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By: **Delegates Finifter, DeCarlo, Dewberry, Hubers, Kach, Klausmeier,  
Klima, Minnick, Mohorovic, Weir, and Pielke**

Introduced and read first time: February 8, 2002

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Biological Terrorism**

3 FOR the purpose of establishing the felony of biological terrorism; prohibiting the use,  
4 deployment, or release, or attempting or causing the use, deployment, or release  
5 of a biological weapon with certain intent; providing a mandatory sentence of  
6 imprisonment for life without the possibility of parole for a violation of this Act;  
7 providing that this Act may not preclude the imposition of a certain sentence;  
8 including biological terrorism in the felonies that may be predicate felonies to  
9 murder in the first degree; defining certain terms; and generally relating to the  
10 crime of biological terrorism.

11 BY repealing and reenacting, with amendments,  
12 Article - Criminal Law  
13 Section 2-201  
14 Annotated Code of Maryland  
15 (As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
16 2002)

17 BY adding to  
18 Article - Criminal Law  
19 Section 9-801 and 9-802, to be under the new subtitle "Subtitle 8. Biological  
20 Terrorism"  
21 Annotated Code of Maryland  
22 (As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
23 2002)

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

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**Article - Criminal Law**

2 2-201.

3 (a) A murder is in the first degree if it is:

4 (1) a deliberate, premeditated, and willful killing;

5 (2) committed by lying in wait;

6 (3) committed by poison; or

7 (4) committed in the perpetration of or an attempt to perpetrate:

8 (i) arson in the first degree;

9 (ii) burning a barn, stable, tobacco house, warehouse, or other  
10 outbuilding that:

11 1. is not parcel to a dwelling; and

12 2. contains cattle, goods, wares, merchandise, horses, grain,  
13 hay, or tobacco;

14 (iii) burglary in the first, second, or third degree;

15 (iv) carjacking or armed carjacking;

16 (v) escape in the first degree from a State correctional facility or a  
17 local correctional facility;

18 (vi) kidnapping under § 3-502 or § 3-503(a)(2) of this article;

19 (vii) mayhem;

20 (viii) rape;

21 (ix) robbery under § 3-402 or § 3-403 of this article;

22 (x) sexual offense in the first or second degree;

23 (xi) sodomy; [or]

24 (xii) a violation of § 4-503 of this article concerning destructive  
25 devices; OR

26 (XIII) BIOLOGICAL TERRORISM UNDER § 9-802 OF THIS ARTICLE.

27 (b) (1) A person who commits a murder in the first degree is guilty of a  
28 felony and on conviction shall be sentenced to:

29 (i) death;

1 (ii) imprisonment for life without the possibility of parole; or

2 (iii) imprisonment for life.

3 (2) Unless a sentence of death is imposed in compliance with § 2-202 of  
4 this subtitle and Subtitle 3 of this title, or a sentence of imprisonment for life without  
5 the possibility of parole is imposed in compliance with § 2-203 of this subtitle and §  
6 2-304 of this title, the sentence shall be imprisonment for life.

7 SUBTITLE 8. BIOLOGICAL TERRORISM.

8 9-801.

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

11 (B) "BIOLOGICAL WEAPON" MEANS A WEAPON THAT IS DESIGNED TO  
12 RELEASE A TOXIC MATERIAL, AS DEFINED IN § 4-501 OF THIS ARTICLE.

13 (C) "SERIOUS PHYSICAL INJURY" HAS THE MEANING STATED IN § 3-201 OF  
14 THIS ARTICLE.

15 9-802.

16 (A) A PERSON MAY NOT USE, DEPLOY, OR RELEASE, OR ATTEMPT TO USE,  
17 DEPLOY, OR RELEASE, OR CAUSE TO BE USED, DEPLOYED, OR RELEASED A  
18 BIOLOGICAL WEAPON WITH THE INTENT TO:

19 (1) INTIMIDATE OR COERCE A CIVILIAN POPULATION; OR

20 (2) INFLUENCE THE POLICY OF OR AFFECT THE CONDUCT OF A  
21 GOVERNMENT UNIT.

22 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE FELONY OF  
23 BIOLOGICAL TERRORISM AND ON CONVICTION SHALL BE SENTENCED TO  
24 IMPRISONMENT FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE.

25 (C) THIS SECTION MAY NOT BE CONSTRUED TO PRECLUDE THE IMPOSITION  
26 OF A SENTENCE OF DEATH.

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