

SENATE BILL 223

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E3

1999 Regular Session  
(9lr0359)

*ENROLLED BILL*  
*-- Judicial Proceedings/Judiciary --*

Introduced by **Senators Baker, Jimeno, Green, Colburn, Ferguson, Forehand,  
Haines, Mooney, and ~~Stone~~ Stone, and Hooper**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Offenses Involving Destructive Devices - Penalties - Suspension of Driving**  
3 **Privileges and Parental Restitution**

4 FOR the purpose of authorizing the court to order the Motor Vehicle Administration  
5 to suspend the driving privilege of a child convicted of a crime or found to have  
6 committed a delinquent act involving a destructive device; specifying that a  
7 court may order a child found to have committed a delinquent act involving a  
8 destructive device to pay restitution to certain entities and persons; authorizing  
9 a court to order a child, the child's parent, or both to pay restitution for offenses  
10 involving a destructive device under certain circumstances; establishing that,  
11 except under certain circumstances, a certain provision of law regarding  
12 restitution ~~for offenses committed by a child~~ applies to an order of restitution  
13 under this Act; establishing procedures for the suspension of a child's driving  
14 privilege under certain circumstances; ~~requiring a county superintendent of~~  
15 ~~schools to suspend or expel a student convicted of a crime or found to have~~  
16 ~~committed a delinquent act involving a destructive device; establishing~~

1 ~~procedures for the suspension or expulsion of certain students under certain~~  
2 ~~circumstances; authorizing a county superintendent to require a student or a~~  
3 ~~student's parent to make certain restitution under certain circumstances;~~  
4 defining a certain term; and generally relating to penalties for offenses involving  
5 destructive devices.

6 BY repealing and reenacting, with amendments,  
7 Article 27 - Crimes and Punishments  
8 Section 139A, 139D, 151A, and 151C  
9 Annotated Code of Maryland  
10 (1996 Replacement Volume and 1998 Supplement)

11 BY repealing and reenacting, without amendments,  
12 Article 27 - Crimes and Punishments  
13 Section 139C  
14 Annotated Code of Maryland  
15 (1996 Replacement Volume and 1998 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article - Courts and Judicial Proceedings  
18 Section 3-820(d)  
19 Annotated Code of Maryland  
20 (1998 Replacement Volume)

21 ~~BY repealing and reenacting, with amendments,~~  
22 ~~Article - Education~~  
23 ~~Section 7-305~~  
24 ~~Annotated Code of Maryland~~  
25 ~~(1997 Replacement Volume and 1998 Supplement)~~

26 BY repealing and reenacting, with amendments,  
27 Article - Transportation  
28 Section 16-206(a) and (d)  
29 Annotated Code of Maryland  
30 ~~(1998 Replacement Volume and 1998 Supplement)~~  
31 ~~(1999 Replacement Volume)~~  
32 (As enacted by Chapter 483 of the Acts of the General Assembly of 1998)

33 BY repealing and reenacting, without amendments,  
34 Article - Transportation  
35 Section 16-206(c)  
36 Annotated Code of Maryland  
37 ~~(1998 Replacement Volume and 1998 Supplement)~~

1 (1999 Replacement Volume)

2 BY repealing and reenacting, with amendments,

3 Article - Transportation

4 Section 16-208(a)(1)

5 Annotated Code of Maryland

6 (1999 Replacement Volume)

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

9 **Article 27 - Crimes and Punishments**

10 139A.

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

12 (B) "CHILD" MEANS A PERSON UNDER THE AGE OF 18 YEARS.

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

16 (2) "Destructive device" includes:

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

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

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

27 (2) "Explosive material" includes:

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

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

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

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

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

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

7 (2) "Toxic material" includes nerve gas, mustard gas, cyanide gas,  
8 chlorine gas, and sulphuric acid.

9 139C.

10 A person may not knowingly:

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

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

15 139D.

