

CF 7lr1537

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**By: Delegates Genn and Doory (Committee to Revise Article 27)**

Introduced and read first time: January 31, 1997

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: February 25, 1997

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## CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Crimes - Explosives and Destructive Devices - Revision**

3 FOR the purpose of revising and restating the laws concerning explosives and destructive  
4 devices; repealing provisions of law concerning fire bombs and vehicles, dynamiting,  
5 fire bombs, destructive explosive devices, and pipe bombs; prohibiting a person  
6 from manufacturing, transporting, possessing, controlling, storing, selling,  
7 distributing, or using a destructive device; prohibiting a person from possessing  
8 certain materials with intent to create a destructive device; providing certain  
9 penalties; altering certain penalties for offenses relating to false statements and  
10 devices constructed to represent destructive devices; providing that a murder  
11 committed during the course of a violation concerning destructive devices is first  
12 degree murder; altering the authority of the State Fire Marshal to make warrantless  
13 arrests; authorizing the State Fire Marshal to investigate destructive device offenses  
14 and to make arrests for these offenses; prohibiting bail for persons charged with a  
15 destructive device offense under certain circumstances; allowing the interception of  
16 wire, oral, or electronic communications concerning destructive device offenses  
17 under certain circumstances; making stylistic, conforming, and substantive changes  
18 to provisions that include references to explosives and destructive devices; providing  
19 that this Act does not apply to certain persons under certain circumstances;  
20 providing that certain Committee Notes and catchlines contained in this Act are not  
21 law; defining certain terms; and generally relating to explosives and destructive  
22 devices.

23 BY repealing and reenacting, with amendments,  
24 Article 27 - Crimes and Punishments  
25 Section 33, 111B, 151A, 151C, 410, 594B(i), and 616 1/2(c) and (d)  
26 Annotated Code of Maryland  
27 (1996 Replacement Volume)

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1 BY repealing

2 Article 27 - Crimes and Punishments  
 3 Section 119 and 139A through 139C and the subheading "Explosives"  
 4 Annotated Code of Maryland  
 5 (1996 Replacement Volume)

6 BY adding to

7 Article 27 - Crimes and Punishments  
 8 Section 139A through 139D, to be under the new subheading "Destructive Devices"  
 9 Annotated Code of Maryland  
 10 (1996 Replacement Volume)

11 BY repealing and reenacting, with amendments,

12 Article 38A - Fires and Investigations  
 13 Section 8(g)  
 14 Annotated Code of Maryland  
 15 (1993 Replacement Volume and 1996 Supplement)

16 BY repealing and reenacting, without amendments,

17 Article 38A - Fires and Investigations  
 18 Section 26(1)  
 19 Annotated Code of Maryland  
 20 (1993 Replacement Volume and 1996 Supplement)

21 BY repealing and reenacting, with amendments,

22 Article - Courts and Judicial Proceedings  
 23 Section 10-402(c)(2) and 10-406  
 24 Annotated Code of Maryland  
 25 (1995 Replacement Volume and 1996 Supplement)

26 BY repealing and reenacting, with amendments,

27 Article - State Government  
 28 Section 2-1702(e)(2)  
 29 Annotated Code of Maryland  
 30 (1995 Replacement Volume and 1996 Supplement)

31 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

32 MARYLAND, That the Laws of Maryland read as follows:

33 **Article 27 - Crimes and Punishments**

34 33.

35 (a) A person who commits burglary in the first, second, or third degree and who  
 36 then and there opens or attempts to open any vault, safe, or other secure repository by  
 37 the use of [an explosive] A DESTRUCTIVE DEVICE, AS DEFINED IN § 139A OF THIS

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1 ARTICLE, is guilty of the felony of burglary with explosives and on conviction is subject to  
2 imprisonment for not more than 20 years.

3 (b) A sentence that is imposed for a violation of this section may be imposed  
4 separate from and consecutive to or concurrent with a sentence for any other offense  
5 based on the act or acts establishing the violation.

6 111B.

