

Amendment No. 2 to HB1353

Sargent
Signature of Sponsor

AMEND Senate Bill No. 1028*

House Bill No. 1353

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Sections 2 through 5 of this act shall be known and may be cited as the "Material Support to Designated Entities Act of 2011."

SECTION 2. Tennessee Code Annotated, Section 39-13-802, is amended by designating the existing language in the section as new subsection (a), and by adding the following language as a new, appropriately designated subsection:

() The general assembly further finds and declares that the threat from terrorism arises from a variety of sources and means other than through the utilization of weapons of mass destruction. The general assembly finds that this state has a compelling state interest in preventing terrorism within its borders, and the targeted prohibitions set forth in this part are meant to be a focused and least intrusive method for this state to protect its residents from such threats. The general assembly further declares that this part neither targets, nor incidentally prohibits or inhibits, the peaceful practice of any religion.

SECTION 3. Tennessee Code Annotated, Section 39-13-803, is amended by deleting subdivision (4) in its entirety and by adding the following language as new, appropriately designated subdivisions:

() "Designated entity" means any entity designated by the United States department of state as a foreign terrorist organization in accordance with § 219 of the Immigration and Nationality Act, as amended, or by the United States department of the treasury as a specially designated national in accordance with 31 CFR part 500;

() "Expert advice or assistance":

(A) Means advice or assistance derived from scientific, technical, legal or other specialized knowledge; and

(B) Does not mean legal services provided to a defendant in relation to any action brought pursuant to this part, or pursuant to federal or state law;

() "Financial institution" shall have the meaning provided in 31 CFR chapter X;

() "Material support or resources":

(A) Means any property, tangible or intangible, or service, including currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, transportation, and personnel; and

(B) Does not include medicine or religious materials;

() "Training" means instruction or teaching designed to impart a specific skill, as opposed to general knowledge;

SECTION 4. Tennessee Code Annotated, Section 39-13-807, is amended by deleting the section in its entirety and by substituting instead the following:

(a) It is an offense for any person to provide material support or resources, or attempt or conspire to provide material support or resources, to:

(1) Any person known by the person providing such material support or resources to be planning or carrying out an act of terrorism in this state, or concealing or attempting to escape after committing or attempting to commit an act of terrorism; or

(2) A designated entity; provided, the person must have actual knowledge that the entity is a designated entity.

(b) A violation of subsection (a) is a Class A felony.

(c) This section shall not apply to any financial service, funds transfer, or securities transaction conducted in the ordinary course of business by a financial institution subject to the information sharing, suspicious activity reporting, or currency

transaction reporting requirements of the Bank Secrecy Act (31 U.S.C. § 5311 et seq.), or the U.S.A. Patriot Act (PL 107-56); provided, that any such institution that acts with the intent to assist, aid, or abet any person planning or carrying out an act of terrorism in this state, or concealing or attempting to escape after committing or attempting to commit an act of terrorism, shall remain liable under subsection (a).

(d) A person prosecuted under subdivision (a)(2) shall be afforded the same due process rights as are afforded to persons prosecuted under 18 U.S.C. § 2339B.

(e) The district attorney shall notify the United States department of state, and any other appropriate federal department or agency, of a violation of subsection (a).

SECTION 5. Tennessee Code Annotated, Title 39, Chapter 13, Part 8, is amended by adding the following language as a new, appropriately designated section:

39-13-8__. Religious justification for violence or criminal activity prohibited by this part shall not be considered a justification or a defense pursuant to title 39, chapter 11, part 6, nor shall it prohibit prosecution pursuant to this part.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 7. This act shall take effect July 1, 2011, the public welfare requiring it.