

CHAPTER SIXTEEN: CRIMES AGAINST THE STATE

OVERVIEW OF TERRORISM LAWS IN ILLINOIS

There is no universally accepted definition of terrorism, for the actions, targets, and members are constantly changing. The FBI defines domestic terrorism as: Activities that involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any state; appear to be intended to intimidate or coerce a civilian population; to influence the policy of a government by mass destruction, assassination, or kidnapping; and occur primarily within the territorial jurisdiction of the United States.

International terrorism, on the other hand, is defined by the FBI as: Violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or any state, or that would be a criminal violation if committed within the jurisdiction of the United States or any state. These acts appear to be intended to intimidate or coerce a civilian population; influence the policy of a government by intimidation or coercion; or affect the conduct of a government by mass destruction, assassination or kidnapping and occur primarily outside the territorial jurisdiction of the United States or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum.

The mission of the Illinois Terrorism Task Force is to implement a comprehensive coordinated strategy for domestic preparedness in the state of Illinois, bringing together agencies, organizations and associations representing all disciplines in the war against terrorism.

The Illinois Terrorism Task Force was created May 2000. The purpose of the Task Force was to further Illinois' disaster preparation efforts to specifically address the State's role in Weapons of Mass Destruction (WMD) preparedness and to coordinate the response to WMD events throughout the State, utilizing expertise at local, state, and federal levels and across different disciplines. The Task Force focuses on issues such as providing quick response capability in every region of the State and basic WMD first responder training statewide.

The punishment for terrorism ranges anywhere from three years in prison to a sentence of death.

ILLINOIS STATE STATUTE FOR TERRORISM

720 Criminal Code (1961)

Article 29D. Terrorism

(720 ILCS 5/29D-5)

Sec. 29D-5. Legislative findings. The devastating consequences of the barbaric attacks on the World Trade Center and the Pentagon on September 11, 2001 underscore the compelling need for legislation that is specifically designed to combat the evils of terrorism. Terrorism is inconsistent with civilized society and cannot be tolerated.

A comprehensive State law is urgently needed to complement federal laws in the fight against terrorism and to better protect all citizens against terrorist acts. Accordingly, the legislature finds that our laws must be strengthened to ensure that terrorists, as well as those who solicit or provide financial and other support to terrorists, are prosecuted and punished in State courts with appropriate severity. The legislature further finds that due to the grave nature and global reach of terrorism that a comprehensive law encompassing State criminal statutes and strong civil remedies is needed.

An investigation may not be initiated or continued for activities protected by the First Amendment to the United States Constitution, including expressions of support or the provision of financial support for the nonviolent political, religious,

philosophical, or ideological goals or beliefs of any person or group.
(Source: P.A. 92-854, eff. 12-5-02.)

(720 ILCS 5/29D-10)

Sec. 29D-10. Definitions. As used in this Article, where not otherwise distinctly expressed or manifestly incompatible with the intent of this Article:

(a) "Computer network" means a set of related, remotely connected devices and any communications facilities including more than one computer with the capability to transmit data among them through communication facilities.

(b) "Computer" means a device that accepts, processes, stores, retrieves, or outputs data, and includes, but is not limited to, auxiliary storage and telecommunications devices.

(c) "Computer program" means a series of coded instruction or statements in a form acceptable to a computer which causes the computer to process data and supply the results of data processing.

(d) "Data" means representations of information, knowledge, facts, concepts or instructions, including program documentation, that are prepared in a formalized manner and are stored or processed in or transmitted by a computer. Data may be in any form, including but not limited to magnetic or optical storage media, punch cards, or data stored internally in the memory of a computer.

(e) "Biological products used in or in connection with agricultural production" includes, but is not limited to, seeds, plants, and DNA of plants or animals altered for use in crop or livestock breeding or production or which are sold, intended, designed, or produced for use in crop production or livestock breeding or production.

(f) "Agricultural products" means crops and livestock.

