
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

Re-referred to: Judiciary, February 25, 1999

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 27, 1999

CHAPTER _____

1 AN ACT concerning

2 **Crimes - Destructive Devices - False Statement or Rumor - Biological**
3 **Agents Substances**

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

14 BY repealing and reenacting, without amendments,
15 Article 27 - Crimes and Punishments
16 Section 139A(a)
17 Annotated Code of Maryland
18 (1996 Replacement Volume and 1998 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article 27 - Crimes and Punishments
21 Section 139A(e)
22 Annotated Code of Maryland
23 (1996 Replacement Volume and 1998 Supplement)

1 BY repealing and reenacting, with amendments,
 2 Article 27 - Crimes and Punishments
 3 Section 151A
 4 Annotated Code of Maryland
 5 (1996 Replacement Volume and 1998 Supplement)

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

8 **Article 27 - Crimes and Punishments**

9 139A.

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

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

14 (2) "Toxic material" includes BUT IS NOT LIMITED TO:

15 (I) [nerve] NERVE gas, mustard gas, cyanide gas, chlorine gas,
 16 [and] OR sulphuric acid, OR THEIR PRECURSORS; AND

17 ~~(II) ANY MICROORGANISM, VIRUS, INFECTIOUS SUBSTANCE, OR~~
 18 ~~BIOLOGICAL PRODUCT THAT MAY BE ENGINEERED AS A RESULT OF~~
 19 ~~BIOTECHNOLOGY, OR ANY NATURALLY OCCURRING OR BIOENGINEERED~~
 20 ~~COMPONENT OF ANY SUCH MICROORGANISM, VIRUS, INFECTIOUS SUBSTANCE, OR~~
 21 ~~BIOLOGICAL PRODUCT.~~

22 (II) A BIOLOGICAL SUBSTANCE CONTAINING A DISEASE ORGANISM
 23 OR MICROORGANISM.

24 151A.

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

35 ~~(B) A PERSON IS GUILTY OF A FELONY IF, KNOWING THE STATEMENT OR~~
 36 ~~RUMOR TO BE FALSE, THE PERSON CIRCULATES OR TRANSMITS TO ANOTHER OR~~
 37 ~~OTHERS, WITH INTENT THAT IT BE ACTED UPON, A STATEMENT OR RUMOR,~~

~~1 WRITTEN, PRINTED, BY ANY ELECTRONIC MEANS, OR BY WORD OF MOUTH,
2 CONCERNING THE LOCATION OR POSSIBLE RELEASE OF TOXIC MATERIAL, AS
3 DEFINED IN § 139A OF THIS ARTICLE. AN OFFENSE UNDER THIS SECTION COMMITTED
4 BY THE USE OF A TELEPHONE OR BY OTHER ELECTRONIC MEANS MAY BE DEEMED
5 TO HAVE BEEN COMMITTED EITHER AT THE PLACE AT WHICH THE TELEPHONE CALL
6 OR CALLS WERE MADE OR THE ELECTRONIC COMMUNICATION ORIGINATED OR AT
7 THE PLACE AT WHICH THE TELEPHONE CALL OR CALLS OR ELECTRONIC
8 COMMUNICATION WERE RECEIVED.~~

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

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

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

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

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

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