

HB4853



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4853

by Rep. Patrick J Verschoore

SYNOPSIS AS INTRODUCED:

720 ILCS 5/29D-10

Amends the Terrorism Article of the Criminal Code of 1961. Includes in the definition of "terrorist act", any act that interrupts or interferes with agricultural production, agricultural research, or agricultural equipment for purposes of disrupting or influencing, through intimidation or other means, consumer confidence or agricultural production methods.

LRB095 16902 RLC 42945 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing
5 Section 29D-10 as follows:

6 (720 ILCS 5/29D-10)

7 Sec. 29D-10. Definitions. As used in this Article, where
8 not otherwise distinctly expressed or manifestly incompatible
9 with the intent of this Article:

10 (a) "Computer network" means a set of related, remotely
11 connected devices and any communications facilities including
12 more than one computer with the capability to transmit data
13 among them through communication facilities.

14 (b) "Computer" means a device that accepts, processes,
15 stores, retrieves, or outputs data, and includes, but is not
16 limited to, auxiliary storage and telecommunications devices.

17 (c) "Computer program" means a series of coded instruction
18 or statements in a form acceptable to a computer which causes
19 the computer to process data and supply the results of data
20 processing.

21 (d) "Data" means representations of information,
22 knowledge, facts, concepts or instructions, including program
23 documentation, that are prepared in a formalized manner and are

1 stored or processed in or transmitted by a computer. Data may
2 be in any form, including but not limited to magnetic or
3 optical storage media, punch cards, or data stored internally
4 in the memory of a computer.

5 (e) "Biological products used in or in connection with
6 agricultural production" includes, but is not limited to,
7 seeds, plants, and DNA of plants or animals altered for use in
8 crop or livestock breeding or production or which are sold,
9 intended, designed, or produced for use in crop production or
10 livestock breeding or production.

11 (e-5) "Agricultural equipment" means any implement,
12 machinery, real or personal property, building, or structure
13 that is used in the production, growing, harvesting, or housing
14 of any agricultural product. "Agricultural equipment" also
15 includes any laboratory, research, product, samples, supplies,
16 or fixed equipment that is used to test, develop, or analyze
17 the process of producing, growing, or maintaining any
18 agricultural product.

19 (f) "Agricultural products" means crops and livestock.

20 (g) "Agricultural production" means the breeding and
21 growing of livestock and crops.

22 (g-5) "Animal feed" means an article that is intended for
23 use for food for animals other than humans and that is intended
24 for use as a substantial source of nutrients in the diet of the
25 animal, and is not limited to a mixture intended to be the sole
26 ration of the animal.

1 (g-10) "Contagious or infectious disease" means a specific
2 disease designated by the Illinois Department of Agriculture as
3 contagious or infectious under rules pertaining to the Illinois
4 Diseased Animals Act.

5 (g-15) "Processed food" means any food other than a raw
6 agricultural commodity and includes any raw agricultural
7 commodity that has been subject to processing, such as canning,
8 cooking, freezing, dehydration, or milling.

9 (g-20) "Raw agricultural commodity" means any food in its
10 raw or natural state, including all fruits that are washed,
11 colored, or otherwise treated in their unpeeled natural form
12 prior to marketing.

13 (g-25) "Endangering the food supply" means to knowingly:

14 (1) bring into this State any domestic animal that is
15 affected with any contagious or infectious disease or any
16 animal that has been exposed to any contagious or
17 infectious disease;

18 (2) expose any animal in this State to any contagious
19 or infectious disease;

20 (3) deliver any poultry that is infected with any
21 contagious or infectious disease to any poultry producer
22 pursuant to a production contract;

23 (4) except as permitted under the Insect Pest and Plant
24 Disease Act, bring or release into this State any insect
25 pest or expose any plant to an insect pest; or

26 (5) expose any raw agricultural commodity, animal

1 feed, or processed food to any contaminant or contagious or
2 infectious disease.

3 "Endangering the food supply" does not include bona fide
4 experiments and actions related to those experiments carried on
5 by commonly recognized research facilities or actions by
6 agricultural producers and animal health professionals who may
7 inadvertently contribute to the spread of detrimental
8 biological agents while employing generally acceptable
9 management practices.

10 (g-30) "Endangering the water supply" means to knowingly
11 contaminate a public or private water well or water reservoir
12 or any water supply of a public utility or tamper with the
13 production of bottled or packaged water or tamper with bottled
14 or packaged water at a retail or wholesale mercantile
15 establishment. "Endangering the water supply" does not include
16 contamination of a public or private well or water reservoir or
17 any water supply of a public utility that may occur
18 inadvertently as part of the operation of a public utility or
19 electrical generating station.

20 (h) "Livestock" means animals bred or raised for human
21 consumption.

22 (i) "Crops" means plants raised for: (1) human consumption,
23 (2) fruits that are intended for human consumption, (3)
24 consumption by livestock, and (4) fruits that are intended for
25 consumption by livestock.

26 (j) "Communications systems" means any works, property, or

1 material of any radio, telegraph, telephone, microwave, or
2 cable line, station, or system.

