

Terrorism Act of 2002

C. 266 § 101 Malicious Explosion

- whoever wilfully, intentionally and without right
- by the explosion of gunpowder or of any other explosive
- unlawfully damages or destroys property or injures a person

Penalty F—Violators shall be punished by imprisonment in the state prison for not more than twenty years or in jail for not more than two and one half years or by a fine of not more than one thousand dollars.

C. 266 § 102 Throwing Explosive at Persons or Property

- whoever wilfully and intentionally throws at or near any person
- or**
- whoever wilfully, intentionally and without right throws into, against or upon, any property real or personal
- or**
- puts, places or explodes or causes to be exploded in, upon or near such property, or near any person
- gunpowder or other explosive, or a bombshell, torpedo or other instrument filled or loaded with an explosive
- with an intent unlawfully to destroy or damage property or to injure any person
- or**
- whoever has in his possession or under his control such an article or instrument with said intent

Penalty F—Violators shall be punished by imprisonment in the state prison for not more than twenty years, or in the house of correction for not more than two and one half years, or by a fine of not more than twenty-five thousand dollars, or both.

C. 266 § 102A Possession of Infernal Machine

- whoever, other than a police or other law enforcement officer acting in the discharge of his official duties
- has in his possession or under control
- an infernal machine or a similar instrument, contrivance or device

Penalty F—Violators shall be punished by imprisonment in the state prison for not more than ten years or in jail for not more than two and one half years, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment, and the said machine, instrument, contrivance or device shall be forfeited to the commonwealth.

DEFINITION OF INFERNAL MACHINE BY STATUTE: The term “**infernal machine**,” as used in this section, shall include any device for endangering life or doing unusual damage to property, or both, by fire or explosion, whether or not contrived to ignite or explode automatically and whether or not disguised so as to appear harmless. Notice of the seizure of any such machine, instrument, contrivance or device shall be sent forthwith to the commissioner of public safety and the article seized shall be subject to his order.

C. 266 § 102A 1/2 Possession of a Hoax Device or Hoax Substance

- whoever possesses, transports, uses or places
- whoever causes another to knowingly or unknowingly possess, transport, use or place
- any hoax device *or hoax substance*
- with the intent to cause anxiety, unrest, fear or personal discomfort to any person or group of persons

PENALTY F: Violators shall be punished by imprisonment in a house of correction for not more than two and one-half years or by imprisonment in the state prison for not more than five years or by a fine of not more than \$5,000, or by both such fine and imprisonment.

DEFINITION OF HOAX SUBSTANCE: For the purposes of this section, the words “hoax substance” shall mean any substance that would cause a person reasonably to believe that such substance is a harmful chemical or biological agent, a poison, a harmful radioactive substance or any other substance for causing serious bodily injury, endangering life or doing unusual damage to property, or both.

DEFINITION OF HOAX DEVICE: For the purposes of this section, the term “hoax device” shall mean any device that would cause a person reasonably to believe that such device is an infernal machine. For the purposes of this section, the term “infernal machine” shall mean any device for endangering life or doing unusual damage to property, or both, by fire or explosion, whether or not contrived to ignite or explode automatically.

EXEMPTION: This section shall not apply to any law enforcement or public safety officer acting in the lawful discharge of official duties.

C. 266 § 102B Possession of Molotov Cocktail

- whoever makes, sells, uses or has in his possession or under his control
- a bottle or other breakable container containing a flammable liquid
- into which has been fixed or placed a wick or similar device
- and which bottle or container when ignited and thrown will cause a fire or explosion

Penalty F—Violators shall be punished by a fine of not more than one thousand dollars or imprisonment for not more than five years in the state prison or by imprisonment for not more than two and one-half years in a house of correction or both such fine and imprisonment.

INAPPLICABILITY: The provisions of this section shall not apply to flares, lanterns, fireworks or other such devices used for signal or illumination purposes, or for any other lawful purpose.

STATUTORY ARREST & 24 HOUR COMPLAINT MUST BE MADE: Whoever violates any provision of this section may be arrested without a warrant and held in custody in jail or otherwise until a complaint be made against him for such offense unless previously admitted to bail, which complaint shall be made as soon as practicable and in any case within twenty-four hours, Sundays and legal holidays excepted.

