
By: Senators Derr and Ferguson (Frederick County Senators)

Introduced and read first time: January 31, 1997

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 1997

CHAPTER ____

1 AN ACT concerning

2 **Frederick County and Baltimore County - Aggravated Harassment by Inmates**

3 FOR the purpose of making it a felony for an inmate to throw or expel certain body fluids
4 with the intent to harass, annoy, threaten, or alarm ~~a person employed at the~~
5 ~~Frederick County Adult Detention Center or by the Sheriff's Office of Frederick~~
6 ~~County~~ certain persons; specifying a certain maximum and a certain minimum term
7 of imprisonment; prohibiting an inmate who is convicted of a certain offense from
8 being eligible for certain programs that are alternatives to incarceration; requiring
9 that a penalty imposed under this Act run consecutively to certain other sentences;
10 defining certain terms; and generally relating to the felony of aggravated
11 harassment of detention center employees in Frederick County and Baltimore
12 County.

13 BY adding to

14 Article 27 - Crimes and Punishments

15 Section 12A-8

16 Annotated Code of Maryland

17 (1996 Replacement Volume)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article 27 - Crimes and Punishments**

21 12A-8.

22 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS

23 INDICATED.

2

1 (2) "BODY FLUID" MEANS A FLUID THAT CONTAINS FECES, NASAL
2 SECRETIONS, SALIVA, SEMEN, SPUTUM, URINE, VAGINAL SECRETIONS, VISIBLE
3 BLOOD, OR VOMITUS.

4 (3) "DETENTION EMPLOYEE" MEANS A PERSON WHO IS EMPLOYED AT
5 ~~THE FREDERICK COUNTY~~ A COUNTY ADULT DETENTION CENTER OR THE SHERIFF'S
6 OFFICE OF ~~FREDERICK COUNTY~~.

7 (B) THE PROVISIONS OF THIS SECTION APPLY ONLY IN BALTIMORE AND
8 FREDERICK COUNTIES.

9 (C) AN INMATE WHO THROWS OR EXPELS A BODY FLUID AT OR NEAR A
10 DETENTION EMPLOYEE WITH INTENT TO HARASS, ANNOY, THREATEN, OR ALARM
11 THE DETENTION EMPLOYEE IS GUILTY OF THE FELONY OF AGGRAVATED
12 HARASSMENT AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS
13 THAN 3 YEARS AND NOT MORE THAN 5 YEARS.

14 (D) IT IS MANDATORY UPON THE COURT TO IMPOSE AT LEAST THE
15 MINIMUM SENTENCE OF 3 YEARS UNDER SUBSECTION (B) (C) OF THIS SECTION.

16 (E) A PERSON WHO IS CONVICTED UNDER THIS SECTION MAY NOT BE
17 ELIGIBLE TO PARTICIPATE IN A COMMUNITY SERVICE PROGRAM, WORK RELEASE
18 PROGRAM, OR HOME DETENTION PROGRAM.

19 (F) A SENTENCE IMPOSED UNDER THIS SECTION SHALL RUN
20 CONSECUTIVELY TO ANY SENTENCE:

21 (1) THAT WAS BEING SERVED AT THE TIME OF THE AGGRAVATED
22 HARASSMENT; OR

23 (2) IF THE INMATE WAS BEING DETAINED BEFORE TRIAL AT THE TIME
24 OF THE AGGRAVATED HARASSMENT, THAT WAS IMPOSED FROM THE OFFENSE FOR
25 WHICH THE INMATE WAS AWAITING TRIAL.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 1997.