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

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

22 (c) (1) In addition to the penalty provided in this section, a person convicted  
23 ~~or found to have committed a delinquent act~~ OR FOUND TO HAVE COMMITTED A  
24 DELINQUENT ACT under this subheading may be ordered by the court to pay  
25 restitution to:

26 (i) The State, county, municipal corporation, bicounty agency, or  
27 special taxing district for actual costs reasonably incurred due to the placement,  
28 delivery, or detonation of a destructive device, including the search for, removal of,  
29 and damages caused by a destructive device; and

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

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

35 (3) (I) IF THE PERSON CONVICTED OR FOUND TO HAVE COMMITTED A  
36 DELINQUENT ACT UNDER THIS SUBHEADING IS A CHILD, THE COURT MAY ORDER

1 THE CHILD, THE CHILD'S PARENT, OR BOTH TO PAY THE RESTITUTION DESCRIBED IN  
2 PARAGRAPH (1) OF THIS SUBSECTION.

3 (II) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE  
4 PROVISIONS OF ~~§ 807(A)(3)~~ § 807 OF THIS ARTICLE APPLY TO AN ORDER OF  
5 RESTITUTION UNDER THIS PARAGRAPH.

6 (D) IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW, IF THE  
7 PERSON CONVICTED OR FOUND TO HAVE COMMITTED A DELINQUENT ACT UNDER  
8 THIS SUBHEADING IS A CHILD, THE COURT MAY ORDER THE MOTOR VEHICLE  
9 ADMINISTRATION TO INITIATE AN ACTION, UNDER THE MOTOR VEHICLE LAWS, TO  
10 SUSPEND THE DRIVING PRIVILEGE OF THE CHILD FOR A SPECIFIED PERIOD NOT TO  
11 EXCEED:

12 (1) FOR A FIRST OFFENSE, 6 MONTHS; AND

13 (2) FOR A SECOND OR SUBSEQUENT OFFENSE, 1 YEAR OR UNTIL THE  
14 PERSON IS 21 YEARS OLD, WHICHEVER IS LONGER.

15 151A.

16 (A) IN THIS SECTION, "CHILD" MEANS A PERSON UNDER THE AGE OF 18  
17 YEARS.

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

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

33 [(c)] (D) (1) In addition to the penalty provided in subsection [(b)] (C) of this  
34 section, a person convicted OR FOUND TO HAVE COMMITTED A DELINQUENT ACT  
35 under this section may be ordered by the court to pay restitution to:

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

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

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

6 (3) (I) IF THE PERSON CONVICTED OR FOUND TO HAVE COMMITTED A  
7 DELINQUENT ACT UNDER THIS SECTION IS A CHILD, THE COURT MAY ORDER THE  
8 CHILD, THE CHILD'S PARENT, OR BOTH TO PAY THE RESTITUTION DESCRIBED IN  
9 PARAGRAPH (1) OF THIS SUBSECTION.

10 (II) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE  
11 PROVISIONS OF ~~§ 807(A)(3)~~ § 807 OF THIS ARTICLE APPLY TO AN ORDER OF  
12 RESTITUTION UNDER THIS PARAGRAPH.

13 (E) IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW, IF THE  
14 PERSON CONVICTED OR FOUND TO HAVE COMMITTED A DELINQUENT ACT UNDER  
15 THIS SECTION IS A CHILD, THE COURT MAY ORDER THE MOTOR VEHICLE  
16 ADMINISTRATION TO INITIATE AN ACTION, UNDER THE MOTOR VEHICLE LAWS, TO  
17 SUSPEND THE DRIVING PRIVILEGE OF THE CHILD FOR A SPECIFIED PERIOD NOT TO  
18 EXCEED:

19 (1) FOR A FIRST OFFENSE, 6 MONTHS; AND

20 (2) FOR A SECOND OR SUBSEQUENT OFFENSE, 1 YEAR OR UNTIL THE  
21 PERSON IS 21 YEARS OLD, WHICHEVER IS LONGER.

22 151C.

23 (A) IN THIS SECTION, "CHILD" MEANS A PERSON UNDER THE AGE OF 18  
24 YEARS.

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

28 [(b)] (C) A person who violates this section is guilty of a felony and on  
29 conviction, is subject to imprisonment for not more than 10 years or a fine of not more  
30 than \$10,000 or both.