7 Any person who willfully throws, shoots or propels a rock, stone, brick, or a piece of  
8 iron, steel or other like metal, or any deadly or dangerous missile[, or fire bomb,] at or  
9 into a vehicle or instrumentality of transportation that is occupied by one or more persons  
10 is guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not  
11 exceeding five hundred dollars (\$500.00), or to undergo imprisonment not exceeding one  
12 (1) year or both, at the discretion of the court.

13 COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): This revision  
14 strikes the term "fire bomb" from this section. A fire bombing as previously proscribed  
15 under this section is punishable under Article 27, §§ 139C and 139D.

16 [119.

17 Every person, his aiders or abettors, who shall wilfully and maliciously dynamite,  
18 blow up or otherwise, by means of any explosives as that term is defined in § 26(1) of  
19 Article 38A of this Code, wreck, destroy, injure or damage, in whole or in part, or attempt  
20 so to do, or conspire or connive thereat, any property whether real or personal, public or  
21 private, shall be guilty of a felony, and shall be subject, in the discretion of the court, to  
22 imprisonment for life or for a definite period not exceeding twenty years, or to a fine not  
23 exceeding twenty thousand dollars, or to both fine and imprisonment, in the discretion of  
24 the court.]

25 COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): See Article 27,  
26 § 139C for current prohibitions on explosives.

27 [Explosives]

28 [139A.

29 (a) It is unlawful for any person to manufacture, assemble, use or possess in this  
30 State, any device commonly known as a firebomb or a Molotov cocktail. Such a device is  
31 defined as any container which is filled with an incendiary mixture or flammable material  
32 or liquid, and is designed and intended to be used as a destructive device and whose  
33 ignition is caused by flame, friction, concussion, detonation or other method which will  
34 produce destructive effects primarily through combustion rather than explosion. This  
35 provision does not extend to those containers that contain and that are primarily designed  
36 and approved for the transportation or storage of a particular mixture, material or liquid.

37 (b) Violation of this section is a misdemeanor and is punishable upon conviction  
38 by imprisonment in the penitentiary for not to exceed 5 years, or by fine not to exceed  
39 \$2,500 or both.]

4

1 [139B.

2 (a) A person may not manufacture, assemble, possess, transport, or place in this  
3 State any destructive explosive device with the intent to terrorize, frighten, intimidate,  
4 threaten, or harass.

5 (b) The term "destructive explosive device" shall include any explosive, as defined  
6 by Article 38A, § 26(1) of the Code, incendiary or poisonous gas incorporated into a  
7 bomb, grenade, rocket having a propellant charge, missile having an explosive or  
8 incendiary charge, mine, or other similar device.

9 (c) A person who violates this section is guilty of a felony and, upon conviction, is  
10 subject to imprisonment for 20 years or a fine of \$10,000 or both.]

11 [139C.

12 (a) In this section, "pipe bomb" means a noncommercially made explosive device  
13 constructed of a solid material filled with explosive material which is designed to explode  
14 when subjected to heat, friction, concussion, or detonation.

15 (b) An individual may not knowingly manufacture, assemble, possess, transport,  
16 or use a pipe bomb.

17 (c) An individual who violates this section is guilty of a felony and on conviction  
18 is subject to a fine of not more than \$10,000 or imprisonment for not more than 20 years  
19 or both.]

20 DESTRUCTIVE DEVICES

21 COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): The purpose of this  
22 revision of the explosives laws is to consolidate the law on this subject and to ensure that  
23 the creation of any device intended to cause damage to property or injury to persons by  
24 way of explosion, fire, or poison is covered by the law. This revision does not prohibit or  
25 regulate any materials that are currently legal and commonly used in households and in  
26 business. This subheading would apply to such materials only when they are intentionally  
27 combined with a delivery system so as to create a destructive capacity for which they were  
28 never intended. Those items included as illustrations that have legitimate uses become  
29 subject to the provisions of this subheading only when a person uses them for a criminal  
30 purpose.

31 139A. DEFINITIONS.

32 (A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
33 INDICATED.

