

108TH CONGRESS
1ST SESSION

S. 1441

To amend title 18, United States Code, with respect to false information regarding certain criminal violations concerning hoax reports of biological, chemical, and nuclear weapons.

IN THE SENATE OF THE UNITED STATES

JULY 22 (legislative day, JULY 21), 2003

Mr. BIDEN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, with respect to false information regarding certain criminal violations concerning hoax reports of biological, chemical, and nuclear weapons.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protection Against
5 Terrorist Hoaxes Act of 2003”.

1 **SEC. 2. PROHIBITION ON HOAXES.**

2 (a) IN GENERAL.—Chapter 113B of title 18, United
3 States Code, is amended by inserting at the end the fol-
4 lowing:

5 **“§ 2339D. False information**

6 “(a) CRIMINAL VIOLATION.—Whoever, through the
7 use of the mail, telephone, telegraph, or other instrument
8 of interstate or foreign commerce, or in or affecting inter-
9 state or foreign commerce, knowingly engages in any con-
10 duct that is likely to impart the false impression that ac-
11 tivity is taking place, or will take place, that violates sec-
12 tion 175, 229, 831, or 2332a of this title shall be fined
13 under this title, imprisoned not more than 5 years, or
14 both.

15 “(b) CIVIL PENALTY.—Whoever, through the use of
16 the mail, telephone, telegraph, or other instrument of
17 interstate or foreign commerce, or in or affecting inter-
18 state or foreign commerce, knowingly engages in any con-
19 duct that is likely to impart the false impression that ac-
20 tivity is taking place, or will take place, that violates sec-
21 tion 175, 229, 831, or 2332a of this title is liable to the
22 United States or any State for a civil penalty of the great-
23 er of \$10,000 or the amount of money expended by the
24 United States or the State in responding to the false infor-
25 mation.

26 “(c) REIMBURSEMENT.—

1 “(1) CONVICTED DEFENDANT.—The court, in
2 imposing a sentence on a defendant who has been
3 convicted of an offense under subsection (a), shall
4 order the defendant to reimburse the United States
5 or a State for any expenses incurred by the United
6 States or a State incident to the investigation of the
7 offense, including the cost of any response made to
8 protect public health or safety.

9 “(2) JOINTLY AND SEVERALLY LIABLE.—A
10 person ordered to reimburse the United States for
11 expenses under paragraph (1) shall be jointly and
12 severally liable for such expenses with each other
13 person, if any, who is ordered under this chapter to
14 reimburse the United States or any State.”.

15 (b) CONFORMING AMENDMENT.—The table of con-
16 tents of chapter 113B of title 18, United States Code, is
17 amended by adding after the item for section 2339C the
18 following:

“2339D. False information.”.

○