31 [(c)] (D) (1) In addition to the penalty provided in subsection [(b)] (C) of this  
32 section, a person convicted OR FOUND TO HAVE COMMITTED A DELINQUENT ACT  
33 under this section may be ordered by the court to pay restitution to:

34 (i) The State, county, municipal corporation, bicounty agency, or  
35 special taxing district for actual costs reasonably incurred in the search for and  
36 removal of any devices representing destructive devices; and

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

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

6 (3) (I) IF THE PERSON CONVICTED OR FOUND TO HAVE COMMITTED A  
7 DELINQUENT ACT IN VIOLATION OF THIS SECTION IS A CHILD, THE COURT MAY  
8 ORDER THE CHILD, THE CHILD'S PARENT, OR BOTH TO PAY THE RESTITUTION  
9 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

10 (II) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE  
11 PROVISIONS OF ~~§ 807(A)(3)~~ § 807 OF THIS ARTICLE APPLY TO AN ORDER OF  
12 RESTITUTION UNDER THIS PARAGRAPH.

13 (E) IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW, IF THE  
14 PERSON CONVICTED OR FOUND TO HAVE COMMITTED A DELINQUENT ACT UNDER  
15 THIS SECTION IS A CHILD, THE COURT MAY ORDER THE MOTOR VEHICLE  
16 ADMINISTRATION TO INITIATE AN ACTION, UNDER THE MOTOR VEHICLE LAWS, TO  
17 SUSPEND THE DRIVING PRIVILEGE OF THE CHILD FOR A SPECIFIED PERIOD NOT TO  
18 EXCEED:

19 (1) FOR A FIRST OFFENSE, 6 MONTHS; AND

20 (2) FOR A SECOND OR SUBSEQUENT OFFENSE, 1 YEAR OR UNTIL THE  
21 PERSON IS 21 YEARS OLD, WHICHEVER IS LONGER.

## 22 Article - Courts and Judicial Proceedings

23 3-820.

24 (d) (1) (i) Subject to the provisions of subparagraphs (iii) and (iv) of this  
25 paragraph, in making a disposition on a finding that the child has committed the  
26 violation specified in a citation, the court may order the Motor Vehicle Administration  
27 to initiate an action, under the motor vehicle laws, to suspend the driving privilege of  
28 a child licensed to operate a motor vehicle by the Motor Vehicle Administration for a  
29 specified period of not less than 30 days nor more than 90 days.

30 (ii) In this paragraph "driver's license" means a license or permit to  
31 drive a motor vehicle that is issued under the laws of this State or any other  
32 jurisdiction.

33 (iii) In making a disposition on a finding that the child has  
34 committed a violation under Article 27, § 400 of the Code specified in a citation that  
35 involved the use of a driver's license or a document purporting to be a driver's license,  
36 the court may order the Motor Vehicle Administration to initiate an action under the  
37 Maryland Vehicle Law to suspend the driving privilege of a child licensed to operate a  
38 motor vehicle by the Motor Vehicle Administration:

- 1                                1.        For a first offense, for 6 months; and
- 2                                2.        For a second or subsequent offense, until the child is 21
- 3 years old.

4                                (iv)      In making a disposition on a finding that the child has  
5 committed a violation under § 26-103 of the Education Article, the court shall order  
6 the Motor Vehicle Administration to initiate an action, under the motor vehicle laws,  
7 to suspend the driving privilege of a child licensed to operate a motor vehicle by the  
8 Motor Vehicle Administration for a specified period of not less than 30 days nor more  
9 than 90 days.

10                              (v)      If a child subject to a suspension under this subsection does not  
11 hold a license to operate a motor vehicle on the date of the disposition, the suspension  
12 shall commence:

13                              1.        If the child is at least 16 years of age on the date of the  
14 disposition, on the date of the disposition; or

15                              2.        If the child is younger than 16 years of age on the date of  
16 the disposition, on the date the child reaches the child's 16th birthday.

17                              (2)      In addition to the dispositions under paragraph (1) of this subsection,  
18 the court also may:

19                              (i)      Counsel the child or the parent or both, or order the child to  
20 participate in an alcohol education or rehabilitation program that is in the best  
21 interest of the child;

22                              (ii)     Impose a civil fine of not more than \$25 for the first violation  
23 and a civil fine of not more than \$100 for the second and subsequent violations; or

24                              (iii)    Order the child to participate in a supervised work program for  
25 not more than 20 hours for the first violation and not more than 40 hours for the  
26 second and subsequent violations.

27                              (3)      (i)      The provisions of paragraphs (1) and (2) of this subsection do  
28 not apply to a child found to have committed a violation under Article 27, § 405A of  
29 the Code.