34 (B) (1) "DESTRUCTIVE DEVICE" MEANS EXPLOSIVE, INCENDIARY, OR  
35 TOXIC MATERIAL THAT HAS BEEN COMBINED WITH A DELIVERY OR DETONATING  
36 APPARATUS SO AS TO BE CAPABLE OF INFLECTING INJURY TO PERSONS OR DAMAGE  
37 TO PROPERTY.

38 (2) "DESTRUCTIVE DEVICE" INCLUDES:

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1 (I) DEVICES WHICH ARE PRIMARILY DESIGNED AND  
2 MANUFACTURED FOR MILITARY PURPOSES AS INSTRUMENTALITIES OF  
3 DESTRUCTION, INCLUDING ANY BOMB, GRENADE, MINE, SHELL, MISSILE,  
4 FLAMETHROWER, OR POISON GAS; AND

5 (II) ANY EXPLOSIVE, INCENDIARY, OR TOXIC MATERIAL WHICH  
6 HAS BEEN DELIBERATELY MODIFIED, CONTAINERIZED OR OTHERWISE EQUIPPED  
7 WITH ANY DELIVERY, ACTIVATION OR DETONATION COMPONENT SO AS TO GIVE IT  
8 THE DESTRUCTIVE CHARACTERISTICS OF A MILITARY ORDNANCE, INCLUDING A  
9 MOLOTOV COCKTAIL, PIPE BOMB, OR PETROLEUM SOAKED FERTILIZER.

10 (C) (1) "EXPLOSIVE MATERIAL" MEANS MATERIAL WHICH EXPLODES  
11 WHEN DETONATED AND HAS A DESTRUCTIVE CAPABILITY.

12 (2) "EXPLOSIVE MATERIAL" INCLUDES:

13 (I) EXPLOSIVES AS DEFINED IN ARTICLE 38A, § 26 OF THE CODE;  
14 AND

15 (II) DYNAMITE FOR CONSTRUCTION WORK, FERTILIZER FOR  
16 FARMING, NATURAL GAS IN PIPELINES AND STORAGE TANKS, ETHER, AND  
17 CANNISTERIZED OXYGEN FOR HEALTH CARE FACILITIES.

18 (3) "EXPLOSIVE MATERIAL" DOES NOT INCLUDE THOSE ITEMS  
19 EXCLUDED AS EXPLOSIVES IN ARTICLE 38A, § 26 OF THE CODE WHEN THOSE ITEMS  
20 ARE USED IN THEIR ORIGINAL CONFIGURATION.

21 (D) (1) "INCENDIARY MATERIAL" MEANS A FLAMMABLE OR COMBUSTIBLE  
22 LIQUID.

23 (2) "INCENDIARY MATERIAL" INCLUDES GASOLINE, ACETONE,  
24 BENZENE, BUTANE, JET FUEL, FUEL OIL, KEROSENE, AND DIESEL FUEL.

25 (E) (1) "TOXIC MATERIAL" MEANS MATERIAL WHICH IS CAPABLE OF  
26 CAUSING DEATH OR SERIOUS BODILY INJURY ALMOST IMMEDIATELY ON BEING  
27 ABSORBED THROUGH THE SKIN, INHALED, OR INGESTED.

28 (2) "TOXIC MATERIAL" INCLUDES NERVE GAS, MUSTARD GAS, CYANIDE  
29 GAS, CHLORINE GAS, AND SULPHURIC ACID.

30 COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): The definition  
31 of explosive material in subsection (c) incorporates by reference the definition of  
32 explosives in Article 38A, § 26. Subsection (c)(3) is added to clarify that fireworks,  
33 ammunition, and the other items excluded in Article 38A, § 26 are not destructive devices  
34 when used in their original configuration. If, however, they are deliberately altered and  
35 equipped with some type of detonation device, they would be covered by the definition of  
36 destructive device. For instance, ammunition would not be considered explosive material  
37 but a pipe bomb made from gunpowder obtained from ammunition would be covered.

