

CF 7r1536

By: Senators Stone, Middlebrooks, and Boozer (Committee to Revise Article 27)

Introduced and read first time: January 22, 1997

Assigned to: Judicial Proceedings

A BILL ENTITLED

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)

28 BY repealing
29 Article 27 - Crimes and Punishments
30 Section 119 and 139A through 139C and the subheading "Explosives"
31 Annotated Code of Maryland
32 (1996 Replacement Volume)

33 BY adding to

2
1 Article 27 - Crimes and Punishments
2 Section 139A through 139D, to be under the new subheading "Destructive Devices"
3 Annotated Code of Maryland
4 (1996 Replacement Volume)

5 BY repealing and reenacting, with amendments,
6 Article 38A - Fires and Investigations
7 Section 8(g)
8 Annotated Code of Maryland
9 (1993 Replacement Volume and 1996 Supplement)

10 BY repealing and reenacting, without amendments,
11 Article 38A - Fires and Investigations
12 Section 26(1)
13 Annotated Code of Maryland
14 (1993 Replacement Volume and 1996 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Courts and Judicial Proceedings
17 Section 10-402(c)(2) and 10-406
18 Annotated Code of Maryland
19 (1995 Replacement Volume and 1996 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - State Government
22 Section 2-1702(e)(2)
23 Annotated Code of Maryland
24 (1995 Replacement Volume and 1996 Supplement)

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

27 **Article 27 - Crimes and Punishments**

28 33.

29 (a) A person who commits burglary in the first, second, or third degree and who
30 then and there opens or attempts to open any vault, safe, or other secure repository by
31 the use of [an explosive] A DESTRUCTIVE DEVICE, AS DEFINED IN § 139A OF THIS
32 ARTICLE, is guilty of the felony of burglary with explosives and on conviction is subject to
33 imprisonment for not more than 20 years.

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

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1 111B.

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

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

11 [119.

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

20 COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): See Article 27,
21 § 139C for current prohibitions on explosives.

22 [Explosives]

23 [139A.

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

32 (b) Violation of this section is a misdemeanor and is punishable upon conviction
33 by imprisonment in the penitentiary for not to exceed 5 years, or by fine not to exceed
34 \$2,500 or both.]

35 [139B.

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

39 (b) The term "destructive explosive device" shall include any explosive, as defined
40 by Article 38A, § 26(1) of the Code, incendiary or poisonous gas incorporated into a

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1 bomb, grenade, rocket having a propellant charge, missile having an explosive or
2 incendiary charge, mine, or other similar device.

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

5 [139C.

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

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

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

14 DESTRUCTIVE DEVICES

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

25 139A. DEFINITIONS.

26 (A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
27 INDICATED.

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

32 (2) "DESTRUCTIVE DEVICE" INCLUDES:

33 (I) DEVICES WHICH ARE PRIMARILY DESIGNED AND
34 MANUFACTURED FOR MILITARY PURPOSES AS INSTRUMENTALITIES OF
35 DESTRUCTION, INCLUDING ANY BOMB, GRENADE, MINE, SHELL, MISSILE,
36 FLAMETHROWER, OR POISON GAS; AND

37 (II) ANY EXPLOSIVE, INCENDIARY, OR TOXIC MATERIAL WHICH
38 HAS BEEN DELIBERATELY MODIFIED, CONTAINERIZED OR OTHERWISE EQUIPPED
39 WITH ANY SORT OF SPECIAL DELIVERY, ACTIVATION OR DETONATION COMPONENT
40 SO AS TO GIVE IT THE DESTRUCTIVE CHARACTERISTICS OF A MILITARY ORDNANCE,

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1 INCLUDING A MOLOTOV COCKTAIL, PIPE BOMB, OR PETROLEUM SOAKED
2 FERTILIZER.

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

5 (2) "EXPLOSIVE MATERIAL" INCLUDES:

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

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

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

14 (D) (1) "INCENDIARY MATERIAL" MEANS A FLAMMABLE OR COMBUSTIBLE
15 LIQUID.

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

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

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

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

31 139B. EXEMPTIONS FROM APPLICATION OF SUBHEADING.

