

SENATE BILL 223

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1999 Regular Session
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By: **Senators Baker, Jimeno, Green, Colburn, Ferguson, Forehand, Haines,
Mooney, and Stone**

Introduced and read first time: February 2, 1999

Assigned to: Judicial Proceedings

A BILL ENTITLED

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
17 procedures for the suspension or expulsion of certain students under certain
18 circumstances; authorizing a county superintendent to require a student or a
19 student's parent to make certain restitution under certain circumstances;
20 defining a certain term; and generally relating to penalties for offenses involving
21 destructive devices.

22 BY repealing and reenacting, with amendments,
23 Article 27 - Crimes and Punishments
24 Section 139A, 139D, 151A, and 151C
25 Annotated Code of Maryland
26 (1996 Replacement Volume and 1998 Supplement)

27 BY repealing and reenacting, without amendments,
28 Article 27 - Crimes and Punishments
29 Section 139C
30 Annotated Code of Maryland
31 (1996 Replacement Volume and 1998 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article - Courts and Judicial Proceedings
3 Section 3-820(d)
4 Annotated Code of Maryland
5 (1998 Replacement Volume)

6 BY repealing and reenacting, with amendments,
7 Article - Education
8 Section 7-305
9 Annotated Code of Maryland
10 (1997 Replacement Volume and 1998 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article - Transportation
13 Section 16-206(a) and (d)
14 Annotated Code of Maryland
15 (1998 Replacement Volume and 1998 Supplement)
16 (As enacted by Chapter 483 of the Acts of the General Assembly of 1998)

17 BY repealing and reenacting, without amendments,
18 Article - Transportation
19 Section 16-206(c)
20 Annotated Code of Maryland
21 (1998 Replacement Volume and 1998 Supplement)

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

24 **Article 27 - Crimes and Punishments**

25 139A.

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

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

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

31 (2) "Destructive device" includes:

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

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

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

8 (2) "Explosive material" includes:

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

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

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

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

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

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

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

24 139C.

25 A person may not knowingly:

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

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

30 139D.

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

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

4 (c) (1) In addition to the penalty provided in this section, a person convicted
5 or found to have committed a delinquent act under this subheading may be ordered by
6 the court to pay restitution to:

7 (i) The State, county, municipal corporation, bicounty agency, or
8 special taxing district for actual costs reasonably incurred due to the placement,
9 delivery, or detonation of a destructive device, including the search for, removal of,
10 and damages caused by a destructive device; 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 or damage
13 sustained due to the placement, delivery, or detonation of a destructive device.

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

16 (3) (I) IF THE PERSON CONVICTED OR FOUND TO HAVE COMMITTED A
17 DELINQUENT ACT UNDER THIS SUBHEADING IS A CHILD, THE COURT MAY ORDER
18 THE CHILD, THE CHILD'S PARENT, OR BOTH TO PAY THE RESTITUTION DESCRIBED IN
19 PARAGRAPH (1) OF THIS SUBSECTION.

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

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

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

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

32 151A.

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

35 [(a)] (B) A person is guilty of a felony if, knowing the statement or rumor to be
36 false, he circulates or transmits to another or others, with intent that it be acted
37 upon, a statement or rumor, written, printed, by any electronic means, or by word of
38 mouth, concerning the location or possible detonation of a destructive device, as

1 defined in § 139A of this article. An offense under this section committed by the use of
2 a telephone or by other electronic means may be deemed to have been committed
3 either at the place at which the telephone call or calls were made or the electronic
4 communication originated or at the place at which the telephone call or calls or
5 electronic communication were received.

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

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

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

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

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

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

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

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

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

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

1 151C.

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

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

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

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

13 (i) The State, county, municipal corporation, bicounty agency, or
14 special taxing district for actual costs reasonably incurred in the search for and
15 removal of any devices representing destructive devices; 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 in response
18 to the representation 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 (3) (I) IF THE PERSON CONVICTED OR FOUND TO HAVE COMMITTED A
22 DELINQUENT ACT IN VIOLATION OF THIS SECTION IS A CHILD, THE COURT MAY
23 ORDER THE CHILD, THE CHILD'S PARENT, OR BOTH TO PAY THE RESTITUTION
24 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

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

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

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

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

1 **Article - Courts and Judicial Proceedings**

2 3-820.

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

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

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

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

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

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

30 1. 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 2. If the child is younger than 16 years of age on the date of
33 the disposition, on the date the child reaches the child's 16th birthday.

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

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

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

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

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

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

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

14 2. Impose a civil fine of not more than \$25 for the first
15 violation and a civil fine of not more than \$100 for a second or subsequent violation;
16 or

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

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

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

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

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

31 1. IF THE CHILD IS AT AN AGE THAT IS ELIGIBLE TO OBTAIN
32 THE PRIVILEGE TO DRIVE ON THE DATE OF THE DISPOSITION, ON THE DATE OF THE
33 DISPOSITION; OR

34 2. IF THE CHILD IS YOUNGER THAN AN AGE THAT IS
35 ELIGIBLE TO OBTAIN THE PRIVILEGE TO DRIVE ON THE DATE OF THE DISPOSITION,
36 ON THE DATE THE CHILD IS ELIGIBLE TO OBTAIN DRIVING PRIVILEGES.

Article - Education

1 7-305.

