



June 2026

An Act to Combat Civil Terrorism

Model
Legislation

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Be it Enacted by the People of the [STATE OF _____] as follows:

Section 1. Short Title. This Act shall be known and may be cited as the “Combatting Civil Terrorism Act.”

Section 2. Purpose. To promote civil tranquility by holding those who seek to disrupt it for political purposes accountable.

Section 3. Legislative Findings. In recent years, radical groups have engaged in a strategy of civil terrorism to advance their goals. Civil terrorism is the use of low-level crimes to coerce or intimidate a population into adopting a policy or agenda. Misdemeanors like disorderly conduct, when committed in a widespread and organized manner, can be enormously disruptive to public safety and order.

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The Manhattan Institute is a community of scholars, journalists, activists, and civic leaders committed to advancing economic opportunity, individual liberty, and the rule of law in America and its great cities.

Current law assumes that such misdemeanors are committed by vagrant individuals rather than organized groups. These crimes tend to carry only small penalties and, because they are misdemeanors usually committed by people with benign intent or in need of treatment, are rarely prosecuted. However, ignoring those who purposefully commit these crimes as acts of civil terrorism does not make them go away, but emboldens them to escalate their behavior with more frequent and dramatic disruptions as they seek to subvert the democratic process of argument and persuasion.

The federal government has taken steps to disrupt the network of radical groups that have made use of this illegal strategy. States seeking to put an end to ongoing civil terrorism or ensure its prevention can also take steps to those ends. Doing so requires increasing the costs of participating in, funding, or organizing mass illegal activity. This will deter bad actors and ensure that it is worth prosecutors’ time to see the criminal process through.



Sec. 4. Prohibited Acts. The following acts shall constitute crimes under the criminal code and shall be enforced by state law enforcement officers and prosecutors.

- a. **Felony Disorderly Conduct or Riot.** Whoever shall, in groups of three individuals or more, intentionally commit the offense of disorderly conduct by blocking a road or other thoroughfare shall be guilty of felony disorderly conduct [or riot]. Whoever knowingly aids, abets, funds, organizes or otherwise facilitates the crime of felony disorderly conduct shall be guilty of conspiracy to commit felony disorderly conduct [or riot].
- b. **Deprivation of Civil Rights.** Whoever shall, in groups of three individuals or more, intentionally deprive another of his right freely to travel by road, sidewalk, or other public thoroughfare, or of his ability to enter or exit a house of worship, shall be guilty of felony disorderly conduct with deprivation of civil rights. Any individual whose rights are so deprived shall enjoy a private right of action at law against the perpetrator for compensatory damages.
- c. **Civil terrorism.** Whoever shall commit the offense of vandalism, destruction of property, disorderly conduct, deprivation of civil rights, or any other unlawful act with the intent to coerce or intimidate the civilian population shall be guilty of civil terrorism, a felony. Whoever knowingly aids, abets, funds, organizes, or otherwise facilitates such an offense shall be guilty of conspiracy to commit civil terrorism, a felony.
- d. **Subversion.** Whoever shall commit an unlawful act, whether misdemeanor or felony, with the intent to advance the interests of a federally designated Foreign Terrorist Organization, to attempt to act as an agent of a foreign government, or otherwise to subvert the government of this state or the United States of America, shall be guilty of subversion, a felony. Whoever knowingly aids, abets, funds, organizes, or otherwise facilitates such an offense with the same intent shall be guilty of conspiracy to commit subversion, a felony.
- e. **Additional Racketeering Predicates.** “Racketeering activity” or “Criminal conspiracy” as defined in state law shall include conduct constituting, or conspiracy or attempt to commit, felony disorderly conduct [or riot], civil terrorism, or subversion.

Section 5. Severability. If any provision of this Act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

Section 6. Effective Date. The requirements of this Act shall be effective 90 days from the date of enactment.