

## New York City New Detainer Discretion Law Chart and Practice Advisory

This chart and practice advisory are intended to aid criminal defense attorneys in NYC to understand the City's new detainer discretion laws that will take effect on **December 14, 2014**. The laws should spare the vast majority of criminal defendants from being funneled into immigration detention from NYPD or DOC custody.

### DOC will not honor ICE detainer requests unless:

- **Judicial warrant requirement:** ICE presents a warrant from an Article III federal judge (or a federal magistrate judge) establishing that there is probable cause to take the person into custody

#### AND

- **Individual is Deemed to Pose a Significant Current Danger:** The person has been convicted of a "violent or serious crime" within five years of the instant arrest or is a possible match on the terrorist watch list.

As of 11/14, it is not ICE's practice to obtain such warrants so no detainers should be honored. If anyone claims such a warrant has been issued, contact IDP hotline at 212-725-6422. This new law, however, does **not** relieve defenders of their duties under *Padilla*, as deportation through other means remains a risk.

The term "violent or serious crime" is defined by reference to a list of enumerated felonies (see appx below).

If the person served an incarceratory sentence for an offense, the 5 years will be counted from the date of release. Incarceration time for "violent or serious crime" will be excluded in calculating the 5-year period.

These individuals should not ultimately be turned over to ICE unless ICE secures a judicial warrant within the timeframe.

### NYPD will generally follow this same rule with one exception:

It may hold individuals with detainers for up to 48 hours (excluding weekends and holidays) to allow ICE sufficient time to secure a judicial warrant if:

- The person has been convicted of a "violent or serious crime" at any time in the past AND has been deported and illegally reentered the U.S.

#### OR

- The person is a possible match on the terrorist watch list.

Tip: Entering DOC custody may result in greater protections if your client fits this description.

### Other changes to ICE/ law enforcement collaboration in NYC:

- **ICE office at Rikers:** ICE is no longer allowed to keep an office on Rikers Island.
- **Info sharing:** DOC cannot expend resources assisting in civil immigration enforcement, including sharing information about your client with ICE, except as required by federal law. However, DOC may share information related to individuals convicted of a "violent or serious crime" within five years or who are a possible match on the terrorist watch list and who could be turned over with a judicial warrant. NYPD has no limits on info sharing; therefore there is still a risk that ICE will appear at the court.
- **Probation:** According to DOP, it will issue a policy consistent with this legislation in the near future. General Counsel now reviews all ICE requests and rejects those inconsistent with the new detainer discretion legislation.

This advisory was prepared by the Kathryn O. Greenberg Immigration Justice Clinic at Cardozo School of Law and the Immigrant Defense Project and was revised in December, 2014. The information contained herein does not constitute legal advice and attorneys should conduct their own research as they deem necessary. Further questions about the new detainer law should be directed to the Immigrant Defense Project Legal Hotline, (212) 725-6422, [info@immigrantdefenseproject.org](mailto:info@immigrantdefenseproject.org).

## OVERVIEW

On October 22, 2014 the New York City Council passed groundbreaking legislation dramatically expanding existing city laws that limit the circumstances under which the New York City Police Department (“NYPD”) and Department of Corrections (“DOC”) will honor an U.S. Immigration and Customs Enforcement (“ICE”) detainer. The bill will be signed into law on **November 14, 2014** and will take effect thirty (30) days later, on or about **December 14, 2014**. This new law will greatly benefit future noncitizen criminal defendants and could also potentially prevent noncitizens currently detained in DOC custody from being transferred to immigration detention. Once in force, the new law will mean that very few, if any, individuals will be transferred from NYPD and DOC to immigration detention. Thousands of New Yorkers each year will be spared from deportation.

## BACKGROUND

When ICE identifies someone in city custody whom it wants to deport, it issues an “immigration detainer” to the agency (DOC or NYPD) holding that person. By issuing such an immigration detainer, ICE makes a request that the agency notify ICE when the individual is to be released and detain the individual for up to 48 hours beyond when she or he would otherwise be released, so that ICE can assume custody of the individual. The concept of detainer discretion—the idea that cities and states can refuse to honor detainers—was developed by advocates in New York City. In 2011, the City passed its first detainer discretion law, which was amended in 2013. With the ascendancy of New York City Council Speaker Melissa Mark-Viverito (the sponsor of the previous laws), the support of Mayor de Blasio, and several recent court decisions finding that localities can be liable for holding individuals based solely on a detainer, an opportunity arose to strengthen the City’s detainer discretion laws.

