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By: **Delegate Zirkin**  
Introduced and read first time: January 26, 2005  
Assigned to: Judiciary

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Committee Report: Favorable  
House action: Adopted  
Read second time: February 22, 2005

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CHAPTER\_\_\_\_\_

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 2004 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 2004 Supplement)

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

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**Article - Criminal Law**

2 4-501.

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

6 (2) "Toxic material" includes:

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

9 (ii) a biological substance containing a disease organism or  
10 microorganism.

11 9-505.

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

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

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

22 (i) the State, county, municipal corporation, bicounty unit, or  
23 special taxing district for actual costs reasonably incurred in responding to a location  
24 and searching for and removing of A SUBSTANCE THAT REPRESENTS A TOXIC  
25 MATERIAL OR a device 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 SUBSTANCE THAT REPRESENTS A TOXIC MATERIAL OR a device that is  
29 constructed to represent a destructive device.

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

32 (3) (i) If the person convicted or found to have committed a delinquent  
33 act in violation of this section is a minor, the court may order the minor, the minor's  
34 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.