(g) "Agricultural production" means the breeding and growing of livestock and crops.

(g-5) "Animal feed" means an article that is intended for use for food for animals other than humans and that is intended for use as a substantial source of nutrients in the diet of the animal, and is not limited to a mixture intended to be the sole ration of the animal.

(g-10) "Contagious or infectious disease" means a specific disease designated by the Illinois Department of Agriculture as contagious or infectious under rules pertaining to the Illinois Diseased Animals Act.

(g-15) "Processed food" means any food other than a raw agricultural commodity and includes any raw agricultural commodity that has been subject to processing, such as canning, cooking, freezing, dehydration, or milling.

(g-20) "Raw agricultural commodity" means any food in its raw or natural state, including all fruits that are washed, colored, or otherwise treated in their unpeeled natural form prior to marketing.

(g-25) "Endangering the food supply" means to knowingly:

(1) bring into this State any domestic animal that is affected with any contagious or infectious disease or any animal that has been exposed to any contagious or infectious disease;

(2) expose any animal in this State to any contagious or infectious disease;

(3) deliver any poultry that is infected with any

contagious or infectious disease to any poultry producer pursuant to a production contract;

(4) except as permitted under the Insect Pest and Plant Disease Act, bring or release into this State any insect pest or expose any plant to an insect pest; or

(5) expose any raw agricultural commodity, animal feed, or processed food to any contaminant or contagious or infectious disease.

"Endangering the food supply" does not include bona fide experiments and actions related to those experiments carried on by commonly recognized research facilities or actions by agricultural producers and animal health professionals who may inadvertently contribute to the spread of detrimental biological agents while employing generally acceptable management practices.

(g-30) "Endangering the water supply" means to knowingly contaminate a public or private water well or water reservoir or any water supply of a public utility or tamper with the production of bottled or packaged water or tamper with bottled or packaged water at a retail or wholesale mercantile establishment. "Endangering the water supply" does not include contamination of a public or private well or water reservoir or any water supply of a public utility that may occur inadvertently as part of the operation of a public utility or electrical generating station.

(h) "Livestock" means animals bred or raised for human consumption.

(i) "Crops" means plants raised for: (1) human consumption, (2) fruits that are intended for human consumption, (3) consumption by livestock, and (4) fruits that are intended for consumption by livestock.

(j) "Communications systems" means any works, property, or material of any radio, telegraph, telephone, microwave, or cable line, station, or system.

(k) "Substantial damage" means monetary damage greater than \$100,000.

(l) "Terrorist act" or "act of terrorism" means: (1) any act that is intended to cause or create a risk and does cause or create a risk of death or great bodily harm to one or more persons; (2) any act that disables or destroys the usefulness or operation of any communications system; (3) any act or any series of 2 or more acts committed in furtherance of a single intention, scheme, or design that disables or destroys the usefulness or operation of a computer network, computers, computer programs, or data used by any industry, by any class of business, or by 5 or more businesses or by the federal government, State government, any unit of local government, a public utility, a manufacturer of pharmaceuticals, a national defense contractor, or a manufacturer of chemical or biological products used in or in connection with agricultural production; (4) any act that disables or causes substantial damage to or destruction of any structure or facility used in or used in connection with ground, air, or water transportation; the production or distribution of electricity, gas, oil, or other fuel (except for acts that occur inadvertently and as the result of operation of the facility that produces or distributes electricity, gas, oil, or other fuel); the treatment of sewage or the treatment or distribution of water; or controlling the flow of any body of water; (5) any act that causes substantial damage to or destruction of livestock or to crops or a series of 2 or more acts committed in furtherance of a single intention, scheme, or design which, in the aggregate, causes substantial damage to or destruction of livestock or crops; (6) any act that causes substantial damage to or destruction of any hospital or any building or facility used by the federal government, State government, any unit of local government or by a national defense contractor or by a public utility, a manufacturer of pharmaceuticals, a manufacturer of chemical or biological products used in or in connection with agricultural production or the storage or processing of agricultural products or the

preparation of agricultural products for food or food products intended for resale or for feed for livestock; (7) any act that causes substantial damage to any building containing 5 or more businesses of any type or to any building in which 10 or more people reside; (8) endangering the food supply; or (9) endangering the water supply.