## WHO WILL THE NEW LAW PROTECT?

Under the new detainer discretion law, the NYPD and DOC may no longer honor detainer requests issued by ICE unless two criteria are satisfied:

- Judicial Warrant: ICE must present the City with a warrant from an Article III federal judge (or a federal magistrate judge) which establishes that there is probable cause that the individual sought is subject to arrest by ICE.

### AND

- The Individual is Deemed to Pose a Significant Current Danger: Even if ICE possesses a judicial warrant, the NYPD and DOC will only honor a detainer if:
  - The person has been **convicted** within the last five years of a **violent or serious crime**;

### OR

- The person is found to be a possible match on the **terrorist watch list**.

The term “violent or serious crime” is defined in the new law by reference to a list of enumerated felonies. The list of enumerated felonies is attached hereto as an appendix. The list contains only felonies that are designated as Class A or B felonies or other felonies that have been deemed to involve violence, force, firearms, terrorism, or endangerment or abuse of vulnerable persons. Notably, most drug felonies are not on the list.

The “five year period” referenced in the new law runs from the entry of judgment on the violent or serious crime to the date of the instant arrest. However, any period of time during which the person was incarcerated for a violent or serious crime, between the time of the commission of such violent or serious crime and the instant arrest, shall be excluded in calculating such five year period.

#### **UNDERSTANDING THE NARROW NYPD EXCEPTION**

There is a narrow exception to the general rule set forth above which allows the NYPD to hold certain individuals for a limited period of time without a judicial warrant (in order to provide ICE with sufficient time to seek such a warrant) and if, within that time, ICE secures such a warrant, to hand over a narrow additional class of individuals. The NYPD may hold someone in their custody for up to forty-eight (48) hours, excluding Saturdays, Sundays and holidays, beyond the time when such person would otherwise be released in order to allow ICE sufficient time to secure a judicial warrant if:

- The person has been convicted of a “violent or serious crime” at any time (even more than five years ago) and has illegally re-entered the country after a previous removal or return;

OR

- is identified as a possible match in the terrorist screening database.

However, if ICE fails to produce a warrant within the time permitted, the person shall be released and the NYPD shall not notify ICE of such person’s release. A “previous removal or return” may encompass persons who have been deported as well as persons who have been “returned” to their home country following a stop at the border.

#### **WILL THIS LAW IMPACT ICE’S PHYSICAL PRESENCE ON RIKERS ISLAND?**

YES! For decades, ICE has maintained permanent offices on Rikers Island and has used the office to coordinate its investigation and apprehension of people in DOC custody. The new law prohibits ICE from maintaining an office on DOC property for the purpose of investigating possible violations of civil immigration law. ICE will be forced to vacate its office on Rikers Island by **February 12, 2015**.

### **WILL THIS LAW PROTECT PEOPLE FROM ICE HOME RAIDS?**

In some jurisdictions, following the passage of detainer discretion legislation, advocates have reported increased use of home raids by ICE. The City has limited power to curtail ICE home raids.

The new law prohibits DOC from sharing most information about individuals (except those with “violent or serious” felony convictions within the last five years, as interpreted for purposes of honoring detainees, or on the terrorist watch list) with ICE and thus may help prevent some home raids. The law permits DOC to share information about citizenship or immigration status with ICE but prohibits sharing of court and release dates or any other information.

However, the law contains no such prohibition on NYPD information sharing. Defenders/advocates should monitor closely ICE and NYPD activities. Defenders should counsel clients, particularly clients who fall within ICE’s stated priorities, about the dangers of home raids and their legal right to refuse to admit ICE agents into their homes unless they possess a judicial warrant.

### **WILL THIS LAW IMPACT PEOPLE ON PROBATION?**

Defenders and advocates report that, in recent years, many noncitizen clients have been arrested by the New York City Department of Probation (“DOP”) and transferred to ICE custody for deportation. The new laws do not apply to probation. However, the DOP has informed advocates that it will no longer arrest individuals at ICE’s request unless the person would not be protected by the new laws. During the legislative hearings for the bill, Administration officials publicly, and under oath, stated the same. Thus clients should not be arrested by the DOP unless ICE has a judicial warrant and the person has been convicted of a serious or violent crime in the last five years or is identified as a possible match on the terrorist watch list. Defenders and advocates should monitor this issue closely.

