

Ala. Code 1975, § 13A-10-153(a)(1)

Soliciting or Providing Support for Terrorism II

The defendant is charged with soliciting or providing support for an act of terrorism in the second degree.

A person commits the crime of soliciting or providing support for an act of terrorism in the second degree if, with intent that material support or resources will be used, in whole or in part, to plan, prepare, carry out, or aid in either an act of terrorism or the concealment of, or an escape from, an act of terrorism, he/she raises, solicits, collects, or provides material support or resources.

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

- (1) The defendant raised, solicited, collected, or provided material support or resources **[describe]; (AND)**
- (2) The defendant did so with intent that material support or resources would be used, in whole or in part, to plan, prepare, carry out, or aid in either an act of terrorism or the concealment of, or an escape from, an act of terrorism.

Material support or resources is currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials. [13A-10-151(2)]

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 soliciting or providing support for an act of terrorism in the second degree, then you shall find the defendant guilty of soliciting or providing support for an act of terrorism in the second degree.

If you find that the State has failed to prove any one or more of the elements of soliciting or providing support for an act of terrorism in the second degree, then you cannot find the defendant guilty of soliciting or providing support for an act of terrorism in the second 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.]