

HOUSE BILL 738

E3

3lr2250

By: **Allegany County Delegation**

Introduced and read first time: February 6, 2013

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law – Jurisdiction – False Statements About Destructive Devices or**
3 **Toxic Materials**

4 FOR the purpose of excluding from the jurisdiction of the juvenile court certain
5 juvenile offenders who violate a certain prohibition against making a false
6 statement about a destructive device or toxic material; and generally relating to
7 the jurisdiction of the juvenile court over juvenile offenders who make false
8 statements about destructive devices or toxic materials.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 3–8A–03(d)
12 Annotated Code of Maryland
13 (2006 Replacement Volume and 2012 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Criminal Law
16 Section 9–504
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2012 Supplement)

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

21 **Article – Courts and Judicial Proceedings**

22 3–8A–03.

23 (d) The court does not have jurisdiction over:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) A child at least 14 years old alleged to have done an act which, if
2 committed by an adult, would be a crime punishable by death or life imprisonment, as
3 well as all other charges against the child arising out of the same incident, unless an
4 order removing the proceeding to the court has been filed under § 4–202 of the
5 Criminal Procedure Article;

6 (2) A child at least 16 years old alleged to have done an act in violation
7 of any provision of the Transportation Article or other traffic law or ordinance, except
8 an act that prescribes a penalty of incarceration;

9 (3) A child at least 16 years old alleged to have done an act in violation
10 of any provision of law, rule, or regulation governing the use or operation of a boat,
11 except an act that prescribes a penalty of incarceration;

12 (4) A child at least 16 years old alleged to have committed any of the
13 following crimes, as well as all other charges against the child arising out of the same
14 incident, unless an order removing the proceeding to the court has been filed under §
15 4–202 of the Criminal Procedure Article:

16 (i) Abduction;

17 (ii) Kidnapping;

18 (iii) Second degree murder;

19 (iv) Manslaughter, except involuntary manslaughter;

20 (v) Second degree rape;

21 (vi) Robbery under § 3–403 of the Criminal Law Article;

22 (vii) Second degree sexual offense under § 3–306(a)(1) of the
23 Criminal Law Article;

24 (viii) Third degree sexual offense under § 3–307(a)(1) of the
25 Criminal Law Article;

26 (ix) A crime in violation of § 5–133, § 5–134, § 5–138, or § 5–203
27 of the Public Safety Article;

28 (x) Using, wearing, carrying, or transporting a firearm during
29 and in relation to a drug trafficking crime under § 5–621 of the Criminal Law Article;

30 (xi) Use of a firearm under § 5–622 of the Criminal Law Article;

31 (xii) Carjacking or armed carjacking under § 3–405 of the
32 Criminal Law Article;

1 (xiii) Assault in the first degree under § 3–202 of the Criminal
2 Law Article;

3 (xiv) Attempted murder in the second degree under § 2–206 of the
4 Criminal Law Article;

5 (xv) Attempted rape in the second degree under § 3–310 of the
6 Criminal Law Article or attempted sexual offense in the second degree under § 3–312
7 of the Criminal Law Article;

8 (xvi) Attempted robbery under § 3–403 of the Criminal Law
9 Article; [or]

10 (xvii) A violation of § 4–203, § 4–204, § 4–404, or § 4–405 of the
11 Criminal Law Article; **OR**

12 **(XVIII) A VIOLATION OF § 9–504 OF THE CRIMINAL LAW**
13 **ARTICLE;**

14 (5) A child who previously has been convicted as an adult of a felony
15 and is subsequently alleged to have committed an act that would be a felony if
16 committed by an adult, unless an order removing the proceeding to the court has been
17 filed under § 4–202 of the Criminal Procedure Article; or

18 (6) A peace order proceeding in which the victim, as defined in §
19 3–8A–01(cc)(1)(ii) of this subtitle, is a person eligible for relief, as defined in § 4–501 of
20 the Family Law Article.

21 **Article – Criminal Law**

22 9–504.

23 (a) This section does not apply to a statement made or rumor circulated by
24 an officer, employee, or agent of a bona fide civilian defense organization or unit, if
25 made in the regular course of the person's duties.

26 (b) A person may not circulate or transmit to another, with intent that it be
27 acted on, a statement or rumor that the person knows to be false about the location or
28 possible detonation of a destructive device or the location or possible release of toxic
29 material, as those terms are defined in § 4–501 of this article.

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

1 (d) A crime under this section committed using a telephone or other
2 electronic means may be prosecuted:

3 (1) in the county in which the communication originated; or

4 (2) in the county in which the communication was received.

5 (e) (1) In addition to the penalty provided in subsection (c) of this section,
6 a court may order a person convicted or found to have committed a delinquent act
7 under this section to pay restitution to:

8 (i) the State, county, municipal corporation, bicounty unit,
9 multicounty unit, county board of education, public authority, or special taxing district
10 for actual costs reasonably incurred in responding to a location and searching for a
11 destructive device as a result of a violation of this section; and

12 (ii) the owner or tenant of a property for the actual value of any
13 goods, services, or income lost as a result of the evacuation of the property as a result
14 of a violation of this section.

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

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

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

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

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

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

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2013.