### **WILL THIS LAW LIMIT THE POWER OF NYPD TO ARREST INDIVIDUALS BASED ON CIVIL IMMIGRATION INFORMATION IN THE NCIC DATABASE?**

The National Crime Information Center Database (NCIC) is maintained by the FBI and routinely queried by local police when they stop an individual. The NCIC is used, for example, to identify a person who may be wanted in another state for a serious crime. A local police officer who, having stopped an individual, learns of an NCIC “hit” indicating a warrant from another jurisdiction for that individual’s arrest might, after verifying the validity of the warrant, arrest the individual for eventual prosecution in the other jurisdiction. Approximately a decade ago, the FBI started entering certain civil immigration information into NCIC. Those “immigration hits,” which, unlike criminal warrants, are not criminal in nature and are not based on probable cause, have, in some circumstances, prompted arrests by NYPD officers. This issue is not directly addressed by the new law, though these arrests suffer from some of the same constitutional defects as detainers. During the legislative hearings for the bill, Administration officials stated publicly, and under oath, that the Administration was working on a new “implementation process” regarding NCIC immigration hits. Defenders and advocates should continue to monitor this issue closely.

**WHAT SHOULD I DO IF I HAVE A CLIENT IN DOC OR NYPD CUSTODY NOW WHO WOULD BENEFIT FROM THE NEW LAW BUT IS SCHEDULED FOR RELEASE BEFORE THE LAW TAKES EFFECT?**

If your client is currently in with a detainer and she would benefit from the new laws but is going to be released before the new laws take effect, you may be able to persuade the DOC or NYPD not to honor the detainer now. If your client is in this situation, we recommend that you write a letter to the Legal Department of DOC or NYPD (depending on which agency has custody of your client) and copy the Immigrant Defense Project ([info@immigrantdefenseproject.org](mailto:info@immigrantdefenseproject.org)). In the letter, you should explain that it is unconstitutional to hold your client on an immigration detainer absent a judicial determination of probable cause, and that your client would not be turned over to ICE under the new laws that the Council recently passed. Advocates have reported substantial success via this approach in convincing the City not to honor detainers. If you are unable to secure an appropriate assurance that a detainer will not be honored through this approach, other advocates have had success in obtaining clients' release by filing writs in court challenging the legality of detention based on the detainer. Finally, if all else fails, clients may want to consider delaying resolution of their criminal case, thereby extending their detention until after the law takes effect. Call IDP for more information at (212) 725-6422.

**DOES THE NEW LAW MEAN THAT I NO LONGER HAVE TO WORRY ABOUT WHETHER A DISPOSITION I OBTAIN FOR A CLIENT WILL SUBJECT THEM TO DEPORTATION?**

NO! The new detainer law will spare thousands from deportation because ICE will not have an easy way to obtain custody and initiate proceedings. However, ICE may still arrest your client at some later date in the community or your client may want to travel or apply for an immigration benefit. It is imperative that defenders continue to comply with their constitutional obligation to provide full and accurate advice regarding the immigration consequences of any contemplated disposition and to work to achieve a disposition that best insulates a client from adverse immigration consequences in all of the circumstances in which they may arise.

**HOW DO DHS'S RECENT CHANGES IN THE SECURE COMMUNITIES PROGRAM AND FEDERAL DETAINER POLICIES IMPACT ENFORCEMENT OF THE CITY'S NEW DETAINER LAWS?**

Simultaneous with the President's November 20, 2014 announcement about the new and expanded deferred action programs, DHS also announced an end to the Secure Communities (S-Comm) program—the program by which criminal fingerprint checks sent to the FBI are automatically redirected to DHS for civil immigration enforcement purposes—and a revision to DHS' detainer practice. S-Comm is being replaced by a new program, called the Priority Enforcement Program (PEP), which works in much the same way as S-Comm, by redirecting fingerprint inquiries.

In regard to detainers, DHS announced that it would, as a general rule, no longer request that localities hold individuals for immigration authorities beyond the time when they would otherwise be released and would instead request only that DHS be notified when an individual it seeks is scheduled to be released. There are, however, exceptions to the general rule, in which DHS will continue to request extended detention. The announcement references DHS' intention to continue to seek voluntary transfers of

individuals from local custody to DHS custody. So, it is not yet clear whether these changes will meaningfully shift DHS practice or whether they are simply a rebranding of the S-Comm and detainer programs.

