
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
Re-referred to: Ways and Means, February 23, 1998

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 27, 1998

CHAPTER _____

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 under certain circumstances;
6 requiring the governing body of Anne Arundel County to seek restitution on
7 behalf of the Board of Education of Anne Arundel County under certain
8 circumstances; defining certain terms; making stylistic changes; and generally
9 relating to restitution in connection with certain crimes relating to destructive
10 devices.

11 BY repealing and reenacting, with amendments,
12 Article 27 - Crimes and Punishments
13 Section 139A, 139D, 151A, and 151C
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 1997 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article 27 - Crimes and Punishments
18 Section 139C
19 Annotated Code of Maryland
20 (1996 Replacement Volume and 1997 Supplement)

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

1 **Article 27 - Crimes and Punishments**

2 139A.

3 (a) In this [section] SUBHEADING the following words have the meanings
4 indicated.5 (b) "BOARD OF EDUCATION" MEANS THE BOARD OF EDUCATION OF ANNE
6 ARUNDEL COUNTY.7 (C) (1) "Destructive device" means explosive, incendiary, or toxic material
8 that has been combined with a delivery or detonating apparatus so as to be capable of
9 inflicting injury to persons or damage to property.

10 (2) "Destructive device" includes:

11 (i) Devices which are primarily designed and manufactured for
12 military purposes as instrumentalities of destruction, including any bomb, grenade,
13 mine, shell, missile, flamethrower, or poison gas; and14 (ii) Any explosive, incendiary, or toxic material which has been
15 deliberately modified, containerized or otherwise equipped with any sort of special
16 delivery, activation or detonation component so as to give it the destructive
17 characteristics of a military ordnance, including a Molotov cocktail, pipe bomb, or
18 petroleum soaked ammonium nitrate.19 [(c)] (D) (1) "Explosive material" means material which explodes when
20 detonated and has a destructive capability.

21 (2) "Explosive material" includes:

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

23 (ii) Dynamite for construction work, ammonium nitrate, natural
24 gas in pipelines and storage tanks, ether, and cannisterized oxygen for health care
25 facilities.26 (3) "Explosive material" does not include those items excluded as
27 explosives in Article 38A, § 26 of the Code when those items are used in their original
28 configuration.

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

30 (2) "Incendiary material" includes gasoline, acetone, benzene, butane, jet
31 fuel, fuel oil, kerosene, and diesel fuel.32 [(e)] (F) (1) "Toxic material" means material which is capable of causing
33 death or serious bodily injury almost immediately on being absorbed through the
34 skin, inhaled, or ingested.

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

3 139C.

4 A person may not knowingly:

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

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

9 139D.

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

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

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

18 (i) The State, county, BOARD OF EDUCATION IN ACCORDANCE
19 WITH PARAGRAPH (2) OF THIS SUBSECTION, municipal corporation, bicounty agency,
20 or special taxing district for actual costs reasonably incurred due to the placement,
21 delivery, or detonation of a destructive device, including the search for, removal of,
22 and damages caused by a destructive device; 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 or damage
25 sustained due to the placement, delivery, or detonation of a destructive device.

26 (2) (I) THE BOARD OF EDUCATION SHALL PRESENT TO THE
27 GOVERNING BODY OF ANNE ARUNDEL COUNTY EVIDENCE OF THE ACTUAL COSTS
28 REASONABLY INCURRED DUE TO THE PLACEMENT, DELIVERY, OR DETONATION OF A
29 DESTRUCTIVE DEVICE, INCLUDING THE SEARCH FOR, REMOVAL OF, AND DAMAGES
30 CAUSED BY A DESTRUCTIVE DEVICE.

31 (II) ON RECEIPT OF THE EVIDENCE UNDER SUBPARAGRAPH (I) OF
32 THIS PARAGRAPH, THE GOVERNING BODY OF ANNE ARUNDEL COUNTY SHALL SEEK
33 RESTITUTION ON BEHALF OF THE BOARD OF EDUCATION.

34 (2) (3) This subsection may not be construed to limit the right of a
35 person to restitution under § 807 of this article.

1 151A.

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

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

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 IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, municipal
21 corporation, bicounty agency, or special taxing district for actual costs reasonably
22 incurred due to the response to a location and search for a destructive device caused
23 by the false statement or rumor of a destructive device; and

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

27 (2) (I) THE BOARD OF EDUCATION OF ANNE ARUNDEL COUNTY SHALL
28 PRESENT TO THE GOVERNING BODY OF ANNE ARUNDEL COUNTY EVIDENCE OF THE
29 ACTUAL COSTS REASONABLY INCURRED DUE TO A RESPONSE TO A LOCATION AND
30 SEARCH FOR A DESTRUCTIVE DEVICE CAUSED BY THE FALSE STATEMENT OR RUMOR
31 OF A DESTRUCTIVE DEVICE.

32 (II) ON RECEIPT OF EVIDENCE UNDER SUBPARAGRAPH (I) OF THIS
33 PARAGRAPH, THE GOVERNING BODY OF ANNE ARUNDEL COUNTY SHALL SEEK
34 RESTITUTION ON BEHALF OF THE COUNTY BOARD OF EDUCATION.

35 ~~(2)~~ (3) This subsection may not be construed to limit the right of a
36 person to restitution under § 807 of this article.

37 151C.

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

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

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

6 (i) The State, county, BOARD OF EDUCATION OF ANNE ARUNDEL
7 COUNTY IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, municipal
8 corporation, bicounty agency, or special taxing district for actual costs reasonably
9 incurred in the search for and removal of any devices representing destructive
10 devices; and

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

14 (2) (I) THE BOARD OF EDUCATION OF ANNE ARUNDEL COUNTY SHALL
15 PRESENT TO THE GOVERNING BODY OF ANNE ARUNDEL COUNTY EVIDENCE OF THE
16 ACTUAL COSTS REASONABLY INCURRED IN THE SEARCH FOR AND REMOVAL OF ANY
17 DEVICES REPRESENTING DESTRUCTIVE DEVICES.

18 (II) ON RECEIPT OF EVIDENCE UNDER SUBPARAGRAPH (I) OF THIS
19 PARAGRAPH, THE GOVERNING BODY OF ANNE ARUNDEL COUNTY SHALL SEEK
20 RESTITUTION ON BEHALF OF THE COUNTY BOARD OF EDUCATION.

21 ~~(2)~~ (3) This subsection may not be construed to limit the right of a
22 person to restitution under § 807 of this article.

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