2
3 (a) (1) In accordance with the rules and regulations of the county board,
4 each principal of a public school may suspend for cause, for not more than 10 school
5 days, any student in the school who is under the direction of the principal.

6 (2) The student or his parent or guardian promptly shall be given a
7 conference with the principal and any other appropriate personnel during the
8 suspension period.

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

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

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

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

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

22 (i) Appeal to the county board within 10 days after the
23 determination;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (e) (1) In this subsection, "firearm" means a firearm as defined in 18 U.S.C.
26 § 921.

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

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

35 (4) The State Board shall adopt regulations to implement this
36 subsection.

37 (f) The discipline of a child with a disability, including the suspension,
38 expulsion, or interim alternative placement of the child for disciplinary reasons, shall

1 be conducted in conformance with the requirements of the Individuals with
2 Disabilities Education Act of the United States Code.

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

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

8 (II) EXPEL THE STUDENT.

9 (2) (I) IF A STUDENT IS SUSPENDED OR EXPELLED UNDER
10 PARAGRAPH (1) OF THIS SUBSECTION, THE STUDENT OR THE STUDENT'S PARENT OR
11 GUARDIAN MAY:

12 1. APPEAL TO THE COUNTY BOARD WITHIN 10 DAYS AFTER
13 THE DETERMINATION;

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

17 3. BRING COUNSEL AND WITNESSES TO THE HEARING.

18 (II) UNLESS A PUBLIC HEARING IS REQUESTED BY THE PARENT OR
19 GUARDIAN OF THE STUDENT, A HEARING SHALL BE HELD OUT OF THE PRESENCE OF
20 ALL INDIVIDUALS EXCEPT THOSE WHOSE PRESENCE IS CONSIDERED NECESSARY OR
21 DESIRABLE BY THE BOARD.

22 (III) THE APPEAL TO THE COUNTY BOARD DOES NOT STAY THE
23 DECISION OF THE COUNTY SUPERINTENDENT.

24 (IV) THE DECISION OF THE COUNTY BOARD IS FINAL.

25 (3) (I) IF A STUDENT HAS BEEN CONVICTED OR FOUND TO HAVE
26 COMMITTED A DELINQUENT ACT UNDER ARTICLE 27, § 139C, § 151A, OR § 151C OF THE
27 CODE AND DURING OR AS A RESULT OF THE COMMISSION OF THAT VIOLATION
28 DAMAGED, DESTROYED, OR SUBSTANTIALLY DECREASED THE VALUE OF SCHOOL
29 PROPERTY OR PROPERTY OF ANOTHER THAT WAS ON SCHOOL PROPERTY AT THE
30 TIME OF THE VIOLATION, OR OTHERWISE CAUSED AN ECONOMIC LOSS TO THE
31 SCHOOL, THE COUNTY SUPERINTENDENT MAY REQUIRE THE STUDENT OR THE
32 STUDENT'S PARENT TO MAKE RESTITUTION.

33 (II) THE RESTITUTION MAY BE IN THE FORM OF MONETARY
34 RESTITUTION NOT TO EXCEED THE LESSER OF THE FAIR MARKET VALUE OF THE
35 PROPERTY OR \$2,500, OR THE STUDENT'S ASSIGNMENT TO A SCHOOL WORK PROJECT,
36 OR BOTH.

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

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

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

12 Article - Transportation

13 16-206.

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

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

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

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

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

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

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

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

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

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

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

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

5 (I) SHALL INITIATE AN ACTION TO SUSPEND THE DRIVING
6 LICENSE OR PRIVILEGE OF AN INDIVIDUAL FOR A TIME SPECIFIED BY THE COURT;
7 AND

8 (II) MAY ISSUE A WORK-RESTRICTED LICENSE OR
9 WORK-RESTRICTED PRIVILEGE TO DRIVE.

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

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

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

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

20 (3) On receipt of a notice described under Article 27, § 403(f) of the Code,
21 the Administration shall suspend the license of an individual described under Article
22 27, § 403(f) of the Code:

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

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

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

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

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

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

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

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

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

13 (2) AFTER THE ADMINISTRATION SUSPENDS THE DRIVING LICENSE OR
14 PRIVILEGE OF AN INDIVIDUAL UNDER SUBSECTION (A)(4) OF THIS SECTION, THE
15 ADMINISTRATION SHALL SEND WRITTEN NOTICE TO THE INDIVIDUAL, INCLUDING
16 NOTICE OF THE INDIVIDUAL'S RIGHT TO CONTEST THE ACCURACY OF THE
17 INFORMATION.

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

19 (I) WHETHER THE ADMINISTRATION HAS MISTAKEN THE
20 IDENTITY OF THE INDIVIDUAL WHOSE LICENSE OR PRIVILEGE TO DRIVE HAS BEEN
21 SUSPENDED; AND

22 (II) WHETHER THE INDIVIDUAL MAY BE ISSUED A
23 WORK-RESTRICTED LICENSE OR WORK-RESTRICTED PRIVILEGE TO DRIVE.

24 [(2)] (4) Except as otherwise provided in this section, the Administration
25 may suspend or revoke a license under this section only after a hearing under Title
26 12, Subtitle 2 of this article.

27 [(3)] (5) If the Administration determines that there is a likelihood of
28 substantial and immediate danger and harm to the licensee or others if the license is
29 continued pending a hearing, the Administration:

30 (i) Immediately may suspend the license;

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

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

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 October 1, 1999.