30                              (ii)     In making a disposition on a finding that the child has  
31 committed a violation under Article 27, § 405A of the Code, the court may:

32                              1.        Counsel the child or the parent or both, or order the child  
33 to participate in a smoking cessation clinic, or other suitable presentation of the  
34 hazards associated with tobacco use that is in the best interest of the child;

35                              2.        Impose a civil fine of not more than \$25 for the first  
36 violation and a civil fine of not more than \$100 for a second or subsequent violation;  
37 or



1                                 3.         Order the child to participate in a supervised work  
2 program for not more than 20 hours for the first violation and not more than 40 hours  
3 for a second or subsequent violation.

4                 (4)         (I)         IN MAKING A DISPOSITION ON A FINDING THAT THE CHILD HAS  
5 COMMITTED A VIOLATION UNDER ARTICLE 27, § 139C, § 151A, OR § 151C OF THE CODE,  
6 THE COURT MAY ORDER THE MOTOR VEHICLE ADMINISTRATION TO INITIATE AN  
7 ACTION, UNDER THE MARYLAND VEHICLE LAW, TO SUSPEND THE DRIVING  
8 PRIVILEGE OF A CHILD FOR A SPECIFIED PERIOD NOT TO EXCEED:

9                                 1.         FOR A FIRST OFFENSE, 6 MONTHS; AND

10                                 2.         FOR A SECOND OR SUBSEQUENT OFFENSE, 1 YEAR OR  
11 UNTIL THE PERSON IS 21 YEARS OLD, WHICHEVER IS LONGER.

12                                 (II)         IF A CHILD SUBJECT TO A SUSPENSION UNDER THIS  
13 PARAGRAPH DOES NOT POSSESS THE PRIVILEGE TO DRIVE ON THE DATE OF THE  
14 DISPOSITION, THE SUSPENSION SHALL COMMENCE:

15                                 1.         IF THE CHILD IS AT AN AGE THAT IS ELIGIBLE TO OBTAIN  
16 THE PRIVILEGE TO DRIVE ON THE DATE OF THE DISPOSITION, ON THE DATE OF THE  
17 DISPOSITION; OR

18                                 2.         IF THE CHILD IS YOUNGER THAN AN AGE THAT IS  
19 ELIGIBLE TO OBTAIN THE PRIVILEGE TO DRIVE ON THE DATE OF THE DISPOSITION,  
20 ON THE DATE THE CHILD IS ELIGIBLE TO OBTAIN DRIVING PRIVILEGES.

21   **Article – Education**

22 ~~7-305.~~

23                 (a)         (1)         ~~In accordance with the rules and regulations of the county board,~~  
24 ~~each principal of a public school may suspend for cause, for not more than 10 school~~  
25 ~~days, any student in the school who is under the direction of the principal.~~

26                                 (2)         ~~The student or his parent or guardian promptly shall be given a~~  
27 ~~conference with the principal and any other appropriate personnel during the~~  
28 ~~suspension period.~~

29                 (b)         ~~At the request of a principal, a county superintendent may suspend a~~  
30 ~~student for more than 10 school days or expel him.~~

31                 (c)         (1)         ~~If a principal finds that a suspension of more than 10 school days or~~  
32 ~~expulsion is warranted, he immediately shall report the matter in writing to the~~  
33 ~~county superintendent.~~

34                                 (2)         ~~The county superintendent or his designated representative promptly~~  
35 ~~shall make a thorough investigation of the matter.~~

1           (3)     If after the investigation the county superintendent finds that a  
2 longer suspension or expulsion is warranted, he or his designated representative  
3 promptly shall arrange a conference with the student and his parent or guardian.

4           (4)     If after the conference the county superintendent or his designated  
5 representative finds that a suspension of more than 10 school days or expulsion is  
6 warranted, the student or his parent or guardian may:

7                   (i)     Appeal to the county board within 10 days after the  
8 determination;

9                   (ii)    Be heard before the county board, its designated committee, or  
10 a hearing examiner, in accordance with the procedures established under § 6-203 of  
11 this article; and

12                   (iii)   Bring counsel and witnesses to the hearing.

13           (5)     Unless a public hearing is requested by the parent or guardian of the  
14 student, a hearing shall be held out of the presence of all individuals except those  
15 whose presence is considered necessary or desirable by the board.

16           (6)     The appeal to the county board does not stay the decision of the  
17 county superintendent.

18           (7)     The decision of the county board is final.

