

TITLE 18
CRIMES AND PUNISHMENTS

CHAPTER 81
TERRORIST CONTROL ACT

18-8101. PURPOSE. The legislature recognizes the constitutional right of every citizen to harbor and express beliefs on any subject, to associate with others who share similar beliefs, and to keep and bear arms. It is not the intent, by the provisions of this chapter, to interfere with the exercise of rights protected by the constitutions of the state of Idaho or the United States. The legislature further recognizes and finds that conspiracies and training activities in furtherance of unlawful acts of violence against persons and property is not constitutionally protected, poses a threat to public order and safety, and should be subject to criminal sanctions.

[18-8101, added 1987, ch. 318, sec. 1, p. 669.]

18-8102. DEFINITIONS. As used in this chapter:

(1) "Civil disorder" means any public disturbance involving acts of violence by an assemblage of two (2) or more persons which acts cause an immediate danger of or result in damage or injury to the property or person of any other individual.

(2) "Governmental military force" means the national guard, as defined in section 101(9) of title 10, United States Code; the organized militia of any state or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, not included with the definition of national guard as defined by such section 101(9); and the armed forces of the United States.

(3) "Law enforcement agency" means a governmental unit of one (1) or more persons employed full time or part time by the state or federal government, or a political subdivision thereof, for the purpose of preventing and detecting crime and enforcing laws or local ordinances and the employees of which are authorized to make arrests for crimes while acting within the scope of their authority.

(4) "Peace officer" means any duly appointed officer of a law enforcement agency as defined herein including, but not limited to, an officer of the Idaho state police, department of fish and game, a sheriff or deputy sheriff of a county, or a marshal or police officer of a city.

(5) "Terrorism" means activities that:

(a) Are a violation of Idaho criminal law; and

(b) Involve acts dangerous to human life that are intended to:

(i) Intimidate or coerce a civilian population;

(ii) Influence the policy of a government by intimidation or coercion; or

(iii) Affect the conduct of a government by the use of weapons of mass destruction, as defined in section [18-3322](#), Idaho Code.

[18-8102, added 1987, ch. 318, sec. 1, p. 670; am. 1995, ch. 116, sec. 22, p. 399; am. 2000, ch. 469, sec. 29, p. 1489; am. 2002, ch. 222, sec. 6, p. 628.]

18-8103. PROHIBITED ACTIVITIES -- PENALTIES. Any person who:

(1) Conspires with one (1) or more persons to injure, oppress, threaten or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the constitutions or laws of the United States or the state of Idaho, by the use of violence against the person or property of such citizen; or

(2) Goes on the highway, or on the premises of any citizen, with one (1) or more other persons, with the intent by use of violence against such citizen or his property, to prevent or hinder his free exercise or enjoyment of any right or privilege so secured; or

(3) Assembles with one (1) or more persons for the purpose of training or instructing in the use of, or practicing with, any technique or means capable of causing property damage, bodily injury or death with the intent to employ such training, instruction or practice in the commission of a civil disorder, as defined herein; or

(4) Commits an act of terrorism, as defined in this chapter; or

(5) Conspires with one (1) or more persons to commit an act of terrorism, as defined in this chapter;

shall be guilty of a felony. A violation of subsection (1), (2) or (3) of this section shall be punished by imprisonment in the state prison for a period not to exceed ten (10) years, by a fine not in excess of fifty thousand dollars (\$50,000), or by both such fine and imprisonment. A violation of subsection (4) or (5) shall be punished by imprisonment in the state prison for a period of up to and including life imprisonment or by a fine not exceeding fifty thousand dollars (\$50,000), or by both.

[18-8103, added 1987, ch. 318, sec. 1, p. 670; am. 2002, ch. 222, sec. 7, p. 629.]

18-8104. EXCLUSIONS. Nothing contained in this chapter makes unlawful any act protected pursuant to article I, section 11, of the Idaho constitution, or any act of any peace officer which is performed in the lawful performance of the law enforcement officer's official duties. Nothing contained in this chapter makes unlawful any activity of the department of fish and game, any governmental military force, the department of correction, any law enforcement agency, or any activity intended to teach or practice self-defense or self-defense techniques, such as karate clubs or self-defense clinics, and similar lawful activity, or any facility, program or lawful activity related to firearms instruction and training intended to teach the safe handling and use of firearms, or any other lawful sports or activities related to the individual recreational use or possession of firearms, including but not limited to, hunting activities, target shooting, self-defense, firearms collection or any organized activity including, but not limited to, any hunting club, rifle club, rifle range or shooting range which does not include a conspiracy as defined under the laws of this state or the knowledge of or the intent to cause or further a civil disorder.

[18-8104, added 1987, ch. 318, sec. 1, p. 670.]

18-8105. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

[18-8105, added 1987, ch. 318, sec. 1, p. 671; am. 2008, ch. 27, sec. 5, p. 45.]

18-8106. PROVIDING MATERIAL SUPPORT TO TERRORISTS. (1) A person who provides material support or resources, or who conceals or disguises the nature, location, source or ownership of material support or resources, with the knowledge and intention that such support or resources are to be used in the preparation or carrying out of a violation of this chapter, or in the preparation or carrying out of the concealment of such support or resources, or in the escape from the commission of any such violation, shall be guilty of a felony and shall be punished by imprisonment in the state prison for a period not to exceed fifteen (15) years or by a fine not exceeding fifty thousand dollars (\$50,000), or by both.

(2) As used in this section, the term "material support or resources" means currency or other financial securities, financial services, lodging, safe houses, training, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets. "Material support or resources" does not include medical or religious material.

[18-8106, added 2002, ch. 222, sec. 8, p. 630.]