

EMERGENCY BILL

(PRE-FILED)

E4

7lr0910

By: Chairman, Judicial Proceedings Committee (Departmental - State Police, Dept. of)

Requested: November 15, 1996

Introduced and read first time: January 8, 1997

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Explosives - False Statements and Representations - Penalties**

3 FOR the purpose of increasing the penalties for a person who knowingly makes a false
4 statement or rumor concerning the location of or possible detonation of a bomb or
5 other explosive; increasing the penalties for manufacturing, possessing,
6 transporting, or placing a device that is constructed to represent a bomb or other
7 destructive explosives with intent to terrorize, frighten, threaten, intimidate, or
8 harass; adding an additional penalty of restitution upon the conviction of certain
9 crimes; making this Act an emergency measure; and generally relating to explosive
10 devices.

11 BY repealing and reenacting, with amendments,
12 Article 27 - Crimes and Punishments
13 Section 151A and 151C
14 Annotated Code of Maryland
15 (1996 Replacement Volume)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article 27 - Crimes and Punishments**

19 151A.

20 (A) A person is guilty of a [misdemeanor] FELONY if, knowing the statement or
21 rumor to be false, he circulates or transmits to another or others, with intent that it be
22 acted upon, a statement or rumor, written, printed, or by word of mouth, concerning the
23 location or possible detonation of a bomb or other explosive. An offense under this
24 section committed by the use of a telephone may be deemed to have been committed
25 either at the place at which the telephone call or calls were made or at the place at which
26 the telephone call or calls were received.

27 (B) A person convicted of violating this section is subject to a fine not exceeding
28 \$10,000 or to imprisonment for not exceeding [one year] 10 YEARS, or to both such fine
29 and imprisonment in the discretion of the court. This section does not apply to any
30 statement or rumor made or circulated by an officer, employee, or agent of a bona fide

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1 civilian defense organization or agency, if made in the regular course of his duties with
2 that organization or agency.

3 (C) IN ADDITION TO THE PENALTY PROVIDED IN SUBSECTION (B) OF THIS
4 SECTION, A PERSON CONVICTED UNDER THIS SECTION SHALL BE ORDERED BY THE
5 COURT TO PAY RESTITUTION TO THE OWNER OR TENANT OF A PROPERTY FOR THE
6 VALUE OF ANY GOODS, SERVICES, OR INCOME LOST AS A RESULT OF THE
7 EVACUATION OF THE PROPERTY IN RESPONSE TO THE FALSE STATEMENT OR
8 RUMOR OF EXPLOSIVES.

9 151C.

10 (a) A person may not manufacture, possess, transport, or place a device that is
11 constructed to represent a bomb, explosive, incendiary, or destructive explosive device
12 with the intent to terrorize, frighten, intimidate, threaten, or harass.

13 (b) A person who violates this section is guilty of a [misdemeanor] FELONY and
14 on conviction, is subject to imprisonment for [1 year] 10 YEARS or a fine of [\$1,000]
15 \$10,000 or both.

16 (C) IN ADDITION TO THE PENALTY PROVIDED IN SUBSECTION (B) OF THIS
17 SECTION, A PERSON CONVICTED UNDER THIS SECTION SHALL BE ORDERED BY THE
18 COURT TO PAY RESTITUTION TO:

19 (1) THE STATE, COUNTY, MUNICIPAL CORPORATION, OR BICOUNTY
20 AGENCY FOR COSTS INCURRED IN THE SEARCH FOR AND REMOVAL OF ANY
21 DEVICES REPRESENTING EXPLOSIVES; AND

22 (2) THE OWNER OR TENANT OF A PROPERTY FOR THE VALUE OF ANY
23 GOODS, SERVICES, OR INCOME LOST AS A RESULT OF THE EVACUATION OF THE
24 PROPERTY IN RESPONSE TO THE REPRESENTATION OF EXPLOSIVES.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
26 measure, is necessary for the immediate preservation of the public health and safety, has
27 been passed by a ye and nay vote supported by three-fifths of all the members elected to
28 each of the two Houses of the General Assembly, and shall take effect from the date it is
29 enacted.