19   (d)   (1)     Any student expelled or suspended from school:

20                   (i)     Shall remain away from the school premises during those hours  
21 each school day when the school the student attends is in session; and

22                   (ii)    May not participate in school sponsored activities.

23           (2)     The expelled or suspended student may return to the school premises  
24 during the prohibited hours only for attendance at a previously scheduled  
25 appointment, and if the student is a minor then only if accompanied by his parent or  
26 guardian.

27           (3)     Any person who violates paragraph (1) or (2) of this subsection is  
28 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 for  
29 each violation.

30           (4)    (i)     If a student has been suspended or expelled, the principal or a  
31 designee of the principal may not return the student to the classroom without  
32 conferring with the teacher who referred the student to the principal, if the student  
33 was referred by a teacher, other teachers as appropriate, other appropriate school  
34 personnel, the student, and the student's parent or guardian.

1 (ii) If the disruptive behavior results in action less than suspension,  
2 the principal or a designee of the principal shall confer with the teacher who referred  
3 the student to the principal prior to returning the student to that teacher's classroom.

4 (5) A county superintendent may deny attendance to any student who is  
5 currently expelled from another school system for a length of time equal to that  
6 expulsion.

7 (6) A school system shall forward information to another school system  
8 relating to the discipline of a student, including information on an expulsion of the  
9 student, on receipt of the request for information.

10 (e) (1) In this subsection, "firearm" means a firearm as defined in 18 U.S.C.  
11 § 921.

12 (2) Except as provided in paragraph (3) of this subsection, if the county  
13 superintendent or the superintendent's designated representative finds that a  
14 student has brought a firearm onto school property, the student shall be expelled for  
15 a minimum of 1 year.

16 (3) The county superintendent may specify, on a case by case basis, a  
17 shorter period of expulsion or an alternative educational setting, if alternative  
18 educational settings have been approved by the county board, for a student who has  
19 brought a firearm onto school property.

20 (4) The State Board shall adopt regulations to implement this  
21 subsection.

22 (f) The discipline of a child with a disability, including the suspension,  
23 expulsion, or interim alternative placement of the child for disciplinary reasons, shall  
24 be conducted in conformance with the requirements of the Individuals with  
25 Disabilities Education Act of the United States Code.

26 (g) (1) ~~SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF A STUDENT~~  
27 ~~HAS BEEN CONVICTED OR FOUND TO HAVE COMMITTED A DELINQUENT ACT UNDER~~  
28 ~~ARTICLE 27, § 139C, § 151A, OR § 151C OF THE CODE, THE COUNTY SUPERINTENDENT~~  
29 ~~SHALL EITHER:~~

30 (I) ~~SUSPEND THE STUDENT FOR MORE THAN 10 DAYS; OR~~

31 (II) ~~EXPEL THE STUDENT.~~

32 (2) (I) ~~IF A STUDENT IS SUSPENDED OR EXPELLED UNDER~~  
33 ~~PARAGRAPH (1) OF THIS SUBSECTION, THE STUDENT OR THE STUDENT'S PARENT OR~~  
34 ~~GUARDIAN MAY:~~

35 1. ~~APPEAL TO THE COUNTY BOARD WITHIN 10 DAYS AFTER~~  
36 ~~THE DETERMINATION;~~

1                                 ~~2.       BE HEARD BEFORE THE COUNTY BOARD, ITS DESIGNATED~~  
2 ~~COMMITTEE, OR A HEARING EXAMINER, IN ACCORDANCE WITH THE PROCEDURES~~  
3 ~~ESTABLISHED UNDER § 6 203 OF THIS ARTICLE; AND~~

4                                 ~~3.       BRING COUNSEL AND WITNESSES TO THE HEARING.~~

5                                 ~~(H)       UNLESS A PUBLIC HEARING IS REQUESTED BY THE PARENT OR~~  
6 ~~GUARDIAN OF THE STUDENT, A HEARING SHALL BE HELD OUT OF THE PRESENCE OF~~  
7 ~~ALL INDIVIDUALS EXCEPT THOSE WHOSE PRESENCE IS CONSIDERED NECESSARY OR~~  
8 ~~DESIRABLE BY THE BOARD.~~

9                                 ~~(III)      THE APPEAL TO THE COUNTY BOARD DOES NOT STAY THE~~  
10 ~~DECISION OF THE COUNTY SUPERINTENDENT.~~

