

**Introduced by Senator Anderson**February 16, 2016

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An act to add Section 52.8 to the Civil Code, relating to terrorism.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1057, as introduced, Anderson. Terrorism: civil action.

Existing law provides that every person has, subject to the qualifications and restrictions provided by law, the right of protection from bodily harm, and from injury to his or her personal relations. Existing law authorizes the California Victim Compensation and Government Claims Board to compensate a victim of a crime from the Restitution Fund, a continuously appropriated fund, for pecuniary loss incurred as a direct result of the crime, when the board determines it will best aid the person seeking compensation.

This bill would authorize a person who is injured by an act of terrorism, as defined, to bring an action to recover damages against a person or entity who committed the act of terrorism, aided the person or entity to commit the act or terrorism, or coerced, induced, or solicited the person or entity to commit the act of terrorism. The bill would provide that the amount awarded may be up to 3 times the damages actually incurred, but in no event less than \$10,000. The bill would permit a civil action or proceeding under this section to be commenced at any time within 5 years after the injury caused by the act of terrorism is suffered, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 52.8 is added to the Civil Code, to read:

2 52.8. (a) (1) A person who is injured by an act of terrorism  
3 may bring an action to recover damages against the following  
4 persons and entities:

5 (A) A person or entity who committed the act of terrorism.

6 (B) A person or entity who aided the person or entity to commit  
7 the act of terrorism.

8 (C) A person or entity who coerced, induced, or solicited the  
9 person or entity to commit the act of terrorism.

10 (2) The amount awarded may be up to three times the damages  
11 actually incurred, but in no event less than ten thousand dollars  
12 (\$10,000). If the plaintiff prevails, the plaintiff shall be awarded  
13 reasonable attorney’s fees and costs of investigation and litigation.

14 (3) All persons or entities who commit an act of terrorism, aid  
15 the person or entity to commit the act of terrorism, or coerce,  
16 induce, or solicit the person or entity to committed the act of  
17 terrorism, shall be jointly and severally liable for all damages,  
18 attorney’s fees, and costs of investigation and litigation.

19 (4) Notwithstanding any law, a civil action or proceeding under  
20 this section may be commenced at any time within five years after  
21 the injury caused by the act of terrorism. If a criminal prosecution  
22 proceeds against a person or entity who committed an act of  
23 terrorism, aided the person or entity to commit the act of terrorism,  
24 or coerced, induced, or solicited the person or entity to commit  
25 the act of terrorism, the time for commencing suit shall be tolled  
26 during the pendency of that criminal prosecution.

27 (b) As used in this section, “terrorism” means the commission  
28 of any of the acts listed in this subdivision if the offender has the  
29 intent to intimidate or coerce the civilian population, influence the  
30 policy of a unit of government by intimidation or coercion, or  
31 affect the conduct of a unit of government by intimidation or  
32 coercion.

33 (1) Killing of a human being, including unlawful homicide or  
34 manslaughter, as defined in Chapter 1 (commencing with Section  
35 187) of Title 8 of Part 1 of the Penal Code.

36 (2) Intentional infliction of great bodily injury upon a human  
37 being.

38 (3) Kidnapping, as defined in Section 207 of the Penal Code.

- 1 (4) Arson, as defined in Chapter 1 (commencing with Section  
2 450) of Title 13 of Part 1 of the Penal Code.
- 3 (5) Felony vandalism, as defined in paragraph (1) of subdivision  
4 (b) of Section 594 of the Penal Code.
- 5 (6) Assault with a deadly weapon or by means of force likely  
6 to produce great bodily injury, as defined in Section 245 of the  
7 Penal Code.
- 8 (7) Robbery, as defined in Chapter 4 (commencing with Section  
9 211) of Title 8 of Part 1 of the Penal Code.
- 10 (8) Shooting at an inhabited dwelling or occupied motor vehicle,  
11 as defined in Section 246 of the Penal Code.
- 12 (9) Discharging or permitting the discharge of a firearm from  
13 a motor vehicle, as defined in subdivisions (a) and (b) of Section  
14 26100 of the Penal Code.
- 15 (10) Rape, as defined in Section 261 of the Penal Code.
- 16 (11) Looting, as defined in Section 463 of the Penal Code.
- 17 (12) Aggravated mayhem, as defined in Section 205 of the Penal  
18 Code.
- 19 (13) Torture, as defined in Section 206 of the Penal Code.
- 20 (14) Carjacking, as defined in Section 215 of the Penal Code.
- 21 (15) Threats to commit crimes which would result in death or  
22 great bodily injury, as defined in Section 422 of the Penal Code.
- 23 (16) Using or directly employing against another person a  
24 weapon of mass destruction in a form that may cause widespread  
25 great bodily injury or death.
- 26 (17) Using a weapon of mass destruction in a form that may  
27 cause widespread damage to or disruption of the food supply or  
28 “source of drinking water” as defined in subdivision (d) of Section  
29 25249.11 of the Health and Safety Code.
- 30 (18) Using a weapon of mass destruction in a form that may  
31 cause widespread and significant damage to public natural  
32 resources, including coastal waterways and beaches, public  
33 parkland, surface waters, groundwater, and wildlife.
- 34 (19) Using recombinant technology or any other biological  
35 advance to create new pathogens or more virulent forms of existing  
36 pathogens for use in any crime.
- 37 (20) Giving, mailing, sending, or causing to be sent any false  
38 or facsimile weapon of mass destruction to another person, or  
39 placing, causing to be placed, or possessing any false or facsimile

1 weapon of mass destruction, with the intent to cause another person  
2 to fear for his or her own safety, or for the personal safety of others.

3 (21) Knowingly threatening to use a weapon of mass destruction.

4 (c) As used in this section, “aiding a person or entity to commit  
5 an act of terrorism” means raising, soliciting, collecting, or  
6 providing material support or resources with the intent that it will  
7 be used, in whole or in part, to plan, prepare, carry out, or aid in  
8 any act of terrorism, hindering the prosecution of terrorism, or the  
9 concealment of, or escape from, an act of terrorism.

10 (d) As used in this section, “hindering prosecution of terrorism”  
11 includes, but is not limited to, all of the following:

12 (1) Harboring or concealing a person who is known, or believed,  
13 by the offender to have committed an act of terrorism.

14 (2) Warning a person who is known, or believed, by the offender  
15 to have committed an act of terrorism of impending discovery or  
16 apprehension.

17 (3) Suppressing any physical evidence that might aid in the  
18 discovery or apprehension of a person who is known, or believed,  
19 by the offender to have committed an act of terrorism.

20 (e) As used in this section, “material support or resources”  
21 means currency or other financial assistance, financial services,  
22 instruments of value, lodging, training, safehouses, false  
23 documentation or identification, communication equipment,  
24 computer equipment, software, facilities, weapons, lethal  
25 substances, explosives, personnel, transportation, and other physical  
26 assets, except the provision of medical attention by a licensed  
27 health care provider or religious materials.

28 (f) As used in this section, “weapon of mass destruction”  
29 includes, but is not limited to, chemical warfare agents, weaponized  
30 biological or biologic warfare agents, restricted biological agents,  
31 nuclear agents, radiological agents, or the intentional release of  
32 industrial agents, as a weapon, or an aircraft, vessel, or vehicle as  
33 described in Section 34500 of the Vehicle Code, that is used as a  
34 destructive weapon.