

(3) "Explosive material" does not include those items excluded as explosives in Article 38A, § 26 of the Code when those items are used in their original configuration.

[(d)](E) (1) "Incendiary material" means a flammable or combustible liquid.

(2) "Incendiary material" includes gasoline, acetone, benzene, butane, jet fuel, fuel oil, kerosene, and diesel fuel.

[(e)](F) (1) "Toxic material" means material which is capable of causing death or serious bodily injury almost immediately on being absorbed through the skin, inhaled, or ingested.

(2) "Toxic material" includes nerve gas, mustard gas, cyanide gas, chlorine gas, and sulphuric acid.

139C.

A person may not knowingly:

(1) Manufacture, transport, possess, control, store, sell, distribute, or use a destructive device; or

(2) Possess any explosive, incendiary, or toxic material with intent to create a destructive device.

139D.

(a) A person who violates the provisions of this subheading is guilty of a felony and on conviction is subject to a fine of not more than \$250,000 or by imprisonment for not more than 25 years or both.

(b) The sentence imposed under this section may be imposed separate from and consecutive to or concurrent with a sentence for an offense based on the act or acts establishing the violation of this subheading.

(c) (1) In addition to the penalty provided in this section, a person convicted ~~or found to have committed a delinquent act~~ OR FOUND TO HAVE COMMITTED A DELINQUENT ACT under this subheading may be ordered by the court to pay restitution to:

(i) The State, county, municipal corporation, biconnty agency, or special taxing district for actual costs reasonably incurred due to the placement, delivery, or detonation of a destructive device, including the search for, removal of, and damages caused by a destructive device; and

(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 or damage sustained due to the placement, delivery, or detonation of a destructive device.

(2) This subsection may not be construed to limit the right of a person to restitution under § 807 of this article.