
By: **Delegates Zirkin, Morhaim, and Finifter**
Introduced and read first time: January 18, 2002
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 5, 2002

CHAPTER _____

1 AN ACT concerning

2 **Crimes - Representation of Destructive Device - Substance Resembling**
3 **Toxic Material**

4 FOR the purpose of expanding the crime of manufacturing, possessing, transporting,
5 or placing a device representing a destructive device with the intent to terrorize
6 to include manufacturing, possessing, transporting, or placing a substance
7 resembling a toxic material with the intent to terrorize; ~~altering certain~~
8 ~~penalties for manufacturing, possessing, transporting, or placing a substance~~
9 ~~resembling toxic material or a device representing a destructive device with the~~
10 ~~intent to terrorize;~~ and generally relating to the crime of manufacturing,
11 possessing, transporting, or placing a device representing a destructive device or
12 substance representing a toxic material.

13 BY repealing and reenacting, without amendments,
14 Article - Criminal Law
15 Section 4-501(e)
16 Annotated Code of Maryland
17 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
18 2002)

19 BY repealing and reenacting, with amendments,
20 Article - Criminal Law
21 Section 9-505
22 Annotated Code of Maryland
23 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
24 2002)

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

3 **Article - Criminal Law**

4 4-501.

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

8 (2) "Toxic material" includes:

9 (i) nerve gas, mustard gas, cyanide gas, chlorine gas, sulphuric
10 acid, or their precursors; and

11 (ii) a biological substance containing a disease organism or
12 microorganism.

13 9-505.

14 (a) A person may not manufacture, possess, transport, or place A SUBSTANCE
15 THAT REPRESENTS A TOXIC MATERIAL, AS DEFINED IN § 4-501 OF THIS ARTICLE, OR
16 a device that is constructed to represent a destructive device, as defined in § 4-501 of
17 this article, with the intent to terrorize, frighten, intimidate, threaten, or harass.

18 (b) A person who violates this section is guilty of a felony and on conviction is
19 subject to imprisonment not exceeding {10} 20 years or a fine not exceeding
20 {\$10,000} \$20,000 or both.

21 (c) (1) In addition to the penalty provided in subsection (b) of this section, a
22 person convicted or found to have committed a delinquent act under this section may
23 be ordered by the court to pay restitution to:

24 (i) the State, county, municipal corporation, bicounty unit, or
25 special taxing district for actual costs reasonably incurred in the search for and
26 removal of A SUBSTANCE THAT REPRESENTS A TOXIC MATERIAL OR a device
27 constructed to represent a destructive device; and

28 (ii) the owner or tenant of a property for the actual value of any
29 goods, services, or income lost as a result of the evacuation of the property in response
30 to A SUBSTANCE THAT REPRESENTS A TOXIC MATERIAL OR a device that is
31 constructed to represent a destructive device.

32 (2) This subsection may not be construed to limit the right of a person to
33 restitution under Title 11, Subtitle 6 of the Criminal Procedure Article.

34 (3) (i) If the person convicted or found to have committed a delinquent
35 act in violation of this section is a minor, the court may order the minor, the minor's
36 parent, or both to pay the restitution described in paragraph (1) of this subsection.

1 (ii) Except as otherwise provided in this section, the provisions of
2 Title 11, Subtitle 6 of the Criminal Procedure Article apply to an order of restitution
3 under this paragraph.

4 (d) In addition to any other penalty authorized by law, if the person convicted
5 or found to have committed a delinquent act under this section is a minor, the court
6 may order the Motor Vehicle Administration to initiate an action, under the motor
7 vehicle laws, to suspend the driving privilege of the minor for a specified period not to
8 exceed:

9 (1) for a first violation, 6 months; and

10 (2) for each subsequent violation, 1 year or until the person is 21 years
11 old, whichever is longer.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2002.