11                                ~~(IV)      THE DECISION OF THE COUNTY BOARD IS FINAL.~~

12                                ~~(3)    (I)       IF A STUDENT HAS BEEN CONVICTED OR FOUND TO HAVE~~  
13 ~~COMMITTED A DELINQUENT ACT UNDER ARTICLE 27, § 139C, § 151A, OR § 151C OF THE~~  
14 ~~CODE AND DURING OR AS A RESULT OF THE COMMISSION OF THAT VIOLATION~~  
15 ~~DAMAGED, DESTROYED, OR SUBSTANTIALLY DECREASED THE VALUE OF SCHOOL~~  
16 ~~PROPERTY OR PROPERTY OF ANOTHER THAT WAS ON SCHOOL PROPERTY AT THE~~  
17 ~~TIME OF THE VIOLATION, OR OTHERWISE CAUSED AN ECONOMIC LOSS TO THE~~  
18 ~~SCHOOL, THE COUNTY SUPERINTENDENT MAY REQUIRE THE STUDENT OR THE~~  
19 ~~STUDENT'S PARENT TO MAKE RESTITUTION.~~

20                                ~~(H)       THE RESTITUTION MAY BE IN THE FORM OF MONETARY~~  
21 ~~RESTITUTION NOT TO EXCEED THE LESSER OF THE FAIR MARKET VALUE OF THE~~  
22 ~~PROPERTY OR \$2,500, OR THE STUDENT'S ASSIGNMENT TO A SCHOOL WORK PROJECT,~~  
23 ~~OR BOTH.~~

24                                ~~(H)    (1)       This subsection does not apply if the student is referred to the~~  
25 ~~Department of Juvenile Justice.~~

26                                ~~(2)       If a student violates a State or local law or regulation and during or~~  
27 ~~as a result of the commission of that violation damaged, destroyed, or substantially~~  
28 ~~decreased the value of school property or property of another that was on school~~  
29 ~~property at the time of the violation, as part of a conference on the matter with the~~  
30 ~~student, the student's parent or guardian and any other appropriate person, the~~  
31 ~~principal shall require the student or the student's parent to make restitution.~~

32                                ~~(3)       The restitution may be in the form of monetary restitution not to~~  
33 ~~exceed the lesser of the fair market value of the property or \$2,500, or the student's~~  
34 ~~assignment to a school work project, or both.~~

1

**Article - Transportation**

2 16-206.

3 (a) (1) The Administration may suspend, revoke, or refuse to issue or renew  
4 the license of any resident or the privilege to drive of any nonresident on a showing by  
5 its records or other sufficient evidence that the applicant or licensee:

6 (i) Has been convicted of moving violations so often as to indicate  
7 an intent to disregard the traffic laws and the safety of other persons on the  
8 highways;

9 (ii) Is an unfit, unsafe, or habitually reckless or negligent driver of  
10 a motor vehicle;

11 (iii) Has permitted an unlawful or fraudulent use of a license,  
12 identification card, or a facsimile of a license or identification card;

13 (iv) Has used a license, identification card, or a facsimile of a license  
14 or identification card in an unlawful or fraudulent manner, unless the applicant or  
15 licensee is subject to the provisions of subsection (c) of this section;

16 (v) Has committed an offense in another state that, if committed in  
17 this State, would be grounds for suspension or revocation; or

18 (vi) Has knowingly made a false certification of required security in  
19 any application for a certificate of title or for the registration of a vehicle.

20 (2) The Administration may suspend a license to drive of an individual  
21 who fails to attend:

22 (i) A driver improvement program or an alcohol education program  
23 required under § 16-212 of this subtitle; or

24 (ii) A private alternative program or an alternative program that is  
25 provided by a political subdivision of this State under § 16-212 of this subtitle.

26 (3) The Administration may suspend or revoke a provisional license  
27 under § 16-213 of this subtitle.

