
By: **Delegates Leopold, Clagett, M. Burns, Bissett, Love, Schade, Cadden,
Busch, Owings, Greenip, Baldwin, Rzepkowski, and Perry**

Introduced and read first time: February 18, 1998

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County - Education - Restitution for Bomb Threats**

3 FOR the purpose of authorizing a court to order the payment of restitution to the
4 Board of Education of Anne Arundel County by an individual convicted of
5 certain crimes involving a destructive device; defining certain terms; making
6 stylistic changes; and generally relating to restitution in connection with certain
7 crimes relating to destructive devices.

8 BY repealing and reenacting, with amendments,
9 Article 27 - Crimes and Punishments
10 Section 139A, 139D, 151A, and 151C
11 Annotated Code of Maryland
12 (1996 Replacement Volume and 1997 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article 27 - Crimes and Punishments
15 Section 139C
16 Annotated Code of Maryland
17 (1996 Replacement Volume and 1997 Supplement)

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

20 **Article 27 - Crimes and Punishments**

21 139A.

22 (a) In this [section] SUBHEADING the following words have the meanings
23 indicated.

24 (b) "BOARD OF EDUCATION" MEANS THE BOARD OF EDUCATION OF ANNE
25 ARUNDEL COUNTY.

1 (C) (1) "Destructive device" means explosive, incendiary, or toxic material
2 that has been combined with a delivery or detonating apparatus so as to be capable of
3 inflicting injury to persons or damage to property.

4 (2) "Destructive device" includes:

5 (i) Devices which are primarily designed and manufactured for
6 military purposes as instrumentalities of destruction, including any bomb, grenade,
7 mine, shell, missile, flamethrower, or poison gas; and

8 (ii) Any explosive, incendiary, or toxic material which has been
9 deliberately modified, containerized or otherwise equipped with any sort of special
10 delivery, activation or detonation component so as to give it the destructive
11 characteristics of a military ordnance, including a Molotov cocktail, pipe bomb, or
12 petroleum soaked ammonium nitrate.

13 [(c)] (D) (1) "Explosive material" means material which explodes when
14 detonated and has a destructive capability.

15 (2) "Explosive material" includes:

16 (i) Explosives as defined in Article 38A, § 26 of the Code; and

17 (ii) Dynamite for construction work, ammonium nitrate, natural
18 gas in pipelines and storage tanks, ether, and cannisterized oxygen for health care
19 facilities.

20 (3) "Explosive material" does not include those items excluded as
21 explosives in Article 38A, § 26 of the Code when those items are used in their original
22 configuration.

23 [(d)] (E) (1) "Incendiary material" means a flammable or combustible liquid.

24 (2) "Incendiary material" includes gasoline, acetone, benzene, butane, jet
25 fuel, fuel oil, kerosene, and diesel fuel.

26 [(e)] (F) (1) "Toxic material" means material which is capable of causing
27 death or serious bodily injury almost immediately on being absorbed through the
28 skin, inhaled, or ingested.

29 (2) "Toxic material" includes nerve gas, mustard gas, cyanide gas,
30 chlorine gas, and sulfuric acid.

31 139C.

32 A person may not knowingly:

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

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

3 139D.

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

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

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

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

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

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

21 151A.

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

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

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

1 (i) The State, county, BOARD OF EDUCATION OF ANNE ARUNDEL
2 COUNTY, municipal corporation, bicounty agency, or special taxing district for actual
3 costs reasonably incurred due to the response to a location and search for a
4 destructive device caused by the false statement or rumor of a destructive device; and

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

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

10 151C.

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

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

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

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

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

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

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