

Ala. Code 1975, § 13A-10-154(b)(1)

Hindering Prosecution of Terrorism I

The defendant is charged with hindering prosecution of terrorism in the first degree.

A person commits the crime of hindering prosecution of terrorism in the first degree if, he/she renders criminal assistance to a person who has committed an act of terrorism that resulted in the death of a person other than one of the participants, knowing or believing that the person engaged in conduct constituting an act of terrorism.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

- (1) The defendant rendered criminal assistance [**describe**], to a person who had committed an act of terrorism;
- (2) The act of terrorism resulted in the death of a person other than one of the participants [**name**];
- (3) The defendant did so knowing or believing that the person engaged in conduct constituting an act of terrorism; (**AND**)
- (4) The defendant did so intentionally.

A person *renders criminal assistance* to another if he/she [**read as appropriate**]:

- (1) Harbors or conceals such person;
- (2) Warns such person of impending discovery or apprehension; except that this subdivision does not apply to a warning given in connection with an effort to bring another into compliance with the law;
- (3) Provides such person with money, transportation, weapon, disguise or other means of avoiding discovery or apprehension;
- (4) Prevents or obstructs, by means of force, deception or intimidation, anyone except a trespasser from performing an act that might aid in the discovery or apprehension of such person; (**OR**)
- (5) Suppresses, by an act of concealment, alteration, or destruction, any physical evidence that might aid in the discovery or apprehension of such person. [13A-10-42]

An *act of terrorism* is an act or acts constituting [**name specified offense**] for which a person may be convicted in the criminal courts of this state, or an act or acts

constituting an offense in any other jurisdiction within or outside the territorial boundaries of the United States which contains all of the essential elements of a specified offense, that is intended to do the following **[read as appropriate]**:

- a. Intimidate or coerce a civilian population;
- b. Influence the policy of a unit of government by intimidation or coercion; **(OR)**
- c. Affect the conduct of a unit of government by murder, assassination, or kidnapping. [13A-10-151(1)]

[Read as appropriate]: [Insert instructions for murder, assassination, or kidnapping.]

[Insert instructions for specified offense.]

[Read as appropriate]: [Insert instruction for Attempt 13A-4-2 or Conspiracy 13A-4-3.]

A person acts *intentionally* with respect to a result or to conduct described by a statute defining an offense when his/her purpose is to cause that result or to engage in that conduct. [13A-2-2(1)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of hindering prosecution of terrorism in the first degree, then you shall find the defendant guilty of hindering prosecution of terrorism in the first degree.

If you find that the State has failed to prove any one or more of the elements of hindering prosecution of terrorism in the first degree, then you cannot find the defendant guilty of hindering prosecution of terrorism in the first degree.

[If lesser-included offenses are included, the Court should instruct on those offenses at this point.]

Use Notes

A *specified offense* is a Class A felony, manslaughter, kidnapping in the second degree, assault in the first or second degree, stalking, intimidating a witness, criminal tampering, endangering the food supply, endangering the water supply or any attempt or conspiracy to commit any of these offenses. [13A-10-151(4)]

[Approved 06-17-16.]