

Department of Legislative Services  
Maryland General Assembly  
2002 Session

FISCAL NOTE

House Bill 225  
Judiciary

(Delegate Zirkin, *et al.*)

---

Crimes - Destructive Devices - Penalty

---

This bill increases the maximum penalties for the felony of knowingly making a false statement concerning a destructive device or the possible release of a toxic material from a fine of \$10,000 and/or imprisonment for 10 years to a fine of \$20,000 and/or imprisonment for 20 years.

---

Fiscal Summary

**State Effect:** Potential minimal increase in general fund expenditures due to the bill's increased incarceration penalty provision. Revenues would not be affected.

**Local Effect:** Potential minimal increase in revenues due to the bill's increased monetary penalty provision because these cases would continue to be heard in the circuit courts. Expenditures would not be affected.

**Small Business Effect:** None.

---

Analysis

**Current Law:** A person may not circulate or transmit to another, with intent that it be acted on, a statement or rumor that the person knows to be false about the location or possible detonation of a destructive device or the location or possible release of toxic material.

“Destructive device” means explosive material, incendiary material, or toxic material that is: (1) combined with a delivery or detonating apparatus so as to be capable of inflicting

injury to persons or damage to property; or (2) deliberately modified, containerized, or otherwise equipped with a special delivery, activation, or detonation component that gives the material destructive characteristics of a military ordinance. Destructive device includes a bomb, grenade, mine, shell, missile, flamethrower, poison gas, molotov cocktail, pipe bomb, and petroleum-soaked ammonium nitrate.

“Toxic material” means material that is capable of causing death or serious bodily injury almost immediately on being absorbed through the skin, inhaled, or ingested. Toxic material includes: (1) nerve gas, mustard gas, cyanide gas, chlorine gas, sulphuric acid, or their precursors; and (2) a biological substance containing a disease organism or microorganism.

A person who violates this prohibition is guilty of a felony and on conviction is subject to imprisonment not exceeding ten years or a fine not exceeding \$10,000 or both.

A crime under this section committed using a telephone or other electronic means may be prosecuted: (1) in the county in which the communication originated; or (2) in the county in which the communication was received. In addition to the criminal penalty, a court may order a person convicted or found to have committed a delinquent act under this prohibition to pay restitution to various governmental entities for actual response costs, as well as to the owner or tenant of a property for the actual value of any goods, services, or income lost as a result of an evacuation of the property.

**Background:** This bill is in response to general and specific concerns that have arisen nationally relating to threats of terrorism since September 11, 2001. Generally, State efforts have centered on creating specific statutory crimes for terrorist acts and providing appropriate penalties for making false threats or creating fear.

**State Expenditures:** General fund expenditures could increase minimally as a result of the bill’s increased incarceration penalty due to people being committed to Division of Correction (DOC) facilities for longer periods of time. The number of people convicted of this crime is expected to be minimal.

Generally, persons serving a sentence longer than one year are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$1,850 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) is \$300 per month.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Public Safety and Correctional Services  
(Division of Correction), Department of Legislative Services

**Fiscal Note History:** First Reader - February 25, 2002  
ncs/cer

---

Analysis by: Guy G. Cherry

Direct Inquiries to:  
John Rixey, Coordinating Analyst  
(410) 946-5510  
(301) 970-5510