

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 373

(First Reading File Bill)

AMENDMENT NO. 1

At the top of page 1, insert "EMERGENCY BILL"; strike beginning with "certain" in line 3 down through "violation" in line 13 and substitute "an act of terrorism, committing threatened acts of terrorism, and harboring terrorists; allowing certain restitution; establishing penalties; making this Act an emergency measure"; and in line 17, strike "9-803" and substitute "9-805".

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 4 on page 2 through line 26 on page 4, inclusive, and substitute:

"IN THIS SUBTITLE, "ACT OF TERRORISM" MEANS THE COMMISSION OF A CRIME INVOLVING ANY OF THE FOLLOWING ACTS WITH INTENT TO INTIMIDATE, COERCE, OR INSTILL FEAR IN A CIVILIAN POPULATION:

(1) THE HIGHJACKING OR SABOTAGE OF ANY CONVEYANCE, INCLUDING AN AIRCRAFT, VESSEL, OR VEHICLE;

(2) THE SEIZING OR DETAINING, AND THREATENING TO KILL, INJURE, OR CONTINUE TO DETAIN, ANOTHER INDIVIDUAL IN ORDER TO COMPEL A THIRD PERSON, INCLUDING A GOVERNMENTAL UNIT, TO DO OR ABSTAIN FROM DOING ANY ACT AS AN EXPLICIT OR IMPLICIT CONDITION FOR THE RELEASE OF THE INDIVIDUAL SEIZED OR DETAINED;

(3) AN ASSASSINATION; OR

(4) THE USE OF ANY OF THE FOLLOWING ITEMS:

(I) A BIOLOGICAL AGENT, CHEMICAL AGENT, OR NUCLEAR

(Over)

WEAPON OR DEVICE; OR

(II) AN EXPLOSIVE, FIREARM, OR OTHER WEAPON OR DESTRUCTIVE DEVICE, OTHER THAN FOR MERE MONETARY GAIN, WITH INTENT TO ENDANGER, DIRECTLY OR INDIRECTLY, THE SAFETY OF ONE OR MORE INDIVIDUALS OR TO CAUSE SUBSTANTIAL DAMAGE TO PROPERTY; OR

(5) AN ATTEMPT OR CONSPIRACY TO COMMIT AN ACT LISTED IN ITEMS (1) THROUGH (4) OF THIS SECTION.

9-802.

(A) A PERSON MAY NOT KNOWINGLY COMMIT AN ACT OF TERRORISM.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING LIFE.

9-803.

(A) A PERSON MAY NOT KNOWINGLY THREATEN TO COMMIT AN ACT OF TERRORISM.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

9-804.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "CONCEAL" MEANS TO HIDE, SECRETE, OR KEEP OUT OF SIGHT.

(3) "HARBOR" MEANS TO PROVIDE FINANCIAL RESOURCES,

TRANSPORTATION, FOOD, SHELTER, COMMUNICATIONS, SUPPORT, ASSISTANCE, OR OTHER AID MATERIAL TO OR IN SUPPORT OF THE COMMISSION OF AN ACT OF TERRORISM.

(B) A PERSON MAY NOT KNOWINGLY HARBOR OR CONCEAL ANOTHER WHO THE PERSON KNOWS OR SHOULD HAVE KNOWN HAS COMMITTED OR INTENDS TO COMMIT AN ACT OF TERRORISM.

(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 20 YEARS OR A FINE NOT EXCEEDING \$25,000 OR BOTH.

9-805.

(A) IN ADDITION TO THE PENALTIES PROVIDED IN THIS SUBTITLE, A PERSON CONVICTED UNDER THIS SUBTITLE MAY BE ORDERED TO PAY RESTITUTION TO:

(1) A UNIT OF GOVERNMENT FOR ACTUAL COSTS REASONABLY INCURRED IN RESPONDING TO THE VIOLATION OF THIS SUBTITLE;

(2) AN OWNER OR TENANT OF A PROPERTY FOR THE ACTUAL VALUE OF ANY GOODS, SERVICES, OR INCOME LOST AS A RESULT OF A REASONABLE AND NECESSARY EVACUATION OF PROPERTY IN RESPONSE TO THE VIOLATION OF THIS SUBTITLE;

(3) A PERSON INJURED AS A RESULT OF THE VIOLATION OF THIS SUBTITLE; AND

(4) A SURVIVING SPOUSE, CHILD, OR DEPENDENT OF A PERSON KILLED AS A RESULT OF THE VIOLATION OF THIS SUBTITLE.

(B) IF THE FINDER OF FACT DETERMINES BY A PREPONDERANCE OF THE

(Over)

EVIDENCE THAT A PERSON CONVICTED UNDER THIS SUBTITLE KNOWINGLY COMMITTED THE VIOLATION OF THIS SUBTITLE IN FURTHERANCE OF A CONSPIRACY PERPETUATED BY AN ORGANIZATION, THE ORGANIZATION AND THE PERSON CONVICTED UNDER THIS SUBTITLE MAY BE HELD JOINTLY AND SEVERALLY LIABLE TO PAY RESTITUTION UNDER THIS SECTION.

(C) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE RIGHT OF A PERSON TO RESTITUTION UNDER TITLE 11, SUBTITLE 6 OF THE CRIMINAL PROCEDURE ARTICLE.”.

AMENDMENT NO. 3

On page 4, strike in their entirety lines 27 and 28, and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health and safety, has been passed by a yeay and nay vote supported by three-fifths of all of the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.”.