Regardless, these changes should not meaningfully impact enforcement of the City's new detainer laws. The City laws, by their own terms, apply to detainees "or any similar federal request for detention of a person suspected of violating civil immigration law." Thus, it should not matter that DHS may not identify these instruments as detainees in the future. Moreover, the City laws not only prohibit DOC and NYPD from holding individuals based on detainees but also prohibit DOC and NYPD from notifying DHS of an individual's release, unless the requirements of a judicial warrant and dangerousness, as established by recent serious or violent felony convictions or inclusion on the terrorist watch list, are satisfied. Accordingly, DHS requests for notification of release and similar information should also not generally be honored. However, since the changes in federal policy as well as city legislation are new, advocates will have to be vigilant to ensure that DHS and the City comply with them. Please contact IDP ([info@immigrantdefenseproject.org](mailto:info@immigrantdefenseproject.org)) if you learn that DOC or NYPD are honoring DHS requests for notification in the absence of a judicial warrant and listing on the terrorist watch list or criminal convictions as outlined in the City's detainer laws.

## APPENDIX

Under the new law, “violent or serious crime” means:

- a. A **felony** defined in certain **enumerated sections** of the penal code (listed below);
- b. A **hate crime** as defined in section 485.05 of the penal law, provided such hate crime constitutes a felony;
- c. A **felony attempt, felony conspiracy, or felony criminal solicitation** to commit any crime specified in the paragraph above, or a felony criminal facilitation of such specified crime;
- d. A **conviction under federal law or the law of another state** that would constitute a “**predicate felony conviction**” under section 70.06(1)(b)(i) of the penal law provided that such conviction was for the equivalent of a violent or serious crime;
- e. Any **felony** set forth in **section 600** of the **Vehicle and Traffic Law**; or
- f. Any **crime subsequently created by the legislature** that the department of correction determines to be a felony involving violence, force, firearms, terrorism, or endangerment or abuse of vulnerable persons, or any crime for which a change made by the legislature requires amendment of the crimes specified above and enumerated in the list of felonies.

**Note:** Youthful offender (YO), Juvenile delinquent (JD), and family court dispositions **do not count** as violent or serious crimes convictions.

### LIST OF ENUMERATED FELONIES AND THEIR DESCRIPTIONS:

- **120.01:** Reckless assault of a child by a child day care provider (E Felony)
- **120.02:** Reckless assault of a child (D Felony)
- **120.03:** Vehicular assault in the second degree (E Felony)
- **120.04:** Vehicular assault in the first degree (D Felony)
- **120.04-a (4):** Aggravated vehicular assault (C Felony)
- **120.05:** Assault in the second degree (D Felony)
- **120.06:** Gang assault in the second degree (C Felony)
- **120.07:** Gang assault in the first degree (B Felony)
- **120.08:** Assault on a peace officer, police officer, fireman or emergency medical services professional (C Felony)
- **120.09:** Assault on a judge (C Felony)
- **120.10:** Assault in the first degree (B Felony)
- **120.11:** Aggravated assault upon a police officer or a peace officer (B Felony)
- **120.12:** Aggravated assault upon a person less than eleven years old (E Felony)
- **120.13:** Menacing in the first degree (E Felony)
- **120.18:** Menacing a police officer or peace officer (D Felony)
- **120.25:** Reckless endangerment in the first degree (D Felony)
- **120.55:** Stalking in the second degree (E Felony)
- **120.60:** Stalking in the first degree (D Felony)

