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IN ALBANY

Unified State Legislators Pass Tougher Anti-Terrorism Laws

By JAMES C. McKINLEY Jr.

ALBANY, Sept. 17 — The State Legislature approved a package of new antiterrorism measures today that would have had no chance politically two weeks ago, but proved to be unstoppable in the wartime atmosphere enveloping New York after the attacks last Tuesday.

Gov. George E. Pataki called a special session of the Legislature late Sunday to act on three bills to create several new crimes for terrorist acts with stiff penalties. They make it a felony to help terrorists with financial or other material support before an attack, or to hide or abet them after they have struck.

After passage, the bills were signed by Mr. Pataki. They took effect immediately. "We're sending a very clear message to terrorists that New Yorkers have every intention of fighting back," he said.

The Legislature acted as Attorney General John Ashcroft called on Congress to pass a bill to permit the authorities to wiretap individuals, no matter what phone they use, and another to increase current penalties for harboring terrorists.

In addition to the three antiterrorism bills, the State Senate, which has a Republican majority, also passed a wiretap bill like the one Mr. Ashcroft is seeking, but the Democrats who control the Assembly, generally reluctant to weaken privacy protections, did not take it up.

Senate Majority Leader Joseph L. Bruno said today that federal investigators had requested that states approve easing restrictions to allow roving wiretaps.

The bills that did become law today created a new crime — "terrorism" — with a maximum penalty of life in prison. They also make it a crime punishable by up to seven years in prison to make a terrorist threat, to falsely report a bomb or to place a fake bomb in a public building. Giving more than $1,000 to a terrorist organization is now a crime carrying a penalty of up to 15 years. The statutes also allow state prosecutors to seek the death penalty for anyone who commits murder during an act of terrorism.

In some cases, the laws simply rename crimes already on the books and tack on tougher sentences. But several new felonies also were created, notably the crime of terrorism and the prohibition against giving money to groups linked to terrorists. The laws also provide for wiretaps on people suspected of committing any of the new crimes, like raising money for terrorist organizations.

The Republican-led Senate approved the bills with only one nay vote, from Senator Thomas K. Duane, a Manhattan Democrat whose district includes the devastated part of town. Senator Duane said he opposed the death penalty in all cases, and he pointed out Washington usually bears the responsibility for prosecuting terrorist acts.

"The federal government already has laws in place against people who are responsible for mass destruction," he said.

Aides to the governor drew parallels to the state's passage of laws safeguarding access to abortion clinics and banning assault rifles. In each case, the measures duplicated federal law, but proponents argued that local law enforcement needed those tools, as well.

Senator Bruno acknowledged that some civil libertarians might view the laws as too extreme, but he said that those objections would be drowned out in the cacophony of outrage over the attacks.

"From my point of view, if we're going to overreact, we overreact in terms of protecting our potential victims and innocent people and not worry the least about coddling potential criminals," Senator Bruno said.

The Democrats who control the Assembly killed a similar antiterrorism bill the governor introduced in June, arguing federal laws were sufficient.

Some Democrats grumbled privately today that the penalties in the bills that did pass today were too severe or that the legislation could be misused against legitimate political groups. They were silent on the Assembly floor, however. The bills passed the Assembly with no debate. The main terrorism bill passed 135 to 5, with the dissents coming from liberal Democrats.

Assembly Speaker Sheldon Silver said he had supported the bills purely to signal the Democratic support for the Republican governor in the aftermath of the attacks. "Is it overkill?" he said. "It may very well be overkill, but at this time I think it's important to show the unity of our purpose and not question political motives."

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