(m) "Terrorist" and "terrorist organization" means any person who engages or is about to engage in a terrorist act with the intent to intimidate or coerce a significant portion of a civilian population.

(n) "Material support or resources" means currency or other financial securities, financial services, lodging, training, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, any other kind of physical assets or intangible property, and expert services or expert assistance.

(o) "Person" has the meaning given in Section 2-15 of this Code and, in addition to that meaning, includes, without limitation, any charitable organization, whether incorporated or unincorporated, any professional fund raiser, professional solicitor, limited liability company, association, joint stock company, association, trust, trustee, or any group of people formally or informally affiliated or associated for a common purpose, and any officer, director, partner, member, or agent of any person.

(p) "Render criminal assistance" means to do any of the following with the intent to prevent, hinder, or delay the discovery or apprehension of, or the lodging of a criminal charge against, a person who he or she knows or believes has committed an offense under this Article or is being sought by law enforcement officials for the commission of an offense under this Article, or with the intent to assist a person in profiting or benefiting from the commission of an offense under this Article:

(1) harbor or conceal the person;

(2) warn the person of impending discovery or apprehension;

(3) provide the person with money, transportation, a weapon, a disguise, false identification documents, or any other means of avoiding discovery or apprehension;

(4) prevent or obstruct, by means of force, intimidation, or deception, anyone from performing an act that might aid in the discovery or apprehension of the person or in the lodging of a criminal charge against the person;

(5) suppress, by any act of concealment, alteration, or destruction, any physical evidence that might aid in the discovery or apprehension of the person or in the lodging of a criminal charge against the person;

(6) aid the person to protect or expeditiously profit from an advantage derived from the crime; or

(7) provide expert services or expert assistance to the person. Providing expert services or expert assistance shall not be construed to apply to: (1) a licensed attorney who discusses with a client the legal consequences of a proposed course of conduct or advises a client of legal or constitutional rights and (2) a licensed medical doctor who provides emergency medical treatment to a person whom he or she believes has committed an offense under this Article if, as soon as reasonably practicable either before or after providing such treatment, he or she notifies a law enforcement agency.

(Source: P.A. 94-68, eff. 6-22-05.)

(720 ILCS 5/29D-15)

Sec. 29D-15. Soliciting material support for terrorism; providing material support for a terrorist act.

(a) A person is guilty of soliciting material support for terrorism if he or she knowingly raises, solicits, or collects material support or resources knowing that the material support or resources will be used, in whole or in part, to plan, prepare, carry out, or avoid apprehension for committing terrorism as defined in Section 29D-30 or causing a catastrophe as defined in Section 20.5-5 (720 ILCS 5/20.5-5) of this Code, or who knows and intends that the material support or resources so raised, solicited, or collected will be used in the commission of a terrorist act as defined in Section 29D-10(1) of this Code by an organization designated under 8 U.S.C. 1189, as amended. It is not an element of the offense that the defendant actually knows that an organization has been designated under 8 U.S.C. 1189, as amended.

(b) A person is guilty of providing material support for terrorism if he or she knowingly provides material support or resources to a person knowing that the person will use that support or those resources in whole or in part to plan, prepare, carry out, facilitate, or to avoid apprehension for committing terrorism as defined in Section 29D-30 or to cause a catastrophe as defined in Section 20.5-5 (720 ILCS 5/20.5-5) of this Code.

(c) Sentence. Soliciting material support for terrorism is a Class X felony for which the sentence shall be a term of imprisonment of no less than 9 years and no more than 40 years. Providing material support for a terrorist act is a Class X felony for which the sentence shall be a term of imprisonment of no less than 9 years and no more than 40 years.

