
By: **Delegates Zirkin, Cardin, and Morhaim**
Introduced and read first time: February 16, 2004
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Representation of Destructive Device - Substance Representing**
3 **Toxic Material**

4 FOR the purpose of expanding the crime of manufacturing, possessing, transporting,
5 or placing a device representing a destructive device with the intent to terrorize
6 to include manufacturing, possessing, transporting, or placing a substance
7 representing a toxic material with the intent to terrorize; and generally relating
8 to the crime of manufacturing, possessing, transporting, or placing a device
9 representing a destructive device or substance representing a toxic material.

10 BY repealing and reenacting, without amendments,
11 Article - Criminal Law
12 Section 4-501(e)
13 Annotated Code of Maryland
14 (2002 Volume and 2003 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Criminal Law
17 Section 9-505
18 Annotated Code of Maryland
19 (2002 Volume and 2003 Supplement)

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

22 **Article - Criminal Law**

23 4-501.

24 (e) (1) "Toxic material" means material that is capable of causing death or
25 serious bodily injury almost immediately on being absorbed through the skin,
26 inhaled, or ingested.

27 (2) "Toxic material" includes:

1 (i) nerve gas, mustard gas, cyanide gas, chlorine gas, sulphuric
2 acid, or their precursors; and

3 (ii) a biological substance containing a disease organism or
4 microorganism.

5 9-505.

6 (a) A person may not manufacture, possess, transport, or place A SUBSTANCE
7 THAT REPRESENTS A TOXIC MATERIAL, AS DEFINED IN § 4-501 OF THIS ARTICLE, OR
8 a device that is constructed to represent a destructive device, as defined in § 4-501 of
9 this article, with the intent to terrorize, frighten, intimidate, threaten, or harass.

10 (b) A person who violates this section is guilty of a felony and on conviction is
11 subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or
12 both.

13 (c) (1) In addition to the penalty provided in subsection (b) of this section, a
14 person convicted or found to have committed a delinquent act under this section may
15 be ordered by the court to pay restitution to:

16 (i) the State, county, municipal corporation, bicounty unit, or
17 special taxing district for actual costs reasonably incurred in responding to a location
18 and searching for and removing of A SUBSTANCE THAT REPRESENTS A TOXIC
19 MATERIAL OR a device constructed to represent a destructive device; and

20 (ii) the owner or tenant of a property for the actual value of any
21 goods, services, or income lost as a result of the evacuation of the property in response
22 to A SUBSTANCE THAT REPRESENTS A TOXIC MATERIAL OR a device that is
23 constructed to represent a destructive device.

24 (2) This subsection may not be construed to limit the right of a person to
25 restitution under Title 11, Subtitle 6 of the Criminal Procedure Article.

26 (3) (i) If the person convicted or found to have committed a delinquent
27 act in violation of this section is a minor, the court may order the minor, the minor's
28 parent, or both to pay the restitution described in paragraph (1) of this subsection.

29 (ii) Except as otherwise provided in this section, the provisions of
30 Title 11, Subtitle 6 of the Criminal Procedure Article apply to an order of restitution
31 under this paragraph.

32 (d) In addition to any other penalty authorized by law, if the person convicted
33 or found to have committed a delinquent act under this section is a minor, the court
34 may order the Motor Vehicle Administration to initiate an action, under the motor
35 vehicle laws, to suspend the driving privilege of the minor for a specified period not to
36 exceed:

37 (1) for a first violation, 6 months; and

1 (2) for each subsequent violation, 1 year or until the person is 21 years
2 old, whichever is longer.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2004.