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1 139B. EXEMPTIONS FROM APPLICATION OF SUBHEADING.

2 THE PROHIBITIONS OF THIS SUBHEADING DO NOT APPLY TO:

3 (1) LAW ENFORCEMENT PERSONNEL OF THE UNITED STATES  
4 GOVERNMENT OR ANY AGENCY OR DEPARTMENT OF THE UNITED STATES,  
5 MEMBERS OF THE ARMED FORCES OF THE UNITED STATES OR OF THE NATIONAL  
6 GUARD, OR LAW ENFORCEMENT PERSONNEL OF THE STATE OR A POLITICAL  
7 SUBDIVISION OF THE STATE WHILE ACTING WITHIN THE SCOPE OF THEIR OFFICIAL  
8 DUTIES;

9 (2) OFFICERS OR EMPLOYEES OF THE UNITED STATES, THE STATE, OR A  
10 POLITICAL SUBDIVISION OF THE STATE WHO ARE AUTHORIZED TO HANDLE A  
11 DESTRUCTIVE DEVICE WITHIN THE SCOPE OF THEIR OFFICIAL DUTIES AND WHO  
12 ARE ACTING WITHIN THE SCOPE OF THEIR OFFICIAL DUTIES;

13 (3) A PERSON AUTHORIZED OR LICENSED UNDER LAW TO POSSESS THE  
14 EXPLOSIVE, INCENDIARY, OR TOXIC MATERIAL WHILE THE PERSON IS ACTING  
15 WITHIN THE SCOPE OF THE AUTHORIZATION OR LICENSE IF POSSESSION OF A  
16 PARTICULAR EXPLOSIVE, INCENDIARY, OR TOXIC MATERIAL IS SPECIFICALLY  
17 REGULATED OR LICENSED UNDER LAW; OR

18 (4) A PERSON WHO:

19 (I) POSSESSES SMOKELESS OR BLACK GUNPOWDER UNDER THE  
20 PROVISIONS OF ARTICLE 38A OF THE CODE; AND

21 (II) USES SMOKELESS OR BLACK GUNPOWDER SOLELY FOR  
22 LOADING OR RELOADING SMALL ARMS AMMUNITION, ANTIQUE FIREARMS, OR  
23 REPLICAS OF ANTIQUE FIREARMS.

24 139C. PROHIBITIONS.

25 A PERSON MAY NOT KNOWINGLY:

26 (1) MANUFACTURE, TRANSPORT, POSSESS, CONTROL, STORE, SELL,  
27 DISTRIBUTE, OR USE A DESTRUCTIVE DEVICE; OR

28 (2) POSSESS ANY EXPLOSIVE, INCENDIARY, OR TOXIC MATERIAL WITH  
29 INTENT TO CREATE A DESTRUCTIVE DEVICE.

30 139D. PENALTIES.

31 (A) A PERSON WHO VIOLATES THE PROVISIONS OF THIS SUBHEADING IS  
32 GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE  
33 THAN \$250,000 OR BY IMPRISONMENT FOR NOT MORE THAN 25 YEARS OR BOTH.

34 (B) THE SENTENCE IMPOSED UNDER THIS SECTION MAY BE IMPOSED  
35 SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR  
36 AN OFFENSE BASED ON THE ACT OR ACTS ESTABLISHING THE VIOLATION OF THIS  
37 SUBHEADING.

7

1 151A.

2 A person is guilty of a misdemeanor if, knowing the statement or rumor to be false,  
3 he circulates or transmits to another or others, with intent that it be acted upon, a  
4 statement or rumor, written, printed, or by word of mouth, concerning the location or  
5 possible detonation of a [bomb or other explosive] DESTRUCTIVE DEVICE, AS  
6 DEFINED IN § 139A OF THIS ARTICLE. An offense under this section committed by the  
7 use of a telephone may be deemed to have been committed either at the place at which  
8 the telephone call or calls were made or at the place at which the telephone call or calls  
9 were received.