(Source: P.A. 92-854, eff. 12-5-02.)

(720 ILCS 5/29D-20)

Sec. 29D-20. Making a terrorist threat.

(a) A person is guilty of making a terrorist threat when, with the intent to intimidate or coerce a significant portion of a civilian population, he or she in any manner knowingly threatens to commit or threatens to cause the commission of a terrorist act as defined in Section 29D-10(1) and thereby causes a reasonable expectation or fear of the imminent commission of a terrorist act as defined in Section 29D-10(1) or of another terrorist act as defined in Section 29D-10(1).

(b) It is not a defense to a prosecution under this Section that at the time the defendant made the terrorist threat, unknown to the defendant, it was impossible to carry out the threat, nor is it a defense that the threat was not made to a person who was a subject or intended victim of the threatened act.

(c) Sentence. Making a terrorist threat is a Class X felony.

(Source: P.A. 92-854, eff. 12-5-02.)

(720 ILCS 5/29D-25)

Sec. 29D-25. Falsely making a terrorist threat.

(a) A person is guilty of falsely making a terrorist threat when in any manner he or

she knowingly makes a threat to commit or cause to be committed a terrorist act as defined in Section 29D-10(1) or otherwise knowingly creates the impression or belief that a terrorist act is about to be or has been committed, or in any manner knowingly makes a threat to commit or cause to be committed a catastrophe as defined in Section 20.5-5 (720 ILCS 5/20.5-5) of this Code which he or she knows is false.

(b) Sentence. Falsely making a terrorist threat is a Class 1 felony.
(Source: P.A. 92-854, eff. 12-5-02.)

(720 ILCS 5/29D-30)

Sec. 29D-30. Terrorism.

(a) A person is guilty of terrorism when, with the intent to intimidate or coerce a significant portion of a civilian population:

(1) he or she knowingly commits a terrorist act as defined in Section 29D-10(1) of this Code within this State; or

(2) he or she, while outside this State, knowingly commits a terrorist act as defined in Section 29D-10(1) of this Code that takes effect within this State or produces substantial detrimental effects within this State.

(b) Sentence. Terrorism is a Class X felony. If no deaths are caused by the terrorist act, the sentence shall be a term of 20 years to natural life imprisonment; however, if the terrorist act caused the death of one or more persons, a mandatory term of natural life imprisonment shall be the sentence in the event the death penalty is not imposed.

(Source: P.A. 92-854, eff. 12-5-02.)

(720 ILCS 5/29D-35)

Sec. 29D-35. Hindering prosecution of terrorism.

(a) A person is guilty of hindering prosecution of terrorism when he or she renders criminal assistance to a person who has committed terrorism as defined in Section 29D-30 or caused a catastrophe, as defined in Section 20.5-5 of this Code when he or she knows that the person to whom he or she rendered criminal assistance engaged in an act of terrorism or caused a catastrophe.

(b) Hindering prosecution of terrorism is a Class X felony, the sentence for which shall be a term of 20 years to natural life imprisonment if no death was caused by the act of terrorism committed by the person to whom the defendant rendered criminal assistance and a mandatory term of natural life imprisonment if death was caused by the act of terrorism committed by the person to whom the defendant rendered criminal assistance.

(Source: P.A. 92-854, eff. 12-5-02.)

(720 ILCS 5/29D-40)

Sec. 29D-40. Restitution. In addition to any other penalty that may be imposed, a court shall sentence any person convicted of any violation of this Article to pay all

expenses incurred by the federal government, State government, or any unit of local government in responding to any violation and cleaning up following any violation. (Source: P.A. 92-854, eff. 12-5-02.)

(720 ILCS 5/29D-45)

Sec. 29D-45. Limitations. A prosecution for any offense in this Article may be commenced at any time. (Source: P.A. 92-854, eff. 12-5-02.)