C. 266 § 102C Possession Of Any Biological, Chemical Or Nuclear Delivery System

- whoever, without lawful authority, knowingly develops, produces, stockpiles, acquires, transports, possesses or uses
 - any biological, chemical or nuclear weapon or delivery system
 - with the intent to cause death, bodily injury or property damage
- or**
- whoever has in his possession or under his control such an article, contrivance, device or substance, with said intent

Penalty F: Violators shall be punished by imprisonment in the house of correction for not more than 2 and one-half years or by imprisonment in the state prison for not more than 20 years or by a fine of not more than \$20,000, or by both such fine and imprisonment.

For the purposes of this section, the following words shall have the following meanings:

“Biological weapon”, any microorganism, virus, infectious substance or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, except where intended for a purpose not prohibited under this section, specifically prepared in a manner to cause death, disease or other biological malfunction in a human, animal, plant, or another living organism, deterioration of food, water, equipment supplies or material of any kind, or deleterious alteration of the environment.

“Chemical weapon”, a toxic chemical or its precursors, except where intended for a purpose not prohibited under this section as long as the type and quantity is consistent with such a purpose, a munition or device, specifically designed to cause death or other harm through toxic properties of those toxic chemicals which would be released as a result of the employment of such munition or device.

“Nuclear weapon”, a device designed to release radiation or radioactivity at a level, which can cause bodily harm, or a dangerous radioactive substance.

“Delivery system”, any equipment specifically designed for use directly in connection with the employment of chemical, biological or nuclear weapons.

C. 269 § 12F Entering Secure Area Of Airport With Cutting Device (Definitions)

(a) For the purposes of this section, the following words shall have the following meanings:-

“Airplane”, an aircraft operated by an air carrier holding a certificate issued under 49 U.S.C. 41101 or any aircraft ordinarily used to transport passengers or cargo for hire.

“Cutting device”, any knife, cutlery, straight razor, box cutter or other device containing a fixed, folding or retractable blade, which is not included in the list of weapons set forth in paragraph (b) of section 10.

“Prohibited weapon”, any infernal machine as defined in [section 102A of chapter 266](#), any stun gun as defined in section 131J of chapter 140, any rifle, shotgun or firearm as defined in section 121 of chapter 140 or any weapon included in the list of weapons set forth in paragraph (b) of section 10.

“Secure area”, any area of an airport to which access is restricted through security measures by the airport authority or a public agency and the area beyond a passenger or property screening checkpoint at an airport.

“Airplane cabin”, any passenger or flight crew area within an airplane while the airplane is on the ground in the commonwealth or over the commonwealth.

C. 269 § 12F Entering Secure Area Of Airport With Cutting Device

(b) whoever occupies, or attempts to enter or occupy, a secure area of an airport or the cabin of an airplane, knowingly having in his possession or in his control and knowingly concealing, a cutting device or a prohibited weapon, notwithstanding any license to possess such a weapon or device

Penalty F: Violators shall be punished by imprisonment in the house of correction for not more than 2 and one-half years or by imprisonment in the state prison for not more than 5 years or by a fine of not more than \$5,000, or by both such fine and imprisonment.

C. 269 § 12F Entering Secure Area Of Airport With Cutting Device With Intent Felony

(c) whoever, *with intent to commit a felony*, occupies, or attempts to enter or occupy, a secure area of an airport or the cabin of an airplane knowingly having in his possession or in his control a cutting device or a prohibited weapon

Penalty F: Violators shall be punished by imprisonment in the house of correction for not more than 2 years or by imprisonment in the state prison for not more than 10 years or by a fine of not more than \$10,000, or by both such fine and imprisonment.

C. 269 § 12F Placing Prohibited Weapon In Airport Or Cabin Of Aircraft

(d) whoever, with intent to commit a felony, places, attempts to place or attempts to have placed within a secure area of an airport or the cabin of an airplane, a prohibited weapon or cutting device, notwithstanding any license to possess such a weapon or device

Penalty F: Violators shall be punished by imprisonment in the house of correction for not more than 2½ years or by imprisonment in the state prison for not more than 10 years or by a fine of not more than \$10,000, or by both such fine and imprisonment.