10 A person convicted of violating this section is subject to a fine not exceeding \$10,000  
11 or to imprisonment [for] not exceeding [one year] 3 YEARS, or to both such fine and  
12 imprisonment in the discretion of the court. This section does not apply to any statement  
13 or rumor made or circulated by an officer, employee, or agent of a bona fide civilian  
14 defense organization or agency, if made in the regular course of his duties with that  
15 organization or agency.

16 COMMITTEE NOTE TO THE GENERAL ASSEMBLY: The Committee to  
17 Revise Article 27 felt that the penalties for both this section and § 151C should be the  
18 same as those for the more serious malicious destruction of property offense under § 111,  
19 which is a maximum penalty of 3 years and \$2,500. Therefore, in both this section and §  
20 151C the maximum term of imprisonment is raised from 1 year to 3 years. The current  
21 maximum fine for this section is \$10,000. Rather than reduce this fine to \$2,500, the  
22 Committee has decided to maintain it at \$10,000 and leave it to the discretion of the  
23 General Assembly whether to make the fine in this section consistent with that in § 151C.  
24 In § 151C, this revision raises the maximum fine from \$1,000 to \$2,500.

25 151C.

26 (a) A person may not manufacture, possess, transport, or place a device that is  
27 constructed to represent a [bomb, explosive, incendiary, or destructive explosive]  
28 DESTRUCTIVE device, AS DEFINED IN § 139A OF THIS ARTICLE, with the intent to  
29 terrorize, frighten, intimidate, threaten, or harass.

30 (b) A person who violates this section is guilty of a misdemeanor and on  
31 conviction, is subject to imprisonment for [1 year or a fine of \$1,000] NOT MORE THAN  
32 3 YEARS OR A FINE OF NOT MORE THAN \$2,500 or both.

33 410.

34 All murder which shall be committed in the perpetration of, or attempt to  
35 perpetrate, any rape in any degree, sexual offense in the first or second degree, sodomy,  
36 mayhem, robbery, carjacking or armed carjacking, burglary in the first, second, or third  
37 degree, A VIOLATION OF § 139C OF THIS ARTICLE CONCERNING DESTRUCTIVE  
38 DEVICES, kidnapping as defined in §§ 337 and 338 of this article, or in the escape or  
39 attempt to escape from the Maryland Penitentiary, the house of correction, the Baltimore  
40 City Detention Center, or from any jail or penal institution in any of the counties of this  
41 State, shall be murder in the first degree.

8

1 594B.

2 (i) (1) The State Fire Marshal or a full-time assistant of the Office of the State  
 3 Fire Marshal has the same powers of arrest set forth in subsection (c) of this section as to  
 4 offenses listed under §§ 6, 7, [119, 139B, and] 139C, AND 410, of this article, AND  
 5 ATTEMPTS, CONSPIRACIES, AND SOLICITATIONS TO COMMIT THESE OFFENSES.

6 (2) The State Fire Marshal or a full-time assistant of the Office of the State  
 7 Fire Marshal has the same powers of arrest set forth in subsection (e) of this section as to  
 8 offenses listed under §§ 8(a), 9, 9A, 11D, 111B, [139A] 151A, 151C, 156, and 470A(b) (4)  
 9 of this article, and attempting, causing, aiding, counseling, or procuring arson in the first  
 10 or second degree or malicious burning in the first or second degree.

11 616 1/2.

12 (c) Any person charged with an offense hereinafter enumerated committed  
 13 during the time that person had been released on bail or his own recognizance for  
 14 committing an offense hereinafter enumerated, is ineligible to give bail or be released on  
 15 recognizance on the subsequent charge, until all prior charges hereunder have finally  
 16 been determined by the courts. But a person charged with a subsequent crime hereinafter  
 17 set forth, may rebut his ineligibility for release on bail before determination of the prior  
 18 charge. If, after consideration of the matters presented in rebuttal, the court hearing the  
 19 application for bail is persuaded that the applicant would not pose a danger to any other  
 20 person or to the community, and would appear at the time set for trial, the court may  
 21 allow release pending trial on suitable bail and on such other conditions as will reasonably  
 22 assure that the person charged will not flee. For the purposes of this subsection, court  
 23 does not mean District Court commissioners and the offenses are those specified in the  
 24 following sections of Article 27 of the Annotated Code of Maryland (1967 Repl. Vol.) as  
 25 they may be amended from time to time:

26 (1) Section 6 (relating to arson in the first degree) and attempting, aiding,  
 27 counseling, or procuring arson in the first degree;

28 (2) Section 7 (relating to arson in the second degree) and attempting,  
 29 aiding, counseling, or procuring arson in the second degree;

30 (3) Section 12A-1 (relating to assault in the first degree);

31 (4) Section 29 (relating to burglary in the first degree);

32 (5) Section 30 (relating to burglary in the second degree);

33 (6) Section 31 (relating to burglary in the third degree);

34 (7) Section 35C (causing abuse to child under 18);

35 (8) SECTION 139C (RELATING TO DESTRUCTIVE DEVICES);

36 [(8)] (9) Section 286 (relating to the manufacture, distribution, etc., or to  
 37 the counterfeiting, etc., of a controlled dangerous substance or of certain equipment  
 38 relating thereto and relating to the keeping of a common nuisance as related to drug  
 39 abuse);

40 [(9)] (10) Section 337 (relating to kidnapping generally);



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- 1            [(10)] (11) Section 338 (relating to kidnapping children under sixteen);
- 2            [(11)] (12) Section 388 (relating to manslaughter by automobile, motorboat,  
3 etc.);
- 4            [(12)] (13) Section 407 (relating to first degree murder);
- 5            [(13)] (14) Section 408 (relating to murder committed in perpetration of  
6 arson);
- 7            [(14)] (15) Section 409 (relating to murder committed in burning barns, etc.);
- 8            [(15)] (16) Section 410 (relating to murder committed in perpetration of rape  
9 in any degree, sexual offense in the first or second degree, sodomy, etc.);
- 10           [(16)] (17) Section 411 (relating to second degree murder);
- 11           [(17)] (18) Section 411A (relating to attempted murder in the first or second  
12 degree);
- 13           [(18)] (19) Sections 462 and 463 (relating to rape in the first and second  
14 degree);
- 15           [(19)] (20) Section 464F (relating to attempted rape or sexual offense in the  
16 first or second degree);
- 17           [(20)] (21) Section 486 (relating to robbery generally); and
- 18           [(21)] (22) Section 488 (relating to robbery with a deadly weapon).

19           (d) If a person is charged with an offense listed in subsection (c) of this section  
20 after being convicted for an offense listed in subsection (c) of this section, the person may  
21 not be released on personal recognizance.

## 22           **Article 38A - Fires and Investigations**

23 8.

24           (g) (1) The State Fire Marshal, in making this inspection or investigation, may,  
25 when in his judgment necessary, take the testimony on oath of all persons supposed to be  
26 cognizant of any facts, or to have the means of knowledge in relation to the matter herein  
27 required to be examined and inquired into, and to cause the testimony to be reduced to  
28 writing; and when, in his judgment, the examination discloses that the fire or explosion or  
29 attempt to cause a fire or explosion was of incendiary origin OR WAS RELATED TO A  
30 DESTRUCTIVE DEVICE AS DEFINED IN ARTICLE 27, § 139A OF THE CODE , the State  
31 Fire Marshal may arrest the supposed incendiary or cause him to be arrested and charged  
32 with the crime; and shall transmit a copy of the testimony so taken to the State's Attorney  
33 for the county or city wherein the fire or explosion or attempt to cause a fire or explosion  
34 occurred.

35           (2) If, upon investigation, the State Fire Marshal has probable cause to  
36 believe that a person has committed or has attempted to commit a crime involving a fire,  
37 fire bombing, or false alarm, or involving the possession or manufacture of [explosive]  
38 DESTRUCTIVE devices or EXPLOSIVE substances, fireworks, or fire bombs, the State Fire

10

1 Marshal may arrest that person or cause him to be arrested and charged with the crime,  
2 in accordance with the appropriate procedures provided by law.