(720 ILCS 5/29D-60)

Sec. 29D-60. Injunctive relief. Whenever it appears to the Attorney General or any State's Attorney that any person is engaged in, or is about to engage in, any act that constitutes or would constitute a violation of this Article, the Attorney General or any State's Attorney may initiate a civil action in the circuit court to enjoin the violation. (Source: P.A. 92-854, eff. 12-5-02.)

(720 ILCS 5/29D-65)

Sec. 29D-65. Asset freeze, seizure, and forfeiture.

(a) Asset freeze, seizure, and forfeiture in connection with a violation of this Article.

(1) Whenever it appears that there is probable cause to believe that any person used, is using, is about to use, or is intending to use property in any way that constitutes or would constitute a violation of this Article, the Attorney General or any State's Attorney may make an ex parte application to the circuit court to freeze or seize all the assets of that person and, upon a showing of probable cause in the ex parte hearing, the circuit court shall issue an order to freeze or seize all assets of that person. A copy of the freeze or seize order shall be served upon the person whose assets have been frozen or seized and that person or any person claiming an interest in the property may, at any time within 30 days of service, file a motion to release his or her assets. Within 10 days that person is entitled to a hearing. In any proceeding to release assets, the burden of proof shall be by a preponderance of evidence and shall be on the State to show that the person used, was using, is about to use, or is intending to use any property in any way that constitutes or would constitute a violation of this Article. If the court finds that any property was being used, is about to be used, or is intended to be used in violation of or in any way that would constitute a violation of this Article, the court shall order such property frozen or held until further order of the court. Any property so ordered held or frozen shall be subject to forfeiture under the following procedure. Upon the request of the defendant, the court may release frozen or seized assets sufficient to pay attorney's fees for representation of the defendant at a hearing conducted under this Section.

(2) If, within 60 days after any seizure or asset freeze under subparagraph (1) of this Section, a person having any property

interest in the seized or frozen property is charged with an offense, the court which renders judgment upon the charge shall, within 30 days after the judgment, conduct a forfeiture hearing to determine whether the property was used, about to be used, or intended to be used in violation of this Article or in connection with any violation of this Article, or was integrally related to any violation or intended violation of this Article. The hearing shall be commenced by a written petition by the State, including material allegations of fact, the name and address of every person determined by the State to have any property interest in the seized or frozen property, a representation that written notice of the date, time, and place of the hearing has been mailed to every such person by certified mail at least 10 days before the date, and a request for forfeiture. Every such person may appear as a party and present evidence at the hearing. The quantum of proof required shall be preponderance of the evidence, and the burden of proof shall be on the State. If the court determines that the seized or frozen property was used, about to be used, or intended to be used in violation of this Article or in connection with any violation of this Article, or was integrally related to any violation or intended violation of this Article, an order of forfeiture and disposition of the seized or frozen money and property shall be entered. All property forfeited may be liquidated and the resultant money together with any money forfeited shall be allocated among the participating law enforcement agencies in such proportions as may be determined to be equitable by the court entering the forfeiture order, any such property so forfeited shall be received by the State's Attorney or Attorney General and upon liquidation shall be allocated among the participating law enforcement agencies in such proportions as may be determined equitable by the court entering the forfeiture order.

(3) If a seizure or asset freeze under subparagraph

(1) of this subsection (a) is not followed by a charge under this Article within 60 days, or if the prosecution of the charge is permanently terminated or indefinitely discontinued without any judgment of conviction or a judgment of acquittal is entered, the State's Attorney or Attorney General shall immediately commence an in rem proceeding for the forfeiture of any seized money or other things of value, or both, in the circuit court and any person having any property interest in the money or property may commence separate civil proceedings in the manner provided by law. Any property so forfeited shall be allocated among the participating law enforcement agencies in such proportions as may be determined to be equitable by the court entering the forfeiture order.

