

**HOUSE BILL 373**  
**EMERGENCY BILL**

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E1

2002 Regular Session  
2lr0509

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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

Re-referred to: Judiciary, February 4, 2002

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2002

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CHAPTER \_\_\_\_\_

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 an~~  
14 ~~act of terrorism, committing threatened acts of terrorism, and harboring~~  
15 ~~terrorists; allowing certain restitution; establishing penalties; making this Act~~  
16 ~~an emergency measure; defining certain terms; and generally relating to~~  
17 ~~anti-terrorism.~~

18 BY adding to

19 Article - Criminal Law

20 Section 9-801 through ~~9-803~~ 9-805, inclusive, to be under the new subtitle

21 "Subtitle 8. Terrorism"

22 Annotated Code of Maryland

1 (As enacted by Chapter \_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
2 2002)

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

5 **Article - Criminal Law**

6 **SUBTITLE 8. TERRORISM.**

7 9-801.

8 ~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~  
9 ~~INDICATED.~~

10 ~~(B) (1) "ACT OF TERRORISM" MEANS A CRIME OF VIOLENCE OR A FELONY~~  
11 ~~THAT IS INTENDED TO:~~

12 ~~(I) INTIMIDATE, COERCE, OR INSTILL FEAR IN A CIVILIAN~~  
13 ~~POPULATION;~~

14 ~~(II) DISRUPT A PUBLIC UTILITY OR A MEANS OF CONVEYANCE OR~~  
15 ~~COMMUNICATION;~~

16 ~~(III) INFLUENCE THE POLICY OF A UNIT OF GOVERNMENT BY~~  
17 ~~INTIMIDATION OR COERCION; OR~~

18 ~~(IV) AFFECT THE CONDUCT OF A UNIT OF GOVERNMENT BY~~  
19 ~~MURDER, ASSASSINATION, OR KIDNAPPING.~~

20 ~~(2) "ACT OF TERRORISM" DOES NOT INCLUDE LAWFUL FORMS OF~~  
21 ~~DEMONSTRATION, EXPRESSION, OR PROTEST.~~

22 ~~(C) "CRIME OF VIOLENCE" HAS THE MEANING STATED IN § 14-101 OF THIS~~  
23 ~~ARTICLE.~~

24 ~~(D) "UNIT OF GOVERNMENT" MEANS:~~

25 ~~(1) THE UNITED STATES;~~

26 ~~(2) A POLITICAL SUBDIVISION OF THE UNITED STATES;~~

27 ~~(3) THE STATE;~~

28 ~~(4) A POLITICAL SUBDIVISION OF THE STATE; OR~~

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

1 ~~9-802.~~

2 (A) A PERSON MAY NOT COMMIT OR CONSPIRE TO COMMIT AN ACT OF  
3 TERRORISM.

4 (B) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY  
5 AND, IN ADDITION TO ANY OTHER PENALTY FOR AN UNDERLYING CRIME OF  
6 VIOLENCE OR FELONY, ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR LIFE  
7 WITHOUT THE POSSIBILITY OF PAROLE.

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

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

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

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

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

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

23 2. PROPERTY DAMAGE THAT RESULTS FROM THE ACT OF  
24 TERRORISM;

25 (III) A PERSON INJURED AS A RESULT OF AN ACT OF TERRORISM;  
26 AND

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

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

32 ~~9-803.~~

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

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

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

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

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

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

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

~~(II) 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 THREATENED  
ACT OF TERRORISM;~~

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

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

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

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

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

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

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;

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

6           (3)     AN ASSASSINATION; OR

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

8                   (I)     A BIOLOGICAL AGENT, CHEMICAL AGENT, OR NUCLEAR  
9 WEAPON OR DEVICE; OR

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

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

16 9-802.

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

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

20 9-803.

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

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

26 9-804.

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

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

30           (3)     "HARBOR" MEANS TO PROVIDE FINANCIAL RESOURCES,  
31 TRANSPORTATION, FOOD, SHELTER, COMMUNICATIONS, SUPPORT, ASSISTANCE, OR  
32 OTHER AID MATERIAL TO OR IN SUPPORT OF THE COMMISSION OF AN ACT OF  
33 TERRORISM.

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

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

7 9-805.

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

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

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

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

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

20 (B) IF THE FINDER OF FACT DETERMINES BY A PREPONDERANCE OF THE  
21 EVIDENCE THAT A PERSON CONVICTED UNDER THIS SUBTITLE KNOWINGLY  
22 COMMITTED THE VIOLATION OF THIS SUBTITLE IN FURTHERANCE OF A CONSPIRACY  
23 PERPETUATED BY AN ORGANIZATION, THE ORGANIZATION AND THE PERSON  
24 CONVICTED UNDER THIS SUBTITLE MAY BE HELD JOINTLY AND SEVERALLY LIABLE  
25 TO PAY RESTITUTION UNDER THIS SECTION.

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

29 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~  
30 ~~October 1, 2002.~~

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

