

SENATE BILL 871

E2

3lr2810

By: **Senator Jacobs**

Introduced and read first time: February 7, 2013

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Venue for Prosecution of False Statements Concerning**
3 **Destructive Devices or Toxic Materials**

4 FOR the purpose of authorizing a certain crime involving circulating or transmitting a
5 false statement or rumor about the location of a destructive device or toxic
6 material to be prosecuted in a certain county in which the destructive device or
7 toxic material was alleged to be located; and generally relating to the venue for
8 prosecuting false statements concerning destructive devices or toxic materials.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 9–504
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2012 Supplement)

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

16 **Article – Criminal Law**

17 9–504.

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

21 (b) A person may not circulate or transmit to another, with intent that it be
22 acted on, a statement or rumor that the person knows to be false about the location or
23 possible detonation of a destructive device or the location or possible release of toxic
24 material, as those terms are defined in § 4–501 of this article.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 (d) A crime under this section committed using a telephone or other
5 electronic means may be prosecuted **IN THE COUNTY:**

6 (1) [in the county] in which the communication originated; [or]

7 (2) [in the county] in which the communication was received; **OR**

8 **(3) IN WHICH THE DESTRUCTIVE DEVICE OR TOXIC MATERIAL**
9 **WAS ALLEGED TO BE LOCATED.**

10 (e) (1) In addition to the penalty provided in subsection (c) of this section,
11 a 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,
14 multicounty unit, county board of education, public authority, or special taxing district
15 for actual costs reasonably incurred in responding to a location and searching for a
16 destructive device as a result of a violation of this section; 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 as a result
19 of a violation of this section.

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

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

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

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

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

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

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2013.