§ 490.05 Definitions.

As used in this article, the following terms shall mean and include:

1. "Act of terrorism":

(a) for purposes of this article means an act or acts constituting a specified offense as defined in subdivision three of this section for which a person may be convicted in the criminal courts of this state pursuant to article twenty of the criminal procedure law, 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:

(i) intimidate or coerce a civilian population;

(ii) influence the policy of a unit of government by intimidation or coercion; or

(iii) affect the conduct of a unit of government by murder, assassination or kidnapping; or

(b) for purposes of subparagraph (xiii) of paragraph (a) of subdivision one of section 125.27 of this chapter means activities that involve a violent act or acts dangerous to human life that are in violation of the criminal laws of this state and are intended to:

(i) intimidate or coerce a civilian population;

(ii) influence the policy of a unit of government by intimidation or coercion; or

(iii) affect the conduct of a unit of government by murder, assassination or kidnapping.

2. "Material support or resources" means 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.

3. (a) "Specified offense" for purposes of this article means a class A felony offense other than an offense as defined in article two hundred twenty, a violent felony offense as defined in section 70.02, manslaughter in the second degree as defined in section 125.15, criminal

tampering in the first degree as defined in section 145.20, identity theft in the second degree as defined in section 190.79, identity theft in the first degree as defined in section 190.80, unlawful possession of personal identification information in the second degree as defined in section 190.82, unlawful possession of personal identification information in the first degree as defined in section 190.83, money laundering in support of terrorism in the fourth degree as defined in section 470.21, money laundering in support of terrorism in the third degree as defined in section 470.22, money laundering in support of terrorism in the second degree as defined in section 470.23, money laundering in support of terrorism in the first degree as defined in section 470.24 of this chapter, and includes an attempt or conspiracy to commit any such offense.

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, a specified offense shall not mean an offense defined in sections 490.37, 490.40, 490.45, 490.47, 490.50, and 490.55 of this article, nor shall a specified offense mean an attempt to commit any such offense.

4. "Renders criminal assistance" for purposes of sections 490.30 and 490.35 of this article shall have the same meaning as in section 205.50 of this chapter.

5. "Biological agent" means any micro-organism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such micro-organism, virus, infectious substance, or biological product, capable of causing:

(a) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;

(b) deterioration of food, water, equipment, supplies, or material of any kind; or

(c) deleterious alteration of the environment.

6. "Toxin" means the toxic material of plants, animals, micro-organisms, viruses, fungi, or infectious substances, or a recombinant molecule, whatever its origin or method of production,

including:

(a) any poisonous substance or biological product that may be engineered as a result of biotechnology produced by a living organism; or

(b) any poisonous isomer or biological product, homolog, or derivative of such a substance.

7. "Delivery system" means:

(a) any apparatus, equipment, device, or means of delivery specifically designed to deliver or disseminate a biological agent, toxin, or vector; or

(b) any vector.

8. "Vector" means a living organism, or molecule, including a recombinant molecule, or biological product that may be engineered as a result of biotechnology, capable of carrying a biological agent or toxin to a host.

9. "Biological weapon" means any biological agent, toxin, vector, or delivery system or combination thereof.

10. "Chemical weapon" means the following, together or separately:

(a) a toxic chemical or its precursors;

(b) a munition or device specifically designed to cause death or other harm through the toxic properties of a toxic chemical or its precursors, which would be released as a result of the employment of such munition or device;

(c) any equipment specifically designed for use directly in connection with the employment of munitions or devices; or

(d) any device that is designed to release radiation or radioactivity at a level dangerous to human life.

11. "Precursor" means any chemical reactant that takes part at any stage in the production by whatever method of a toxic chemical, including any key component of a binary or multicomponent chemical system, and includes precursors which have been identified for application of verification measures under article VI of the convention

in schedules contained in the annex on chemicals of the chemical weapons convention.

12. "Key component of a binary or multicomponent chemical system" means the precursor which plays the most important role in determining the toxic properties of the final product and reacts rapidly with other chemicals in the binary or multicomponent system.

13. "Toxic chemical" means any chemical which through its chemical action on life processes can cause death, serious physical injury or permanent harm to humans or animals, including all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere, and includes toxic chemicals which have been identified by the commissioner of health and included on the list of toxic chemicals pursuant to subdivision twenty of section two hundred six of the public health law.

14. The terms "biological agent", "toxin", and "toxic chemical" do not include any biological agent, toxin or toxic chemical that is in its naturally occurring environment, if the biological agent, toxin or toxic chemical has not been cultivated, collected, or otherwise extracted from its natural source.

15. "Select chemical agent" shall mean a chemical weapon which has been identified in regulations promulgated pursuant to subdivision twenty of section two hundred six of the public health law.

16. "Select biological agent" shall mean a biological weapon which has been identified in regulations promulgated pursuant to subdivision twenty-one of section two hundred six of the public health law.

17. "Chemical weapons convention" and "convention" mean the convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction, opened for signature on January thirteenth, nineteen hundred ninety-three.