C. 269 § 12F Reckless Violation Of The Statute

(e) whoever willfully and without regard for the safety of human life, or with reckless disregard for the safety of human life, violates subsection (b), (c) or (d)

Penalty F: Violators shall be punished by imprisonment in the state prison for not more than 20 years or by a fine of not more than \$20,000, or by both such fine and imprisonment.

(f) *This section shall not apply to:*

- (1) any law enforcement officer of a state or political subdivision of a state, an officer or employee of the United States government or United States military personnel authorized to carry prohibited weapons or cutting devices in an official capacity;
- (2) a duly licensed individual transporting an unloaded, lawful weapon or cutting device in baggage not accessible to a passenger in flight and, in the case of a lawful weapon, if the air carrier was informed of the presence of the weapon;
- (3) a cutting device, which is otherwise lawfully possessed, ordinarily used in the course of the holder's employment, trade or occupation, while the holder is authorized to conduct such employment, trade or occupation within a secure area of an airport or airplane cabin.

C. 269 § 14 Report Of Weapon Or Property Capable Of Causing Damage, Threat to HiJack (Definitions)

(a) For the purposes of this section, the following words shall have the following meanings:

“**Hijack**”, to commandeer or to take control without authority.

“**School**”, any public or private preschool, headstart facility, elementary, vocational or secondary school, college or university.

“**Serious bodily injury**”, bodily injury which results in a permanent disfigurement, protracted loss or impairment of a bodily function, limb or organ, or substantial risk of death.

C. 269 § 14 False Report of a Firearm, Bomb, Or Any Weapon Or Property Capable Of Causing Damage

(b) whoever willfully communicates or causes to be communicated, either directly or indirectly, orally, in writing, by mail, by use of a telephone or telecommunication device including, but not limited to, electronic mail, Internet communications and facsimile communications, through an electronic communication device or by any other means, *a threat*:

that a firearm, rifle, shotgun, machine gun or assault weapon, as defined in section 121 of chapter 140

or

an explosive or incendiary device, a dangerous chemical or biological agent, a poison, a harmful radioactive substance

or any other device, substance or item

- capable of causing death, serious bodily injury or substantial property damage
- will be used at a place or location, or is present or will be present at a place or location
- whether or not the same is in fact used or present

Penalty F: Violators shall be punished by imprisonment in the state prison for not more than 20 years or imprisonment in the house of correction for not more than 2 and one-half years, or by fine of not more than \$10,000, or by both such fine and imprisonment.

C. 269 § 14 Threat To Hijack Aircraft Or Common Carrier

(b) whoever willfully communicates or causes to be communicated, either directly or indirectly, orally, in writing, by mail, by use of a telephone or telecommunication device including, but not limited to, electronic mail, Internet communications and facsimile communications, through an electronic communication device or by any other means, *a threat*:

- to hijack an aircraft, ship, or common carrier
- thereby causing anxiety, unrest, fear, or personal discomfort to any person or group of persons

Penalty F: Violators shall be punished by imprisonment in the state prison for not more than 20 years or imprisonment in the house of correction for not more than 2 and one-half years, or by fine of not more than \$10,000, or by both such fine and imprisonment.

C. 269 § 14 Threats Causing Evacuation Or Disruption Of School, Aircraft Or Public Inconvenience

(c) whoever

- willfully communicates or causes to be communicated such a threat
- thereby causing either the evacuation or serious disruption of a
- school, school related event, school transportation, or a dwelling, building, place of assembly, facility or public transport, or an aircraft, ship or common carrier

or

- willfully communicates or causes serious public inconvenience or alarm

Penalty F: Violators shall be punished by imprisonment in the state prison for not less than 3 years nor more than 20 years or imprisonment in the house of correction for not less than 6 months nor more than 2½ years, or by fine of not less than \$1,000 nor more than \$50,000, or by both such fine and imprisonment.

FIRST AMENDMENT FREEDOMS: Nothing in this section shall authorize the criminal prosecution of picketing, public demonstrations or other similar forms of expressing views.