

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by **Delegate Zirkin**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Crimes - Representation of Destructive Device - ~~Substance Representing~~**
3 **Device or Container Labeled as Containing or Intended to Represent Toxic**
4 **Material**

5 FOR the purpose of expanding the crime of manufacturing, possessing, transporting,
6 or placing a device representing a destructive device with the intent to terrorize
7 to include manufacturing, possessing, transporting, or placing a ~~substance~~
8 ~~representing~~ device or container that is labeled as containing or is intended to
9 represent a toxic material with the intent to terrorize; and generally relating to
10 the crime of manufacturing, possessing, transporting, or placing a device
11 representing a destructive device or ~~substance representing~~ device or container
12 that is labeled as containing or is intended to represent a toxic material.

13 BY repealing and reenacting, without amendments,
14 Article - Criminal Law
15 Section 4-501(e)
16 Annotated Code of Maryland

1 (2002 Volume and 2004 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article - Criminal Law

4 Section 9-505

5 Annotated Code of Maryland

6 (2002 Volume and 2004 Supplement)

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

9 **Article - Criminal Law**

10 4-501.

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

14 (2) "Toxic material" includes:

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

17 (ii) a biological substance containing a disease organism or
18 microorganism.

19 9-505.

20 (a) A person may not manufacture, possess, transport, or place ~~A SUBSTANCE~~
21 ~~THAT REPRESENTS:~~

22 (1) A DEVICE OR CONTAINER THAT IS LABELED AS CONTAINING OR IS
23 INTENDED TO REPRESENT A TOXIC MATERIAL, AS DEFINED IN § 4-501 OF THIS
24 ARTICLE, ~~OR WITH THE INTENT TO TERRORIZE, FRIGHTEN, INTIMIDATE, THREATEN,~~
25 OR HARASS; OR

26 (2) a device that is constructed to represent a destructive device, as
27 defined in § 4-501 of this article, with the intent to terrorize, frighten, intimidate,
28 threaten, or harass.

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

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

1 (i) the State, county, municipal corporation, bicounty unit, or
2 special taxing district for actual costs reasonably incurred in responding to a location
3 and searching for and removing of A ~~SUBSTANCE THAT REPRESENTS~~ DEVICE OR
4 CONTAINER THAT IS LABELED AS CONTAINING OR IS INTENDED TO REPRESENT A
5 TOXIC MATERIAL OR a device constructed to represent a destructive device; and

6 (ii) the owner or tenant of a property for the actual value of any
7 goods, services, or income lost as a result of the evacuation of the property in response
8 to A ~~SUBSTANCE THAT REPRESENTS~~ DEVICE OR CONTAINER THAT IS LABELED AS
9 CONTAINING OR IS INTENDED TO REPRESENT A TOXIC MATERIAL OR a device that is
10 constructed to represent a destructive device.

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

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

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

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

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

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2005.