(b) Forfeiture of property acquired in connection with a violation of this Article.

(1) Any person who commits any offense under this Article shall forfeit, according to the provisions of this Section, any moneys, profits, or proceeds, and any interest or property in which the sentencing court determines he or she has acquired or maintained, directly or indirectly, in whole or in part, as a result of, or used, was about to be used, or was intended to be used in connection with the offense. The person shall also forfeit any interest in, security, claim against, or contractual right of any kind which affords the person a source of influence over any enterprise which he or she has established, operated, controlled, conducted, or participated in conducting, where his or her relationship to or connection with any such thing or activity directly or indirectly, in whole or in part, is traceable to any item or benefit which he or she has obtained or acquired through an offense under this Article or which he or she used, about to use, or intended to use in connection with any offense under this Article. Forfeiture under this Section may be pursued in addition to or in lieu of proceeding under

subsection (a) of this Section.

(2) Proceedings instituted under this subsection shall be subject to and conducted in accordance with the following procedures:

(A) The sentencing court shall, upon petition by the prosecuting agency, whether it is the Attorney General or the State's Attorney, at any time following sentencing, conduct a hearing to determine whether any property or property interest is subject to forfeiture under this subsection. At the forfeiture hearing the People of the State of Illinois shall have the burden of establishing, by a preponderance of the evidence, that the property or property interests are subject to forfeiture.

(B) In any action brought by the People of the State of Illinois under this Section, the court shall have jurisdiction to enter such restraining orders, injunctions, or prohibitions, or to take such other action in connection with any real, personal, or mixed property, or other interest, subject to forfeiture, as it shall consider proper.

(C) In any action brought by the People of the State of Illinois under this subsection in which any restraining order, injunction, or prohibition or any other action in connection with any property or interest subject to forfeiture under this subsection is sought, the circuit court presiding over the trial of the person or persons charged with a violation under this Article shall first determine whether there is probable cause to believe that the person or persons so charged have committed an offense under this Article and whether the property or interest is subject to forfeiture under this subsection. In order to make this determination, prior to entering any such order, the court shall conduct a hearing without a jury in which the People shall establish: (i) probable cause that the person or persons so charged have committed an offense under this Article; and (ii) probable cause that any property or interest may be subject to forfeiture under this subsection. The hearing may be conducted simultaneously with a preliminary hearing if the prosecution is commenced by information, or by motion of the People at any stage in the proceedings. The court may enter a finding of probable cause at a preliminary hearing following the filing of information charging a violation of this Article or the return of an indictment by a grand jury charging an offense under this Article as sufficient probable cause for purposes of this subsection. Upon such a finding, the circuit court shall enter such restraining order, injunction, or prohibition or shall take such other action in connection with any such property or other interest subject to forfeiture under this subsection as is necessary to ensure that the property is not removed from the jurisdiction of the court, concealed, destroyed, or otherwise disposed of by the owner or holder of that property or interest prior to a forfeiture hearing under this subsection. The Attorney General or State's Attorney shall file a certified copy of the restraining order, injunction, or other prohibition with the recorder of deeds or registrar of titles of each county where any such property of the defendant may be located. No such injunction, restraining order, or other prohibition shall affect the rights of any bona fide purchaser, mortgagee, judgment creditor, or other lien holder arising prior to the date of such filing. The court may, at any time, upon verified petition by the defendant, conduct a hearing to release all or portions of any such property or interest which the court previously determined to be subject to forfeiture or subject to any restraining order, injunction, prohibition, or other action. The court may release the property to the defendant for good cause shown and within the sound discretion of the court.

