
By: **Delegates Bozman, Malone, Moe, Rudolph, W. Baker, Owings, Franchot,
Cane, K. Kelly, Guns, Parrott, Slade, Wood, Stull, and Hecht**

Introduced and read first time: February 22, 1999

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - False Statement or Rumor - Biological Agents**

3 FOR the purpose of including certain biological agents in the definition of toxic
4 material; prohibiting a person from circulating or transmitting under certain
5 circumstances certain statements or rumors concerning the location or the
6 release of toxic material; providing for a penalty for a violation of this Act;
7 providing that a person convicted of violating this Act may also be required to
8 pay restitution; making stylistic changes; defining a certain term; and generally
9 relating to false statements or rumors relating to toxic materials.

10 BY repealing and reenacting, without amendments,
11 Article 27 - Crimes and Punishments
12 Section 139A(a)
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 1998 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article 27 - Crimes and Punishments
17 Section 139A(e)
18 Annotated Code of Maryland
19 (1996 Replacement Volume and 1998 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article 27 - Crimes and Punishments
22 Section 151A
23 Annotated Code of Maryland
24 (1996 Replacement Volume and 1998 Supplement)

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

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Article 27 - Crimes and Punishments

2 139A.

3 (a) In this subheading the following words have the meanings indicated.

4 (e) (1) "Toxic material" means material which is capable of causing death or
5 serious bodily injury almost immediately on being absorbed through the skin,
6 inhaled, or ingested.

7 (2) "Toxic material" includes:

8 (I) [nerve] NERVE gas, mustard gas, cyanide gas, chlorine gas,
9 [and] OR sulphuric acid; AND10 (II) ANY MICROORGANISM, VIRUS, INFECTIOUS SUBSTANCE, OR
11 BIOLOGICAL PRODUCT THAT MAY BE ENGINEERED AS A RESULT OF
12 BIOTECHNOLOGY, OR ANY NATURALLY OCCURRING OR BIOENGINEERED
13 COMPONENT OF ANY SUCH MICROORGANISM, VIRUS, INFECTIOUS SUBSTANCE, OR
14 BIOLOGICAL PRODUCT.

15 151A.

16 (a) A person is guilty of a felony if, knowing the statement or rumor to be false,
17 [he] THE PERSON circulates or transmits to another or others, with intent that it be
18 acted upon, a statement or rumor, written, printed, by any electronic means, or by
19 word of mouth, concerning the location or possible detonation of a destructive device,
20 as defined in § 139A of this article. An offense under this section committed by the use
21 of a telephone or by other electronic means may be deemed to have been committed
22 either at the place at which the telephone call or calls were made or the electronic
23 communication originated or at the place at which the telephone call or calls or
24 electronic communication were received.25 (B) A PERSON IS GUILTY OF A FELONY IF, KNOWING THE STATEMENT OR
26 RUMOR TO BE FALSE, THE PERSON CIRCULATES OR TRANSMITS TO ANOTHER OR
27 OTHERS, WITH INTENT THAT IT BE ACTED UPON, A STATEMENT OR RUMOR,
28 WRITTEN, PRINTED, BY ANY ELECTRONIC MEANS, OR BY WORD OF MOUTH,
29 CONCERNING THE LOCATION OR POSSIBLE RELEASE OF TOXIC MATERIAL, AS
30 DEFINED IN § 139A OF THIS ARTICLE. AN OFFENSE UNDER THIS SECTION COMMITTED
31 BY THE USE OF A TELEPHONE OR BY OTHER ELECTRONIC MEANS MAY BE DEEMED
32 TO HAVE BEEN COMMITTED EITHER AT THE PLACE AT WHICH THE TELEPHONE CALL
33 OR CALLS WERE MADE OR THE ELECTRONIC COMMUNICATION ORIGINATED OR AT
34 THE PLACE AT WHICH THE TELEPHONE CALL OR CALLS OR ELECTRONIC
35 COMMUNICATION WERE RECEIVED.36 [(b)] (C) A person convicted of violating this section is subject to a fine not
37 exceeding \$10,000 or to imprisonment not exceeding 10 years, or to both such fine and
38 imprisonment in the discretion of the court. This section does not apply to any
39 statement or rumor made or circulated by an officer, employee, or agent of a bona fide

1 civilian defense organization or agency, if made in the regular course of [his] THE
2 PERSON'S duties with that organization or agency.

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

6 (i) The State, county, municipal corporation, bicounty agency, or
7 special taxing district for actual costs reasonably incurred due to the response to a
8 location and search for a destructive device caused by the false statement or rumor of
9 a destructive device; and

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

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 July 1, 1999.