32 THE PROHIBITIONS OF THIS SUBHEADING DO NOT APPLY TO:

33 (1) LAW ENFORCEMENT PERSONNEL OF THE UNITED STATES
34 GOVERNMENT OR ANY AGENCY OR DEPARTMENT OF THE UNITED STATES,
35 MEMBERS OF THE ARMED FORCES OF THE UNITED STATES OR OF THE NATIONAL
36 GUARD, OR LAW ENFORCEMENT PERSONNEL OF THE STATE OR A POLITICAL
37 SUBDIVISION OF THE STATE WHILE ACTING WITHIN THE SCOPE OF THEIR OFFICIAL
38 DUTIES;

39 (2) OFFICERS OR EMPLOYEES OF THE UNITED STATES, THE STATE, OR A
40 POLITICAL SUBDIVISION OF THE STATE WHO ARE AUTHORIZED TO HANDLE A

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1 DESTRUCTIVE DEVICE WITHIN THE SCOPE OF THEIR OFFICIAL DUTIES AND WHO
2 ARE ACTING WITHIN THE SCOPE OF THEIR OFFICIAL DUTIES;

3 (3) A PERSON AUTHORIZED OR LICENSED UNDER LAW TO POSSESS THE
4 EXPLOSIVE, INCENDIARY, OR TOXIC MATERIAL WHILE THE PERSON IS ACTING
5 WITHIN THE SCOPE OF THE AUTHORIZATION OR LICENSE IF POSSESSION OF A
6 PARTICULAR EXPLOSIVE, INCENDIARY, OR TOXIC MATERIAL IS SPECIFICALLY
7 REGULATED OR LICENSED UNDER LAW; OR

8 (4) A PERSON WHO:

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

11 (II) USES SMOKELESS OR BLACK GUNPOWDER FOR LOADING OR
12 RELOADING SMALL ARMS AMMUNITION, ANTIQUE FIREARMS, OR REPLICAS OF
13 ANTIQUE FIREARMS.

14 139C. PROHIBITIONS.

15 A PERSON MAY NOT KNOWINGLY:

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

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

20 139D. PENALTIES.

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

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

28 151A.

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

37 A person convicted of violating this section is subject to a fine not exceeding \$10,000
38 or to imprisonment [for] not exceeding [one year] 3 YEARS, or to both such fine and
39 imprisonment in the discretion of the court. This section does not apply to any statement
40 or rumor made or circulated by an officer, employee, or agent of a bona fide civilian

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

3 COMMITTEE NOTE TO THE GENERAL ASSEMBLY: The Committee to
4 Revise Article 27 felt that the penalties for both this section and § 151C should be the
5 same as those for the more serious malicious destruction of property offense under § 111,
6 which is a maximum penalty of 3 years and \$2,500. Therefore, in both this section and §
7 151C the maximum term of imprisonment is raised from 1 year to 3 years. The current
8 maximum fine for this section is \$10,000. Rather than reduce this fine to \$2,500, the
9 Committee has decided to maintain it at \$10,000 and leave it to the discretion of the
10 General Assembly whether to make the fine in this section consistent with that in § 151C.
11 In § 151C, this revision raises the maximum fine from \$1,000 to \$2,500.

12 151C.

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

17 (b) A person who violates this section is guilty of a misdemeanor and on
18 conviction, is subject to imprisonment for [1 year or a fine of \$1,000] NOT MORE THAN
19 3 YEARS OR A FINE OF NOT MORE THAN \$2,500 or both.

20 410.

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

29 594B.

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

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

39 616 1/2.

40 (c) Any person charged with an offense hereinafter enumerated committed
41 during the time that person had been released on bail or his own recognizance for
42 committing an offense hereinafter enumerated, is ineligible to give bail or be released on

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1 recognizance on the subsequent charge, until all prior charges hereunder have finally
 2 been determined by the courts. But a person charged with a subsequent crime hereinafter
 3 set forth, may rebut his ineligibility for release on bail before determination of the prior
 4 charge. If, after consideration of the matters presented in rebuttal, the court hearing the
 5 application for bail is persuaded that the applicant would not pose a danger to any other
 6 person or to the community, and would appear at the time set for trial, the court may
 7 allow release pending trial on suitable bail and on such other conditions as will reasonably
 8 assure that the person charged will not flee. For the purposes of this subsection, court
 9 does not mean District Court commissioners and the offenses are those specified in the
 10 following sections of Article 27 of the Annotated Code of Maryland (1967 Repl. Vol.) as
 11 they may be amended from time to time:

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

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

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

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

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

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

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

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

22 [(8)] (9) Section 286 (relating to the manufacture, distribution, etc., or to
 23 the counterfeiting, etc., of a controlled dangerous substance or of certain equipment
 24 relating thereto and relating to the keeping of a common nuisance as related to drug
 25 abuse);

26 [(9)] (10) Section 337 (relating to kidnapping generally);

27 [(10)] (11) Section 338 (relating to kidnapping children under sixteen);

28 [(11)] (12) Section 388 (relating to manslaughter by automobile, motorboat,
 29 etc.);

30 [(12)] (13) Section 407 (relating to first degree murder);

31 [(13)] (14) Section 408 (relating to murder committed in perpetration of
 32 arson);

33 [(14)] (15) Section 409 (relating to murder committed in burning barns, etc.);

34 [(15)] (16) Section 410 (relating to murder committed in perpetration of rape
 35 in any degree, sexual offense in the first or second degree, sodomy, etc.);

36 [(16)] (17) Section 411 (relating to second degree murder);

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1 [(17)] (18) Section 411A (relating to attempted murder in the first or second
2 degree);

3 [(18)] (19) Sections 462 and 463 (relating to rape in the first and second
4 degree);

5 [(19)] (20) Section 464F (relating to attempted rape or sexual offense in the
6 first or second degree);

7 [(20)] (21) Section 486 (relating to robbery generally); and

8 [(21)] (22) Section 488 (relating to robbery with a deadly weapon).

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

12 **Article 38A - Fires and Investigations**

13 8.

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

25 (2) If, upon investigation, the State Fire Marshal has probable cause to
26 believe that a person has committed or has attempted to commit a crime involving a fire,
27 fire bombing, or false alarm, or involving the possession or manufacture of [explosive]
28 DESTRUCTIVE devices or EXPLOSIVE substances, fireworks, or fire bombs, the State Fire
29 Marshal may arrest that person or cause him to be arrested and charged with the crime,
30 in accordance with the appropriate procedures provided by law.

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

35 26.

36 As used in this subtitle:

37 (1) "Explosives" means gunpowder, powders for blasting, high "explosives"
38 blasting materials, fuses (other than electric circuit breakers), detonators, and other
39 detonating agents, smokeless powder and any chemical compound or any mechanical
40 mixture containing any oxidizing and combustible units, or other ingredients in such

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1 proportions, quantities, or packing that ignition by fire, friction, concussion, percussion or
 2 detonation of any part thereof may and is intended to cause an explosion, including
 3 bombs and destructive devices designed to operate by chemical, mechanical or explosive
 4 action but shall not include fixed ammunition for small arms, small arms ammunition
 5 primers, small arms percussion caps, safety and pyrotechnic fuses, quills, quick and slow
 6 matches, friction primers, fireworks, or common matches when used in their original
 7 configuration.

8 **Article - Courts and Judicial Proceedings**

9 10-402.

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

24 10-406.

25 The Attorney General, State Prosecutor, or any State's Attorney may apply to a
 26 judge of competent jurisdiction, and the judge, in accordance with the provisions of §
 27 10-408 of this subtitle, may grant an order authorizing the interception of wire, oral, or
 28 electronic communications by investigative or law enforcement officers when the
 29 interception may provide or has provided evidence of the commission of the offense of
 30 murder, kidnapping, gambling, robbery, any felony punishable under the "Arson and
 31 Burning" subheading of Article 27 of this Code, bribery, extortion, or dealing in
 32 controlled dangerous substances, OFFENSES RELATING TO DESTRUCTIVE DEVICES
 33 UNDER ARTICLE 27, § 139C OF THE CODE, or any conspiracy or solicitation to commit any
 34 of the foregoing offenses. No application or order shall be required if the interception is
 35 lawful under the provisions of § 10-402(c) of this subtitle.

36 **Article - State Government**

37 2-1702.

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

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

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

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

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

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