- **120.70:** Luring a child (E Felony)
- **121.12:** Strangulation in the second degree (D Felony)
- **121.13:** Strangulation in the first degree (C Felony)
- **125.10:** Criminally negligent homicide (E Felony)
- **125.11:** Aggravated criminally negligent homicide (C Felony)
- **125.12:** Vehicular manslaughter in the second degree (D Felony)
- **125.13:** Vehicular manslaughter in the first degree (C Felony)
- **125.14:** Aggravated vehicular homicide (B Felony)
- **125.15:** Manslaughter in the second degree (C Felony)
- **125.20:** Manslaughter in the first degree (B Felony)
- **125.21:** Aggravated manslaughter in the second degree (C Felony)
- **125.22:** Aggravated manslaughter in the first degree (B Felony)
- **125.25:** Murder in the second degree (A-I Felony)
- **125.26:** Aggravated murder (A-I Felony)
- **125.27:** Murder in the first degree (A-I Felony)
- **125.40:** Abortion in the second degree (E Felony)
- **125.45:** Abortion in the first degree (D Felony)
- **130.25:** Rape in the third degree (E Felony)
- **130.30:** Rape in the second degree (D Felony)
- **130.35:** Rape in the first degree (B Felony)
- **130.40:** Criminal Sexual Act in the third degree (E Felony)
- **130.45:** Criminal Sexual Act in the second degree (D Felony)
- **130.50:** Criminal Sexual Act in the first degree (B Felony)
- **130.53:** Persistent sexual abuse (E Felony)
- **130.65:** Sexual abuse in the first degree (D Felony)
- **130.65-a:** Aggravated sexual abuse in the fourth degree (E Felony)
- **130.66:** Aggravated sexual abuse in the third degree (D Felony)
- **130.67:** Aggravated sexual abuse in the second degree (C Felony)
- **130.70:** Aggravated sexual abuse in the first degree (B Felony)
- **130.75:** Course of sexual conduct against a child in the first degree (B Felony)
- **130.80:** Course of sexual conduct against a child in the second degree (D Felony)
- **130.85:** Female genital mutilation (E Felony)
- **130.90:** Facilitating a sex offense with a controlled substance (D Felony)
- **130.95:** Predatory sexual assault (A-II Felony)
- **130.96:** Predatory sexual assault against a child (A-II Felony)
- **135.10:** Unlawful imprisonment in the first degree (E Felony)
- **135.20:** Kidnapping in the second degree (B Felony)
- **135.25:** Kidnapping in the first degree (A-I Felony)
- **135.35:** Labor trafficking (D Felony)
- **135.50:** Custodial interference in the first degree (E Felony)
- **135.65(2)(b):** Coercion in the first degree (D Felony)
- **140.17:** Criminal trespass in the first degree (D Felony)



- **140.25:** Burglary in the second degree (C Felony)
- **140.30:** Burglary in the first degree (B Felony)
- **145.12:** Criminal mischief in the first (B Felony)
- **150.05:** Arson in the 4<sup>th</sup> degree (E Felony)
- **150.10:** Arson in the 3<sup>rd</sup> degree (C Felony)
- **150.15:** Arson in the second degree (B Felony)
- **150.20:** Arson in the first degree (A-I Felony)
- **160.05:** Robbery in the third degree (D Felony)
- **160.10:** Robbery in the second degree (C Felony)
- **160.15:** Robbery in the first degree (B Felony)
- **195.07:** Obstructing governmental administration in the first (E Felony)
- **195.08:** Obstructing governmental administration by means of self-defense spray device (D Felony)
- **195.17:** Obstruction of governmental duties by means of a bomb, destructive device, explosive, or hazardous substance (D Felony)
- **215.11:** Tampering with a witness in the third degree (E Felony)
- **215.12:** Tampering with a witness in the second degree (D Felony)
- **215.13:** Tampering with a witness in the first degree (B Felony)
- **215.15:** Intimidating a victim or witness in the third degree (E Felony)
- **215.16:** Intimidating a victim or witness in the second degree (D Felony)
- **215.17:** Intimidating a victim or witness in the first degree (B Felony)
- **215.51:** Criminal contempt in the first degree (E Felony)
- **215.52:** Aggravated criminal contempt (D Felony)
- **220.18:** Criminal possession of a controlled substance in the second degree (A-II Felony)
- **220.21:** Criminal possession of a controlled substance in the first degree (A-I Felony)
- **220.28:** Use of a child to commit a controlled substance offense (E Felony)
- **220.41:** Criminal sale of a controlled substance in the second degree (A-II Felony)
- **220.43:** Criminal sale of a controlled substance in the first degree (A-I Felony)
- **220.44:** Criminal sale of a controlled substance in or near school grounds (B Felony)
- **220.48:** Criminal sale of a controlled substance to a child (B Felony)
- **220.77:** Operating as a major trafficker (A-I Felony)
- **230.05:** Patronizing a prostitute in the second degree (E Felony)
- **230.06:** Patronizing a prostitute in the first degree (D Felony)
- **230.19:** Promoting prostitution in a school zone (E Felony)
- **230.25(2):** Promoting prostitution in the third degree (D Felony)
- **230.30:** Promoting prostitution in the second degree (C Felony)
- **230.32:** Promoting prostitution in the first degree (B Felony)
- **230.33:** Compelling prostitution (B Felony)
- **230.34:** Sex Trafficking (B Felony)
- **235.22:** Disseminating indecent material to minors in the first degree (D Felony)
- **240.06:** Riot in the 1<sup>st</sup> degree (E Felony)
- **240.55:** Falsely reporting an incident in the second degree (E Felony)
- **240.60:** Falsely reporting an incident in the first degree (D Felony)

