for designation are as follows: (1) the organization must be foreign; (2) the organization must engage in terrorist activity as defined in the Immigration and Nationality Act; and (3) the organization’s activities must threaten the security of U.S. nationals or the national security of the U.S., including national defense, foreign relations, or economic interests.

The effects of such a designation are that: (1) it is unlawful for a person in, or subject to the jurisdiction of, the U.S. to provide funds or other material support to a designated FTO; (2) representatives and certain members of a designated FTO, if they are aliens, can be denied visas or excluded from the U.S., and (3) U.S. financial institutions must block

funds of designated FTOs and their agents and report the blockage to the Treasury Department's Office of Foreign Assets Control.

The current list of designated foreign terrorist organizations is as follows:

- Abu Nidal Organization (ANO)
- Abu Sayyaf Group
- Armed Islamic Group (GIA)
- Aum Shinrikyo
- Basque Fatherland and Liberty (ETA)
- Gama'a al-Islamiyya (Islamic Group)
- HAMAS (Islamic Resistance Movement)
- Harakat ul-Mujahidin (HUM)
- Hizballah (Party of God)
- Islamic Movement of Uzbekistan (IMU)
- al-Jihad (Egyptian Islamic Jihad)
- Kahane Chai (Kach)
- Kurdistan Workers' Party (PKK)
- Liberation Tigers of Tamil Eelam (LTTE)
- Mujahedin-e Khalq Organization (MEK)
- National Liberation Army (ELN)
- Palestinian Islamic Jihad (PIJ)
- Palestine Liberation Front (PLF)
- Popular Front for the Liberation of Palestine (PFLP)
- PFLP-General Command (PFLP-GC)
- al-Qa'ida
- Real IRA
- Revolutionary Armed Forces of Colombia (FARC)
- Revolutionary Nuclei (formerly ELA)
- Revolutionary Organization 17 November
- Revolutionary People's Liberation Army/Front (DHKP/C)
- Shining Path (Sendero Luminoso, SL)
- United Self-Defense Forces of Colombia (AUC)

State Expenditures: General fund expenditures could increase minimally as a result of the bill's incarceration penalty due to more people being committed to Division of Correction (DOC) facilities. The number of people convicted of this proposed crime is expected to be minimal.

Generally, persons serving a sentence longer than one year are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$1,850 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) is \$300 per month.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services (Division of Correction), Department of Legislative Services

Fiscal Note History: First Reader - February 26, 2002
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