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By: **Chairman, Judiciary Committee and Delegate Grosfeld**

Introduced and read first time: January 18, 2002

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 12, 2002

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CHAPTER 351

1 AN ACT concerning

2 **False Statements - Destructive Devices - Restitution**

3 FOR the purpose of clarifying the scope of restitution available to certain  
4 governmental units for responding to a false statement of a threat of a  
5 ~~destructive device or toxic material~~ or to a representation of a destructive device  
6 that is manufactured, possessed, transported, or placed with a certain intent.

7 BY repealing and reenacting, with amendments,  
8 Article - Criminal Law  
9 Section 9-504 and 9-505  
10 Annotated Code of Maryland  
11 (As enacted by Chapter \_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
12 2002)

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

15 **Article - Criminal Law**

16 9-504.

17 (a) This section does not apply to a statement made or rumor circulated by an  
18 officer, employee, or agent of a bona fide civilian defense organization or unit, if made  
19 in the regular course of the person's duties.

20 (b) A person may not circulate or transmit to another, with intent that it be  
21 acted on, a statement or rumor that the person knows to be false about the location or

1 possible detonation of a destructive device or the location or possible release of toxic  
2 material, as those terms are defined in § 4-501 of this article.

3 (c) A person who violates this section is guilty of a felony and on conviction is  
4 subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or  
5 both.

6 (d) A crime under this section committed using a telephone or other electronic  
7 means may be prosecuted:

8 (1) in the county in which the communication originated; or

9 (2) in the county in which the communication was received.

10 (e) (1) In addition to the penalty provided in subsection (c) of this section, a  
11 court may order a person convicted or found to have committed a delinquent act  
12 under this section to pay restitution to:

13 (i) the State, county, municipal corporation, bicounty unit, or  
14 special taxing district for actual costs reasonably incurred [due to] ~~IN the response~~  
15 ~~RESPONDING~~ to a location and ~~search~~ SEARCHING for ~~AND REMOVAL OF~~ a destructive  
16 device caused by the false statement or rumor of a destructive device; and

17 (ii) the owner or tenant of a property for the actual value of any  
18 goods, services, or income lost as a result of the evacuation of the property in response  
19 to the false statement or rumor of a destructive device.

20 (2) This subsection may not be construed to limit the right of a person to  
21 restitution under Title 11, Subtitle 6 of the Criminal Procedure Article.

22 (3) (i) If the person convicted or found to have committed a delinquent  
23 act under this section is a minor, the court may order the minor, the minor's parent,  
24 or both to pay the restitution described in paragraph (1) of this subsection.

25 (ii) Except as otherwise provided in this section, the provisions of  
26 Title 11, Subtitle 6 of the Criminal Procedure Article apply to an order of restitution  
27 under this paragraph.

28 (f) In addition to any other penalty authorized by law, if the person convicted  
29 or found to have committed a delinquent act under this section is a minor, the court  
30 may order the Motor Vehicle Administration to initiate an action, under the motor  
31 vehicle laws, to suspend the driving privilege of the minor for a specified period not to  
32 exceed:

33 (1) for a first violation, 6 months; and

34 (2) for each subsequent violation, 1 year or until the person is 21 years  
35 old, whichever is longer.

1 9-505.

2 (a) A person may not manufacture, possess, transport, or place a device that is  
3 constructed to represent a destructive device, as defined in § 4-501 of this article,  
4 with the intent to terrorize, frighten, intimidate, threaten, or harass.

5 (b) A person who violates this section is guilty of a felony and on conviction is  
6 subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or  
7 both.

8 (c) (1) In addition to the penalty provided in subsection (b) of this section, a  
9 person convicted or found to have committed a delinquent act under this section may  
10 be ordered by the court to pay restitution to:

11 (i) the State, county, municipal corporation, bicounty unit, or  
12 special taxing district for actual costs reasonably incurred in ~~the RESPONSE~~  
13 RESPONDING TO A LOCATION AND search SEARCHING for and ~~removal~~ REMOVING of  
14 a device constructed to represent a destructive device; and

15 (ii) the owner or tenant of a property for the actual value of any  
16 goods, services, or income lost as a result of the evacuation of the property in response  
17 to a device that is constructed to represent a destructive device.

18 (2) This subsection may not be construed to limit the right of a person to  
19 restitution under Title 11, Subtitle 6 of the Criminal Procedure Article.

20 (3) (i) If the person convicted or found to have committed a delinquent  
21 act in violation of this section is a minor, the court may order the minor, the minor's  
22 parent, or both to pay the restitution described in paragraph (1) of this subsection.

23 (ii) Except as otherwise provided in this section, the provisions of  
24 Title 11, Subtitle 6 of the Criminal Procedure Article apply to an order of restitution  
25 under this paragraph.

26 (d) In addition to any other penalty authorized by law, if the person convicted  
27 or found to have committed a delinquent act under this section is a minor, the court  
28 may order the Motor Vehicle Administration to initiate an action, under the motor  
29 vehicle laws, to suspend the driving privilege of the minor for a specified period not to  
30 exceed:

31 (1) for a first violation, 6 months; and

32 (2) for each subsequent violation, 1 year or until the person is 21 years  
33 old, whichever is longer.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
35 effect October 1, 2002.

