

HOUSE BILL 643

Unofficial Copy
E1

2003 Regular Session
3r0270

By: **Delegates Doory, Anderson, Barkley, Barve, Brown, Cadden, D. Davis,
Dumais, Franchot, Gordon, Haynes, Hixson, Kaiser, Malone, Mandel,
Marriott, McComas, McIntosh, O'Donnell, Petzold, Sophocleus, Vallario,
and Zirkin**

Introduced and read first time: February 7, 2003

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Terrorism**

3 FOR the purpose of prohibiting terrorism, threatened terrorism, and harboring
4 terrorists; providing that violations of this Act are felonies, subject to certain
5 terms of imprisonment and fines; allowing certain restitution; adding a certain
6 crime of terrorism to a certain definition of crime of violence for certain
7 purposes; and generally relating to terrorism.

8 BY adding to

9 Article - Criminal Law

10 Section 9-801 through 9-805, inclusive, to be under the new subtitle "Subtitle 8.

11 Terrorism"

12 Annotated Code of Maryland

13 (2002 Volume)

14 BY repealing and reenacting, with amendments,

15 Article - Criminal Law

16 Section 14-101(a)

17 Annotated Code of Maryland

18 (2002 Volume)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

20 MARYLAND, That the Laws of Maryland read as follows:

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

3 9-801.

4 IN THIS SUBTITLE, "TERRORISM" MEANS:

5 (1) THE COMMISSION OF A CRIME INVOLVING ANY OF THE FOLLOWING
6 ACTS WITH INTENT TO INTIMIDATE, COERCE, OR INSTILL FEAR IN A CIVILIAN
7 POPULATION:8 (I) THE HIJACKING OR SABOTAGE OF ANY CONVEYANCE,
9 INCLUDING AN AIRCRAFT, VESSEL, OR VEHICLE;10 (II) THE SEIZING OR DETAINING, AND THREATENING TO KILL,
11 INJURE, OR CONTINUE TO DETAIN, ANOTHER INDIVIDUAL IN ORDER TO COMPEL A
12 THIRD PERSON, INCLUDING A GOVERNMENTAL UNIT, TO DO OR ABSTAIN FROM
13 DOING ANY ACT AS AN EXPLICIT OR IMPLICIT CONDITION FOR THE RELEASE OF THE
14 INDIVIDUAL SEIZED OR DETAINED;

15 (III) AN ASSASSINATION; OR

16 (IV) THE USE OF ANY OF THE FOLLOWING ITEMS:

17 1. A BIOLOGICAL AGENT, CHEMICAL AGENT, OR NUCLEAR
18 WEAPON OR DEVICE; OR19 2. AN EXPLOSIVE, FIREARM, OR OTHER WEAPON OR
20 DESTRUCTIVE DEVICE, OTHER THAN SOLELY FOR MERE MONETARY GAIN, WITH
21 INTENT TO ENDANGER, DIRECTLY OR INDIRECTLY, THE SAFETY OF AN INDIVIDUAL
22 OR TO CAUSE SUBSTANTIAL DAMAGE TO PROPERTY; OR23 (2) AN ATTEMPT OR CONSPIRACY TO COMMIT AN ACT LISTED IN ITEM (1)
24 OF THIS SECTION.

25 9-802.

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

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

29 9-803.

30 (A) A PERSON MAY NOT KNOWINGLY THREATEN TO COMMIT AN ACT OF
31 TERRORISM.32 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON
33 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE
34 NOT EXCEEDING \$10,000 OR BOTH.

1 9-804.

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

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

5 (3) "HARBOR" MEANS TO PROVIDE FINANCIAL RESOURCES,
6 TRANSPORTATION, FOOD, SHELTER, COMMUNICATIONS, SUPPORT, ASSISTANCE, OR
7 OTHER AID MATERIAL TO OR IN SUPPORT OF THE COMMISSION OF AN ACT OF
8 TERRORISM.

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

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

15 9-805.

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

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

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

24 (3) A PERSON INJURED AS A RESULT OF THE VIOLATION OF THIS
25 SUBTITLE; AND

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

28 (B) IF THE FINDER OF FACT DETERMINES BY A PREPONDERANCE OF THE
29 EVIDENCE THAT A PERSON CONVICTED UNDER THIS SUBTITLE KNOWINGLY
30 COMMITTED THE VIOLATION OF THIS SUBTITLE IN FURTHERANCE OF A CONSPIRACY
31 PERPETUATED BY AN ORGANIZATION, THE ORGANIZATION AND THE PERSON
32 CONVICTED UNDER THIS SUBTITLE MAY BE HELD JOINTLY AND SEVERALLY LIABLE
33 TO PAY RESTITUTION UNDER THIS SECTION.

34 (C) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE RIGHT OF A
35 PERSON TO RESTITUTION UNDER TITLE 11, SUBTITLE 6 OF THE CRIMINAL
36 PROCEDURE ARTICLE OR TO PURSUE ANY REMEDY PROVIDED BY LAW.

1 14-101.

2 (a) In this section, "crime of violence" means:

3 (1) abduction;

4 (2) arson in the first degree;

5 (3) kidnapping;

6 (4) manslaughter, except involuntary manslaughter;

7 (5) mayhem;

8 (6) maiming, as previously proscribed under Article 27, §§ 385 and 386 of
9 the Code;

10 (7) murder;

11 (8) rape;

12 (9) robbery under § 3-402 or § 3-403 of this article;

13 (10) carjacking;

14 (11) armed carjacking;

15 (12) sexual offense in the first degree;

16 (13) sexual offense in the second degree;

17 (14) use of a handgun in the commission of a felony or other crime of
18 violence;

19 (15) **TERRORISM UNDER § 9-802 OF THIS ARTICLE;**

20 [(15)] (16) an attempt to commit any of the crimes described in items (1)
21 through [(14)] (15) of this subsection;

22 [(16)] (17) assault in the first degree;

23 [(17)] (18) assault with intent to murder;

24 [(18)] (19) assault with intent to rape;

25 [(19)] (20) assault with intent to rob;

26 [(20)] (21) assault with intent to commit a sexual offense in the first
27 degree; [and] OR

28 [(21)] (22) assault with intent to commit a sexual offense in the second
29 degree.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2003.