28 ~~(4)~~ (1) PURSUANT TO A COURT ORDER UNDER ARTICLE 27, § 139C, §  
29 151A, OR § 151C OF THE CODE, THE ADMINISTRATION:

30 ~~(A)~~ 1. SHALL INITIATE AN ACTION TO SUSPEND THE ~~DRIVING~~  
31 DRIVER'S LICENSE OR DRIVING PRIVILEGE OF AN INDIVIDUAL FOR A TIME  
32 SPECIFIED BY THE COURT; AND

33 ~~(B)~~ (H) MAY ISSUE A WORK RESTRICTED LICENSE OR  
34 ~~WORK RESTRICTED PRIVILEGE TO DRIVE.~~

1 2. MAY ISSUE A RESTRICTED LICENSE THAT IS LIMITED TO  
2 DRIVING A MOTOR VEHICLE:

3 A. FOR THE PURPOSE OF ATTENDING AN ALCOHOL  
4 EDUCATION OR ALCOHOLIC PREVENTION OR TREATMENT PROGRAM;

5 B. THAT IS REQUIRED IN THE COURSE OF EMPLOYMENT;

6 C. FOR THE PURPOSES OF DRIVING TO OR FROM A PLACE OF  
7 EMPLOYMENT IF THE INDIVIDUAL'S EMPLOYMENT WOULD BE ADVERSELY  
8 AFFECTED BECAUSE THE INDIVIDUAL HAS NO REASONABLE ALTERNATIVE MEANS  
9 OF TRANSPORTATION TO OR FROM THE PLACE OF EMPLOYMENT; OR

10 D. FOR THE PURPOSES OF DRIVING TO OR FROM SCHOOL OR  
11 ANY OTHER PLACE OF EDUCATIONAL INSTRUCTION IF THE INDIVIDUAL'S  
12 EDUCATION WOULD BE ADVERSELY AFFECTED BECAUSE THE INDIVIDUAL HAS NO  
13 REASONABLE ALTERNATIVE MEANS OF TRANSPORTATION FOR EDUCATIONAL  
14 PURPOSES.

15 (II) IF AN INDIVIDUAL SUBJECT TO A SUSPENSION UNDER  
16 SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT POSSESS THE PRIVILEGE TO  
17 DRIVE ON THE DATE OF THE DISPOSITION, THE SUSPENSION SHALL COMMENCE:

18 1. IF THE INDIVIDUAL IS AT AN AGE THAT IS ELIGIBLE TO  
19 OBTAIN THE PRIVILEGE TO DRIVE ON THE DATE OF THE DISPOSITION, ON THE DATE  
20 OF THE DISPOSITION; OR

21 2. IF THE INDIVIDUAL IS YOUNGER THAN AN AGE THAT IS  
22 ELIGIBLE TO OBTAIN THE PRIVILEGE TO DRIVE ON THE DATE OF THE DISPOSITION,  
23 ON THE DATE THE INDIVIDUAL IS ELIGIBLE TO OBTAIN DRIVING PRIVILEGES.

24 (c) (1) Pursuant to a court order under § 3-820(d) of the Courts Article, the  
25 Administration shall initiate an action to suspend the driving privilege of a child for  
26 the time specified by the court.

27 (2) If a child subject to a suspension under § 3-820(d) of the Courts  
28 Article does not hold a license to operate a motor vehicle on the date of the court order,  
29 the suspension shall commence:

30 (i) If the child is at least 16 years of age on the date of the  
31 disposition, on the date of the disposition; or

32 (ii) If the child is younger than 16 years of age on the date of the  
33 disposition, on the date the child reaches the child's 16th birthday.

34 (3) On receipt of a notice described under Article 27, § 403(f) of the Code,  
35 the Administration shall suspend the license of an individual described under Article  
36 27, § 403(f) of the Code:

37 (i) For a first offense, for 6 months; and

1 (ii) For a second or subsequent offense, until the individual is 21  
2 years old or for a period of 1 year, whichever is longer.

3 (4) If an individual subject to a suspension under paragraph (3) of this  
4 subsection does not hold a license to operate a motor vehicle on the date that the  
5 individual is found guilty of a Code violation, the suspension shall begin on the date  
6 that the license is issued, or after the individual applies and becomes qualified to  
7 receive a license, or on the individual's twenty-first birthday, whichever occurs first.

8 (5) The Administration may modify a suspension under this subsection  
9 or subsection (b) of this section or issue a restricted license if:

10 (i) The license is required for the purpose of attending an alcohol  
11 education or alcoholic prevention or treatment program;

12 (ii) The child or individual is required to drive a motor vehicle in  
13 the course of employment;

14 (iii) It finds that the individual's or child's employment would be  
15 adversely affected because the individual or child has no reasonable alternative  
16 means of transportation to or from a place of employment; or

17 (iv) It finds that the individual's or child's education would be  
18 adversely affected because the individual or child has no reasonable alternative  
19 means of transportation for educational purposes.

