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By: **Senator Giannetti**

Introduced and read first time: February 25, 2005

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2                           **Crimes - Representation of Destructive Device - Device or Container**  
3                           **Labeled as Containing or Intended to Represent 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 device or  
7 container that is labeled as containing or is intended to represent a toxic  
8 material with the intent to terrorize; and generally relating to the crime of  
9 manufacturing, possessing, transporting, or placing a device representing a  
10 destructive device or device or container that is labeled as containing or is  
11 intended to represent a toxic material.

12 BY repealing and reenacting, without amendments,  
13 Article - Criminal Law  
14 Section 4-501(e)  
15 Annotated Code of Maryland  
16 (2002 Volume and 2004 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article - Criminal Law  
19 Section 9-505  
20 Annotated Code of Maryland  
21 (2002 Volume and 2004 Supplement)

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

24                           **Article - Criminal Law**

25 4-501.

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

1 (2) "Toxic material" includes:

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

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

6 9-505.

7 (a) A person may not manufacture, possess, transport, or place:

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

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

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

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

21 (i) the State, county, municipal corporation, bicounty unit, or  
22 special taxing district for actual costs reasonably incurred in responding to a location  
23 and searching for and removing of A DEVICE OR CONTAINER THAT IS LABELED AS  
24 CONTAINING OR IS INTENDED TO REPRESENT A TOXIC MATERIAL OR a device  
25 constructed to represent a destructive device; and

26 (ii) the owner or tenant of a property for the actual value of any  
27 goods, services, or income lost as a result of the evacuation of the property in response  
28 to A DEVICE OR CONTAINER THAT IS LABELED AS CONTAINING OR IS INTENDED TO  
29 REPRESENT A TOXIC MATERIAL OR a device that is constructed to represent a  
30 destructive device.

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

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

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

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

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

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

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