(D) Upon a conviction of a person under this Article, the court shall authorize the Attorney General or State's Attorney to seize and sell all property or other interest declared forfeited under this Article, unless the property is required by law to be destroyed or is harmful to the public. The court may order the Attorney General or State's Attorney to segregate funds from the proceeds of the sale sufficient: (1) to satisfy any order of restitution, as the court may deem appropriate; (2) to satisfy any legal right, title, or interest which the court deems superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to forfeiture under this subsection; or (3) to satisfy any bona-fide purchaser for value of the right, title, or interest in the property who was without reasonable notice that the property was subject to forfeiture. Following the entry of an order of forfeiture, the Attorney General or State's Attorney shall publish notice of the order and his or her intent to dispose of the property. Within 30 days following the publication, any person may petition the court to adjudicate the validity of his or her alleged interest in the property. After the deduction of all requisite expenses of administration and sale, the Attorney General or State's Attorney shall distribute the proceeds of the sale, along with any moneys forfeited or seized, among participating law enforcement agencies in such equitable portions as the court shall determine.

(E) No judge shall release any property or money seized under subdivision (A) or (B) for the payment of attorney's fees of any person claiming an interest in such money or property.

(c) Exemptions from forfeiture. A property interest is exempt from forfeiture under this Section if its owner or interest holder establishes by a preponderance of evidence that the owner or interest holder:

(A)(i) in the case of personal property, is not legally accountable for the conduct giving rise to the forfeiture, did not acquiesce in it, and did not know and could not reasonably have known of the conduct or that the conduct was likely to occur, or

(ii) in the case of real property, is not legally accountable for the conduct giving rise to the forfeiture, or did not solicit, conspire, or attempt to commit the conduct giving rise to the forfeiture; and

(B) had not acquired and did not stand to acquire substantial proceeds from the conduct giving rise to its forfeiture other than as an interest holder in an arms length commercial transaction; and

(C) with respect to conveyances, did not hold the property jointly or in common with a person whose conduct gave rise to the forfeiture; and

(D) does not hold the property for the benefit of or as nominee for any person whose conduct gave rise to its forfeiture, and, if the owner or interest holder acquired the interest through any such person, the owner or interest holder acquired it as a bona fide purchaser for value without knowingly taking part in the conduct giving rise to the forfeiture; and

(E) that the owner or interest holder acquired the interest:

(i) before the commencement of the conduct giving rise to its forfeiture and the person whose conduct gave rise to its forfeiture did not have the authority to convey the interest to a bona fide purchaser for value at the time of the conduct; or

(ii) after the commencement of the conduct

giving rise to its forfeiture, and the owner or interest holder acquired the interest as a mortgagee, secured creditor, lien holder, or bona fide purchaser for value without knowledge of the conduct which gave rise to the forfeiture; and

(a) in the case of personal property,

without knowledge of the seizure of the property for forfeiture; or

(b) in the case of real estate, before the

filing in the office of the Recorder of Deeds of the county in which the real estate is located of a notice of seizure for forfeiture or a lis pendens notice.

(Source: P.A. 92-854, eff. 12-5-02.)

(720 ILCS 5/29D-70)

Sec. 29D-70. Severability. If any clause, sentence, Section, provision, or part of this Article or the application thereof to any person or circumstance shall be adjudged to be unconstitutional, the remainder of this Article or its application to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

(Source: P.A. 92-854, eff. 12-5-02.)

TERRORISM CASES IN ILLINOIS

Attempt to apply the statute/s to the following cases:

The Benevolence International Foundation

The Benevolence International Foundation (BIF) was a nonprofit charitable trust that is suspected to have supported international terrorists worldwide. It was known as the Benevolence International Fund in Canada and Bosanska Idealna Futura in Bosnia.

The group claimed that it was "helping those afflicted by wars. BIF first provides short-term relief such as emergency food distribution, and then moves on to long term projects providing education and self-sufficiency to the children, widowed, refugees, injured and staff of vital governmental institutions."

History

Benevolence International Corporation is said to have been started in 1988 by Mohammed Jamal Khalifa of Jeddah, the brother in law of Osama bin Laden. Back then, it was known as an "import-export" company. It is said that this group was a front for the Abu Sayyaf group.