20 (d) (1) After the Administration refuses to issue a license under this section,  
21 determines that a suspension should be imposed under subsection (a)(2) of this  
22 section, or determines that a suspension or revocation should be imposed under  
23 subsection (a)(3) of this section, the Administration immediately shall give written  
24 notice to the applicant or licensee, and the applicant or licensee may request a  
25 hearing as provided in Title 12, Subtitle 2 of this article.

26 (2) AFTER THE ADMINISTRATION SUSPENDS THE ~~DRIVING~~ DRIVER'S  
27 LICENSE OR DRIVING PRIVILEGE OF AN INDIVIDUAL UNDER SUBSECTION (A)(4) OF  
28 THIS SECTION, THE ADMINISTRATION SHALL SEND WRITTEN NOTICE TO THE  
29 INDIVIDUAL, INCLUDING NOTICE OF THE INDIVIDUAL'S RIGHT TO CONTEST THE  
30 ACCURACY OF THE INFORMATION.

31 (3) ANY CONTEST UNDER THIS SUBSECTION SHALL BE LIMITED TO:

32 (I) WHETHER THE ADMINISTRATION HAS MISTAKEN THE  
33 IDENTITY OF THE INDIVIDUAL WHOSE LICENSE OR PRIVILEGE TO DRIVE HAS BEEN  
34 SUSPENDED; AND

35 ~~(II) WHETHER THE INDIVIDUAL MAY BE ISSUED A~~  
36 ~~WORK-RESTRICTED LICENSE OR WORK-RESTRICTED PRIVILEGE TO DRIVE.~~

37 (II) WHETHER THE INDIVIDUAL MAY BE ISSUED A RESTRICTED  
38 LICENSE THAT IS LIMITED TO DRIVING A MOTOR VEHICLE.:

1 1. FOR THE PURPOSE OF ATTENDING AN ALCOHOL  
 2 EDUCATION OR ALCOHOLIC PREVENTION OR TREATMENT PROGRAM;

3 2. THAT IS REQUIRED IN THE COURSE OF EMPLOYMENT;

4 3. FOR THE PURPOSES OF DRIVING TO OR FROM A PLACE OF  
 5 EMPLOYMENT IF THE INDIVIDUAL'S EMPLOYMENT WOULD BE ADVERSELY  
 6 AFFECTED BECAUSE THE INDIVIDUAL HAS NO REASONABLE ALTERNATIVE MEANS  
 7 OF TRANSPORTATION TO OR FROM THE PLACE OF EMPLOYMENT; OR

8 4. FOR THE PURPOSES OF DRIVING TO OR FROM SCHOOL OR  
 9 ANY OTHER PLACE OF EDUCATIONAL INSTRUCTION IF THE INDIVIDUAL'S  
 10 EDUCATION WOULD BE ADVERSELY AFFECTED BECAUSE THE INDIVIDUAL HAS NO  
 11 REASONABLE ALTERNATIVE MEANS OF TRANSPORTATION FOR EDUCATIONAL  
 12 PURPOSES.

13 [(2)] (4) Except as otherwise provided in this section, the Administration  
 14 may suspend or revoke a license under this section only after a hearing under Title  
 15 12, Subtitle 2 of this article.

16 [(3)] (5) If the Administration determines that there is a likelihood of  
 17 substantial and immediate danger and harm to the licensee or others if the license is  
 18 continued pending a hearing, the Administration:

19 (i) Immediately may suspend the license;

20 (ii) Within 7 days of a request for a hearing, shall grant the licensee  
 21 a hearing as provided in Title 12, Subtitle 2 of this article; and

22 (iii) After the hearing, render an immediate decision as to whether  
 23 or not it should continue the suspension or revoke the license.

24 16-208.

25 (a) (1) Except as provided in paragraph (2) of this subsection, [§ 16-206(c)] §  
 26 16-206(A)(4) AND (C) of this subtitle, and § 16-404(c)(2) and (3) of this title, the  
 27 Administration may not suspend a license or privilege to drive for a period of more  
 28 than 1 year.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 30 ~~October~~ July 1, 1999.



