
By: **Delegates Dembrow, Giannetti, Amedori, Barkley, Boschert, Brinkley, Cane, Cole, Conroy, Cryor, DeCarlo, Heller, Kelly, Hubers, Klima, Mandel, Parrott, Pitkin, Riley, Rosenberg, Rosso, Sophocleus, and Zirkin**

Introduced and read first time: January 25, 2002
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Anti-Terrorism Act of 2002**

3 FOR the purpose of prohibiting a person from committing certain crimes of violence
4 or felonies with a certain intent; establishing certain penalties; providing that a
5 certain penalty may be served consecutively; prohibiting a person from
6 threatening to commit a certain act in a certain manner; providing that a
7 certain violation committed by telephone or other electronic communication be
8 deemed to have been committed in certain locations; authorizing the imposition
9 of restitution on a person who commits an act of terrorism or makes certain
10 threats to a unit of government, certain owners or tenants of property, certain
11 injured persons, or a surviving spouse, child, or dependent of certain persons
12 killed; providing for the construction of certain provisions relating to restitution;
13 establishing that certain defenses are not applicable for a certain violation;
14 defining certain terms; and generally relating to anti-terrorism.

15 BY adding to
16 Article - Criminal Law
17 Section 9-801 through 9-803, inclusive, to be under the new subtitle "Subtitle 8.
18 Terrorism"
19 Annotated Code of Maryland
20 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
21 2002)

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

1 **Article - Criminal Law**2 **SUBTITLE 8. TERRORISM.**

3 9-801.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.6 (B) (1) "ACT OF TERRORISM" MEANS A CRIME OF VIOLENCE OR A FELONY
7 THAT IS INTENDED TO:8 (I) INTIMIDATE, COERCE, OR INSTILL FEAR IN A CIVILIAN
9 POPULATION;10 (II) DISRUPT A PUBLIC UTILITY OR A MEANS OF CONVEYANCE OR
11 COMMUNICATION;12 (III) INFLUENCE THE POLICY OF A UNIT OF GOVERNMENT BY
13 INTIMIDATION OR COERCION; OR14 (IV) AFFECT THE CONDUCT OF A UNIT OF GOVERNMENT BY
15 MURDER, ASSASSINATION, OR KIDNAPPING.16 (2) "ACT OF TERRORISM" DOES NOT INCLUDE LAWFUL FORMS OF
17 DEMONSTRATION, EXPRESSION, OR PROTEST.18 (C) "CRIME OF VIOLENCE" HAS THE MEANING STATED IN § 14-101 OF THIS
19 ARTICLE.

20 (D) "UNIT OF GOVERNMENT" MEANS:

21 (1) THE UNITED STATES;

22 (2) A POLITICAL SUBDIVISION OF THE UNITED STATES;

23 (3) THE STATE;

24 (4) A POLITICAL SUBDIVISION OF THE STATE; OR

25 (5) A BOARD, DEPARTMENT, BUREAU, COMMISSION, OR AGENCY OF A
26 UNIT OF GOVERNMENT DESCRIBED IN ITEMS (1) THROUGH (4) OF THIS SUBSECTION.

27 9-802.

28 (A) A PERSON MAY NOT COMMIT OR CONSPIRE TO COMMIT AN ACT OF
29 TERRORISM.30 (B) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY
31 AND, IN ADDITION TO ANY OTHER PENALTY FOR AN UNDERLYING CRIME OF

1 VIOLENCE OR FELONY, ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR LIFE
2 WITHOUT THE POSSIBILITY OF PAROLE.

3 (2) IF THE STATE INTENDS TO SEEK A SENTENCE OF IMPRISONMENT
4 FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE UNDER THIS SECTION, THE STATE
5 SHALL NOTIFY THE PERSON IN WRITING OF THE STATE'S INTENTION AT LEAST 30
6 DAYS BEFORE TRIAL.

7 (C) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE CONSECUTIVE TO
8 ANY OTHER SENTENCE IMPOSED FOR A CRIME OF VIOLENCE OR FELONY.

