

~~Committee has decided to maintain it at \$10,000 and leave it to the discretion of the General Assembly whether to make the fine in this section consistent with that in § 151C. In § 151C, this revision raises the maximum fine from \$1,000 to \$2,500.~~

151C.

(a) A person may not manufacture, possess, transport, or place a device that is constructed to represent a [bomb, explosive, incendiary, or destructive explosive] DESTRUCTIVE device, AS DEFINED IN § 139A OF THIS ARTICLE, with the intent to terrorize, frighten, intimidate, threaten, or harass.

(b) A person who violates this section is guilty of a ~~misdemeanor~~ FELONY and on conviction, is subject to imprisonment for [1 year or a fine of \$1,000] NOT MORE THAN 3 10 YEARS OR A FINE OF NOT MORE THAN \$2,500 \$10,000 or both.

(C) (1) IN ADDITION TO THE PENALTY PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON CONVICTED UNDER THIS SECTION MAY BE ORDERED BY THE COURT TO PAY RESTITUTION TO:

(1) (I) THE STATE, COUNTY, MUNICIPAL CORPORATION, OR BICOUNTY AGENCY, OR SPECIAL TAXING DISTRICT FOR COSTS ACTUAL COSTS REASONABLY INCURRED IN THE SEARCH FOR AND REMOVAL OF ANY DEVICES REPRESENTING EXPLOSIVES DESTRUCTIVE DEVICES; AND

(2) (II) THE OWNER OR TENANT OF A PROPERTY FOR THE ACTUAL VALUE OF ANY GOODS, SERVICES, OR INCOME LOST AS A RESULT OF THE EVACUATION OF THE PROPERTY IN RESPONSE TO THE REPRESENTATION OF EXPLOSIVES A DESTRUCTIVE DEVICE.

(2) THIS SUBSECTION MAY NOT BE CONSTRUED TO LIMIT THE RIGHT OF A PERSON TO RESTITUTION UNDER § 807 OF THIS ARTICLE.

410.

All murder which shall be committed in the perpetration of, or attempt to perpetrate, any rape in any degree, sexual offense in the first or second degree, sodomy, mayhem, robbery, carjacking or armed carjacking, burglary in the first, second, or third degree, A VIOLATION OF § 139C OF THIS ARTICLE CONCERNING DESTRUCTIVE DEVICES, kidnapping as defined in §§ 337 and 338 of this article, or in the escape or attempt to escape from the Maryland Penitentiary, the house of correction, the Baltimore City Detention Center, or from any jail or penal institution in any of the counties of this State, shall be murder in the first degree.

594B.

(i) (1) The State Fire Marshal or a full-time assistant of the Office of the State Fire Marshal has the same powers of arrest set forth in subsection (c) of this section as to offenses listed under §§ 6, 7, [119, 139B, and] 139C, AND 410, of this article, AND ATTEMPTS, CONSPIRACIES, AND SOLICITATIONS TO COMMIT THESE OFFENSES.

(2) The State Fire Marshal or a full-time assistant of the Office of the State Fire Marshal has the same powers of arrest set forth in subsection (e) of this section as to offenses listed under §§ 8(a), 9, 9A, 11D, 111B, [139A] 151A, 151C, 156, and 470A(b) (4)