3 COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): The changes to  
4 this section are intended to clarify the authority of the State Fire Marshal to investigate  
5 and charge for any offense involving destructive devices, regardless of whether incendiary  
6 materials are involved.

7 26.

8 As used in this subtitle:

9 (1) "Explosives" means gunpowder, powders for blasting, high "explosives"  
10 blasting materials, fuses (other than electric circuit breakers), detonators, and other  
11 detonating agents, smokeless powder and any chemical compound or any mechanical  
12 mixture containing any oxidizing and combustible units, or other ingredients in such  
13 proportions, quantities, or packing that ignition by fire, friction, concussion, percussion or  
14 detonation of any part thereof may and is intended to cause an explosion, including  
15 bombs and destructive devices designed to operate by chemical, mechanical or explosive  
16 action but shall not include fixed ammunition for small arms, small arms ammunition  
17 primers, small arms percussion caps, safety and pyrotechnic fuses, quills, quick and slow  
18 matches, friction primers, fireworks, or common matches when used in their original  
19 configuration.

20 **Article - Courts and Judicial Proceedings**

21 10-402.

22 (c) (2) It is lawful under this subtitle for an investigative or law enforcement  
23 officer acting in a criminal investigation or any other person acting at the prior direction  
24 and under the supervision of an investigative or law enforcement officer to intercept a  
25 wire, oral, or electronic communication in order to provide evidence of the commission of  
26 the offenses of murder, kidnapping, rape, a sexual offense in the first or second degree,  
27 child abuse, gambling, robbery, any felony punishable under the "Arson and Burning"  
28 subheading of Article 27, bribery, extortion, or dealing in controlled dangerous  
29 substances, including violations of Article 27, § 286B or § 287A, fraudulent insurance  
30 acts, as defined in Article 48A, § 233, OFFENSES RELATING TO DESTRUCTIVE DEVICES  
31 UNDER ARTICLE 27, § 139C OF THE CODE, or any conspiracy or solicitation to commit any  
32 of these offenses, or where any person has created a barricade situation and probable  
33 cause exists for the investigative or law enforcement officer to believe a hostage or  
34 hostages may be involved, where the person is a party to the communication or one of the  
35 parties to the communication has given prior consent to the interception.

36 10-406.

37 The Attorney General, State Prosecutor, or any State's Attorney may apply to a  
38 judge of competent jurisdiction, and the judge, in accordance with the provisions of §  
39 10-408 of this subtitle, may grant an order authorizing the interception of wire, oral, or  
40 electronic communications by investigative or law enforcement officers when the  
41 interception may provide or has provided evidence of the commission of the offense of  
42 murder, kidnapping, gambling, robbery, any felony punishable under the "Arson and  
43 Burning" subheading of Article 27 of this Code, bribery, extortion, or dealing in

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1 controlled dangerous substances, OFFENSES RELATING TO DESTRUCTIVE DEVICES  
2 UNDER ARTICLE 27, § 139C OF THE CODE, or any conspiracy or solicitation to commit any  
3 of the foregoing offenses. No application or order shall be required if the interception is  
4 lawful under the provisions of § 10-402(c) of this subtitle.

5 **Article - State Government**

6 2-1702.

7 (e) (2) A person may not willfully bring an assault weapon or other firearm[,  
8 explosive, or incendiary] OR DESTRUCTIVE device, AS DEFINED IN ARTICLE 27, § 139A  
9 OF THE CODE, into or have an assault weapon or other firearm[, explosive, or  
10 incendiary] OR DESTRUCTIVE device in a building where:

11 (i) the Senate or the House has a chamber;

12 (ii) a member, officer, or employee of the General Assembly has an  
13 official office; or

14 (iii) a committee of the General Assembly, the Senate, or the House  
15 has an office.

16 SECTION 2. AND BE IT FURTHER ENACTED, That the Committee Notes and  
17 catchlines contained in this Act are not law.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 1997.