Meanwhile, another group known as the Islamic Benevolence Committee was founded in both Jeddah and Peshawar, Pakistan by Sheikh Adil Abdul Batargy. The group was a "charity" that openly supported rebels fighting against the Soviet Union in the Soviet invasion of Afghanistan.

In 1992, the Benevolence International Corporation in the Philippines folded visible operations, while the Islamic Benevolence Committee was renamed to Benevolence International Foundation. The Filipino group would become a group set up to attack U.S. interests in the Philippines. Khalid Sheik Mohammed is said to have led the rest of the group.

The group was moved to the United States, with Enaam Arnaout as the director. The organization first set shop in Plantation, Florida. Arnaout married an American woman and obtained citizenship to the United States. In 1993, the organization's headquarters moved to Chicago, Illinois.

In late 1994, Mohammed Jamal Khalifa travelled to the United States to meet with Mohamed Loay Bayazid, who was the president of Benevolence International at the time.

Prosecution

Khalifa and Bayazid were arrested in Mountain View, California (near San Francisco) in December 1994. The FBI received communications from the Philippines that Khalifa was funding Operation Bojinka, a terrorist plot that was foiled on January 6, 1995. However, Khalifa was deported to Jordan by the INS in May 1995. The Jordanian court acquitted Khalifa, and he is currently in Saudi Arabia. Bayazid was also let go. His whereabouts are unknown.

On November 19, 2002, the group was classified as a terrorist group funder by the United States Department of Treasury.[1]

The U.S. Government alleged that the group sent money and communications to Osama bin Laden, purchased rockets, mortars, rifles, bayonets, dynamite, and other bombs for Al-Qaida members in Chechnya, Afghanistan, and Pakistan, and redirecting funds meant for charity purposes to purposes related to terrorism. The U.S. government also alleged that the group was aiding the travel of terrorists, including Khalifa, Bayazid, and Mamdouh Salim and coordinating the escape of BIF members from Bosnian police.

During a sentencing hearing in August 2003, U.S. District Judge Suzanne Conlon told prosecutors they had “failed to connect the dots” and said there was no evidence that Arnaout “identified with or supported” terrorism. [2]

These allegations were withdrawn as part of a plea bargain, presumably due to insufficient of evidence.[3] In February 2003, Enaam Arnaout pleaded guilty to subverting \$300,000 to \$400,000 of BIF's charitable funds to provide boots, tents, and uniforms for rebels in Chechnya and Bosnia. The plea bargain allowed for him to provide information to prosecutors as long as charges that are related to Al-Qaida are dropped. He publicly denies any link to the group.

QUESTIONS FOR REVIEW

1. _____ is defined as activities that involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any state; appear to be intended to intimidate or coerce a civilian population; to influence the policy of a government by mass destruction, assassination, or kidnapping; and occur primarily within the territorial jurisdiction of the United States.
 - A. Treason
 - B. Domestic Terrorism
 - C. Sedition
 - D. International Terrorism

Answer: B

2. _____ is defined as violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or any state, or that would be a criminal violation if committed within the jurisdiction of the United States or any state.

- A. Treason
- B. Domestic Terrorism
- C. Sedition
- D. International Terrorism

Answer: D

3. True or False? The minimum punishment for terrorism is no less than three years in prison.

Answer: True

4. When was the Illinois Terrorism Task Force created?

- A. May 2000
- B. October 2001
- C. January 2002
- D. Illinois does not have a Terrorism Task Force

Answer: A

5. True or False? The Benevolence International Foundation located in Chicago, IL, was thought to finance terrorist organizations, including Al Qaeda.

Answer: True

WEB RESOURCES

- http://www.fbi.gov/publications/terror/terror2000_2001.pdf Terrorism 2000/2001
- <http://www.illinoishomelandsecurity.org/> Illinois Homeland Security
- http://en.wikipedia.org/wiki/Benevolence_International_Foundation Benevolence International Foundation