

HOUSE BILL 72

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1998 Regular Session
8lr0715

(PRE-FILED)

By: **Delegates Leopold, Clagett, M. Burns, and Bissett**

Requested: November 12, 1997

Introduced and read first time: January 14, 1998

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Restitution - Bomb Threats**

3 FOR the purpose of authorizing a court to order the payment of restitution to a local
4 board of education by an individual convicted of certain crimes involving a
5 destructive device; and generally relating to restitution in connection with
6 certain crimes relating to destructive devices.

7 BY repealing and reenacting, with amendments,
8 Article 27 - Crimes and Punishments
9 Section 139D, 151A, and 151C
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 1997 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article 27 - Crimes and Punishments
14 Section 139C
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 1997 Supplement)

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

19 **Article 27 - Crimes and Punishments**

20 139C.

21 A person may not knowingly:

22 (1) Manufacture, transport, possess, control, store, sell, distribute, or use
23 a destructive device; or

24 (2) Possess any explosive, incendiary, or toxic material with intent to
25 create a destructive device.

1 139D.

2 (a) A person who violates the provisions of this subheading is guilty of a felony
3 and on conviction is subject to a fine of not more than \$250,000 or by imprisonment
4 for not more than 25 years or both.

5 (b) The sentence imposed under this section may be imposed separate from
6 and consecutive to or concurrent with a sentence for an offense based on the act or
7 acts establishing the violation of this subheading.

8 (c) (1) In addition to the penalty provided in this section, a person convicted
9 under this subheading may be ordered by the court to pay restitution to:

10 (i) The State, county, LOCAL BOARD OF EDUCATION, municipal
11 corporation, bicounty agency, or special taxing district for actual costs reasonably
12 incurred due to the placement, delivery, or detonation of a destructive device,
13 including the search for, removal of, and damages caused by a destructive device; and

14 (ii) The owner or tenant of a property for the actual value of any
15 goods, services, or income lost as a result of the evacuation of the property or damage
16 sustained due to the placement, delivery, or detonation of a destructive device.

17 (2) This subsection may not be construed to limit the right of a person to
18 restitution under § 807 of this article.

19 151A.

20 (a) A person is guilty of a felony if, knowing the statement or rumor to be false,
21 he circulates or transmits to another or others, with intent that it be acted upon, a
22 statement or rumor, written, printed, by any electronic means, or by word of mouth,
23 concerning the location or possible detonation of a destructive device, as defined in §
24 139A of this article. An offense under this section committed by the use of a telephone
25 or by other electronic means may be deemed to have been committed either at the
26 place at which the telephone call or calls were made or the electronic communication
27 originated or at the place at which the telephone call or calls or electronic
28 communication were received.

29 (b) A person convicted of violating this section is subject to a fine not
30 exceeding \$10,000 or to imprisonment not exceeding 10 years, or to both such fine and
31 imprisonment in the discretion of the court. This section does not apply to any
32 statement or rumor made or circulated by an officer, employee, or agent of a bona fide
33 civilian defense organization or agency, if made in the regular course of his duties
34 with that organization or agency.

35 (c) (1) In addition to the penalty provided in subsection (b) of this section, a
36 person convicted under this section may be ordered by the court to pay restitution to:

37 (i) The State, county, LOCAL BOARD OF EDUCATION, municipal
38 corporation, bicounty agency, or special taxing district for actual costs reasonably

1 incurred due to the response to a location and search for a destructive device caused
2 by the false statement or rumor of a destructive device; and

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

6 (2) This subsection may not be construed to limit the right of a person to
7 restitution under § 807 of this article.

8 151C.

9 (a) A person may not manufacture, possess, transport, or place a device that is
10 constructed to represent a destructive device, as defined in § 139A of this article, with
11 the intent to terrorize, frighten, intimidate, threaten, or harass.

12 (b) A person who violates this section is guilty of a felony and on conviction is
13 subject to imprisonment for not more than 10 years or a fine of not more than \$10,000
14 or both.

15 (c) (1) In addition to the penalty provided in subsection (b) of this section, a
16 person convicted under this section may be ordered by the court to pay restitution to:

17 (i) The State, county, LOCAL BOARD OF EDUCATION, municipal
18 corporation, bicounty agency, or special taxing district for actual costs reasonably
19 incurred in the search for and removal of any devices representing destructive
20 devices; and

21 (ii) The owner or tenant of a property for the actual value of any
22 goods, services, or income lost as a result of the evacuation of the property in response
23 to the representation of a destructive device.

24 (2) This subsection may not be construed to limit the right of a person to
25 restitution under § 807 of this article.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 1998.