3 (k) "Substantial damage" means monetary damage greater
4 than \$100,000.

5 (l) "Terrorist act" or "act of terrorism" means: (1) any
6 act that is intended to cause or create a risk and does cause
7 or create a risk of death or great bodily harm to one or more
8 persons; (2) any act that disables or destroys the usefulness
9 or operation of any communications system; (3) any act or any
10 series of 2 or more acts committed in furtherance of a single
11 intention, scheme, or design that disables or destroys the
12 usefulness or operation of a computer network, computers,
13 computer programs, or data used by any industry, by any class
14 of business, or by 5 or more businesses or by the federal
15 government, State government, any unit of local government, a
16 public utility, a manufacturer of pharmaceuticals, a national
17 defense contractor, or a manufacturer of chemical or biological
18 products used in or in connection with agricultural production;
19 (4) any act that disables or causes substantial damage to or
20 destruction of any structure or facility used in or used in
21 connection with ground, air, or water transportation; the
22 production or distribution of electricity, gas, oil, or other
23 fuel (except for acts that occur inadvertently and as the
24 result of operation of the facility that produces or
25 distributes electricity, gas, oil, or other fuel); the
26 treatment of sewage or the treatment or distribution of water;

1 or controlling the flow of any body of water; (5) any act that
2 causes substantial damage to or destruction of livestock or to
3 crops or a series of 2 or more acts committed in furtherance of
4 a single intention, scheme, or design which, in the aggregate,
5 causes substantial damage to or destruction of livestock or
6 crops; (6) any act that causes substantial damage to or
7 destruction of any hospital or any building or facility used by
8 the federal government, State government, any unit of local
9 government or by a national defense contractor or by a public
10 utility, a manufacturer of pharmaceuticals, a manufacturer of
11 chemical or biological products used in or in connection with
12 agricultural production or the storage or processing of
13 agricultural products or the preparation of agricultural
14 products for food or food products intended for resale or for
15 feed for livestock; (7) any act that causes substantial damage
16 to any building containing 5 or more businesses of any type or
17 to any building in which 10 or more people reside; (8)
18 endangering the food supply; (8.1) any act that interrupts or
19 interferes with agricultural production, agricultural
20 research, or agricultural equipment for purposes of disrupting
21 or influencing, through intimidation or other means, consumer
22 confidence or agricultural production methods; or (9)
23 endangering the water supply.

24 (m) "Terrorist" and "terrorist organization" means any
25 person who engages or is about to engage in a terrorist act
26 with the intent to intimidate or coerce a significant portion

1 of a civilian population.

2 (n) "Material support or resources" means currency or other
3 financial securities, financial services, lodging, training,
4 safe houses, false documentation or identification,
5 communications equipment, facilities, weapons, lethal
6 substances, explosives, personnel, transportation, any other
7 kind of physical assets or intangible property, and expert
8 services or expert assistance.

9 (o) "Person" has the meaning given in Section 2-15 of this
10 Code and, in addition to that meaning, includes, without
11 limitation, any charitable organization, whether incorporated
12 or unincorporated, any professional fund raiser, professional
13 solicitor, limited liability company, association, joint stock
14 company, association, trust, trustee, or any group of people
15 formally or informally affiliated or associated for a common
16 purpose, and any officer, director, partner, member, or agent
17 of any person.

18 (p) "Render criminal assistance" means to do any of the
19 following with the intent to prevent, hinder, or delay the
20 discovery or apprehension of, or the lodging of a criminal
21 charge against, a person who he or she knows or believes has
22 committed an offense under this Article or is being sought by
23 law enforcement officials for the commission of an offense
24 under this Article, or with the intent to assist a person in
25 profiting or benefiting from the commission of an offense under
26 this Article:

- 1 (1) harbor or conceal the person;
- 2 (2) warn the person of impending discovery or
3 apprehension;
- 4 (3) provide the person with money, transportation, a
5 weapon, a disguise, false identification documents, or any
6 other means of avoiding discovery or apprehension;
- 7 (4) prevent or obstruct, by means of force,
8 intimidation, or deception, anyone from performing an act
9 that might aid in the discovery or apprehension of the
10 person or in the lodging of a criminal charge against the
11 person;
- 12 (5) suppress, by any act of concealment, alteration, or
13 destruction, any physical evidence that might aid in the
14 discovery or apprehension of the person or in the lodging
15 of a criminal charge against the person;
- 16 (6) aid the person to protect or expeditiously profit
17 from an advantage derived from the crime; or
- 18 (7) provide expert services or expert assistance to the
19 person. Providing expert services or expert assistance
20 shall not be construed to apply to: (1) a licensed attorney
21 who discusses with a client the legal consequences of a
22 proposed course of conduct or advises a client of legal or
23 constitutional rights and (2) a licensed medical doctor who
24 provides emergency medical treatment to a person whom he or
25 she believes has committed an offense under this Article
26 if, as soon as reasonably practicable either before or

1 after providing such treatment, he or she notifies a law
2 enforcement agency.

3 (Source: P.A. 94-68, eff. 6-22-05.)