9 (D) (1) IN ADDITION TO THE PENALTY PROVIDED IN SUBSECTION (C) OF
10 THIS SECTION, A PERSON CONVICTED UNDER THIS SECTION MAY BE ORDERED TO
11 PAY RESTITUTION TO:

12 (I) A UNIT OF GOVERNMENT FOR ACTUAL COSTS REASONABLY
13 INCURRED IN RESPONDING TO THE ACT OF TERRORISM;

14 (II) AN OWNER OR TENANT OF A PROPERTY FOR THE ACTUAL
15 VALUE OF ANY GOODS, SERVICES, OR INCOME LOST AS A RESULT OF:

16 1. A REASONABLE AND NECESSARY EVACUATION OF
17 PROPERTY IN RESPONSE TO THE ACT OF TERRORISM; OR

18 2. PROPERTY DAMAGE THAT RESULTS FROM THE ACT OF
19 TERRORISM;

20 (III) A PERSON INJURED AS A RESULT OF AN ACT OF TERRORISM;
21 AND

22 (IV) A SURVIVING SPOUSE, CHILD, OR DEPENDENT OF A PERSON
23 KILLED AS A RESULT OF AN ACT OF TERRORISM.

24 (2) THIS SUBSECTION MAY NOT BE CONSTRUED TO LIMIT THE RIGHT OF
25 A PERSON TO RESTITUTION UNDER TITLE 11, SUBTITLE 6 OF THE CRIMINAL
26 PROCEDURE ARTICLE.

27 9-803.

28 (A) A PERSON MAY NOT THREATEN TO COMMIT AN ACT OF TERRORISM IN A
29 MANNER THAT CAUSES A REASONABLE EXPECTATION OF FEAR OF THE IMMINENT
30 COMMISSION OF AN ACT OF TERRORISM.

31 (B) A VIOLATION OF THIS SECTION COMMITTED BY THE USE OF A TELEPHONE
32 OR OTHER ELECTRONIC MEANS MAY BE DEEMED TO HAVE BEEN COMMITTED
33 EITHER:

34 (1) AT THE PLACE AT WHICH THE TELEPHONE CALL WAS MADE OR THE
35 ELECTRONIC COMMUNICATION ORIGINATED; OR

1 (2) AT THE PLACE AT WHICH THE TELEPHONE CALL OR ELECTRONIC
2 COMMUNICATION WAS RECEIVED.

3 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON
4 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 20 YEARS.

5 (D) (1) IN ADDITION TO THE PENALTY PROVIDED IN SUBSECTION (C) OF
6 THIS SECTION, A PERSON CONVICTED UNDER THIS SECTION MAY BE ORDERED TO
7 PAY RESTITUTION TO:

8 (I) A UNIT OF GOVERNMENT FOR ACTUAL COSTS REASONABLY
9 INCURRED IN RESPONDING TO THE THREATENED ACT OF TERRORISM; AND

10 (II) AN OWNER OR TENANT OF A PROPERTY FOR THE ACTUAL
11 VALUE OF ANY GOODS, SERVICES, OR INCOME LOST AS A RESULT OF A REASONABLE
12 AND NECESSARY EVACUATION OF PROPERTY IN RESPONSE TO THE THREATENED
13 ACT OF TERRORISM;

14 (III) A PERSON INJURED AS A RESULT OF THE THREATENED ACT OF
15 TERRORISM; AND

16 (IV) A SURVIVING SPOUSE, CHILD, OR DEPENDENT OF A PERSON
17 KILLED AS A RESULT OF THE THREATENED ACT OF TERRORISM.

18 (2) THIS SUBSECTION MAY NOT BE CONSTRUED TO LIMIT THE RIGHT OF
19 A PERSON TO RESTITUTION UNDER TITLE 11, SUBTITLE 6 OF THE CRIMINAL
20 PROCEDURE ARTICLE.

21 (E) IT IS NOT A DEFENSE TO A CHARGE OF A VIOLATION OF THIS SECTION
22 THAT:

23 (1) THE DEFENDANT DID NOT HAVE THE INTENT OR CAPABILITY OF
24 COMMITTING A FELONY OR CRIME OF VIOLENCE; OR

25 (2) THAT THE THREAT WAS NOT MADE TO A PERSON WHO WAS THE
26 SUBJECT OF THE THREAT.

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