- **240.61:** Placing a false bomb or hazardous substance in the second degree (E Felony)
- **240.62:** Placing a false bomb or hazardous substance in the first degree (D Felony)
- **240.63:** Placing a false bomb or hazardous substance in a sports stadium or arena, mass transportation facility or enclosed shopping mall (D Felony)
- **240.75:** Aggravated family offense (E Felony)
- **241.05:** Harassment of rent regulated tenant (E Felony)
- **255.26:** Incest in the 2<sup>nd</sup> degree (D Felony)
- **255.27:** Incest in the first degree (B Felony)
- **260.25:** Endangering the welfare of an incompetent or physically disabled person in the first degree (E Felony)
- **260.32:** Endangering the welfare of a vulnerable elderly person, or an incompetent or physically disabled person in the second degree (E Felony)
- **260.34:** Endangering the welfare of a vulnerable elderly person, or an incompetent or physically disabled person in the first degree (D Felony)
- **263.05:** Use of a child in a sexual performance (C Felony)
- **263.10:** Promoting an obscene sexual performance by a child (D Felony)
- **263.11:** Possessing an obscene sexual performance by a child (E Felony)
- **263.15:** Promoting a sexual performance by a child (D Felony)
- **263.16:** Possessing a sexual performance by a child (E Felony)
- **263.30:** Facilitating a sexual performance by a child with a controlled substance or alcohol (B Felony)
- **265.01-a:** Criminal possession of a weapon on school grounds (E Felony)
- **265.01-b:** Criminal possession of a firearm (E Felony)
- **265.02 (2) through (8):** Criminal possession of a weapon in the third degree (D Felony)
- **265.03:** Criminal possession of a weapon in the second degree (C Felony)
- **265.04:** Criminal possession of a dangerous weapon in the first degree (B Felony)
- **265.08:** Criminal use of a firearm in the second degree (C Felony)
- **265.09:** Criminal use of a firearm in the first degree (B Felony)
- **265.10:** Manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances (D Felony)
- **265.11:** Criminal sale of a firearm in the third degree (D Felony)
- **265.12:** Criminal sale of a firearm in the second degree (C Felony)
- **265.13:** Criminal sale of a firearm in the first degree (B Felony)
- **265.14:** Criminal sale of a firearm with the aid of a minor (C Felony)
- **265.16:** Criminal sale of a firearm to a minor (C Felony)
- **265.17:** Criminal purchase or disposal of a weapon (D Felony)
- **265.19:** Aggravated criminal possession of a weapon (C Felony)
- **265.35(2):** Prohibited use of weapons (D or E Felony)
- **270.30:** Unlawful fleeing a police officer in a motor vehicle in the second degree (E Felony)
- **270.35:** Unlawful fleeing a police officer in a motor vehicle in the first degree (D Felony)
- **405.16(1):** Aggravated unpermitted use of indoor pyrotechnics in the second degree (E Felony)
- **405.18:** Aggravated unpermitted use of indoor pyrotechnics in the first degree (D Felony)
- **460.22:** Aggravated enterprise corruption (A-I Felony)

- **470.21:** Money laundering in support of terrorism in the fourth degree (E Felony)
- **470.22:** Money laundering in support of terrorism in the third degree (D Felony)
- **470.23:** Money laundering in support of terrorism in the second degree (C Felony)
- **470.24:** Money laundering in support of terrorism in the first degree (B Felony)
- **490.10:** Soliciting or providing support for an act of terrorism in the second degree (D Felony)
- **490.15:** Soliciting or providing support for an act of terrorism in the first degree (C Felony)
- **490.20:** Making a terroristic threat (D Felony)
- **490.25:** Crime of terrorism (A-I Felony)
- **490.30:** Hindering prosecution of terrorism in the second degree (C Felony)
- **490.35:** Hindering prosecution of terrorism in the first degree (B Felony)
- **490.37:** Criminal possession of a chemical weapon or biological weapon in the third degree (C Felony)
- **490.40:** Criminal possession of a chemical weapon or biological weapon in the second degree (B Felony)
- **490.45:** Criminal possession of a chemical weapon or biological weapon in the first degree (A-I Felony)
- **490.47:** Criminal use of a chemical weapon or biological weapon in third degree (B Felony)
- **490.50:** Criminal use of a chemical weapon or biological weapon in second degree (A-II Felony)
- **490.55:** Criminal use of a chemical weapon or biological weapon in first degree (A-I Felony)